

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER: 1

NJSA: 2A:17-56.7a et.al.,
"New Jersey Child Support Improvement Act"

BILL NO: A1645 (substituted for S460)

SPONSOR(S): Cottrell and Vandervalk

DATE INTRODUCED: January 29, 1998

COMMITTEE:

ASSEMBLY: Judiciary

SENATE: ~~~~

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE:

ASSEMBLY: February 19, 1998

SENATE: February 26, 1998

DATE OF APPROVAL: March 5, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: 1st reprint
(Amendments during passage denoted by superscript numbers)

A1645

SPONSORS STATEMENT: *Yes* (Begins on page 40 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

S460

SPONSORS STATEMENT: *Yes* (Begins on page 40 of original bill)
(Bill and Sponsors Statement identical to A1645)

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes* (Identical to Assembly Statement for A1645)

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS:

974.90 C866 1996e

New Jersey. Supreme Court.

New Jersey child support guidelines : court rule 5:6A and Appendix IX : effective September 1, 1998.

[Trenton, N.J. ; New Jersey Administrative Office of the Courts,1998]

HEARINGS:

974.90 C866 1998b

New Jersey. Legislature. Senate. Judiciary Committee.

Public hearing before Senate Judiciary Committee : Senate bill no. 2363

(Uniform Interstate Family Support Act and New Jersey Child Support Program Improvement Act) : [Trenton, New Jersey, January 6, 1998]

NEWSPAPER ARTICLES:

"Providing support--new laws let NJ track, seize assets of deadbeats," Asbury Park Press, 3-6-98, p.A3.

"Whitman signs tighter laws on child support," Bergen Record, 3-6-98, p. A2.

"State turns up heat on deadbeat parents," Newark Star Ledger, 3-6-98, p. 26.

[First Reprint]

ASSEMBLY, No. 1645

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JANUARY 29, 1998

Sponsored by:

Assemblyman MELVIN COTTRELL

District 30 (Burlington, Monmouth and Ocean)

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Co-Sponsored by:

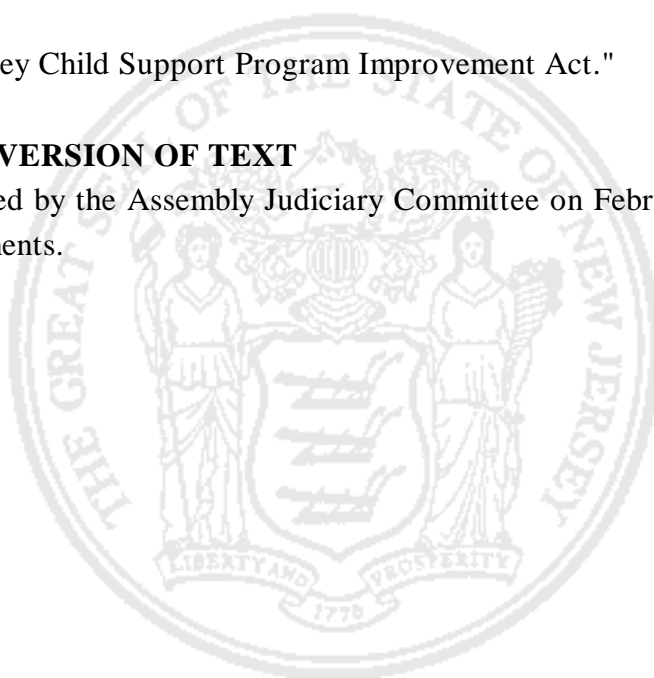
**Assemblymen O'Toole, Moran, Felice, Talarico, T.Smith, DiGaetano,
Zecker, LeFevre, Senators Gormley, Bryant, Zane, Girgenti, Robertson
and Baer**

SYNOPSIS

"New Jersey Child Support Program Improvement Act."

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on February 10, 1998,
with amendments.



(Sponsorship Updated As Of: 2/27/1998)

A1645 [1R] COTTRELL, VANDERVALK

2

1 AN ACT concerning child support reform and revising parts of
2 statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) This act shall be known and may be cited as the
8 "New Jersey Child Support Program Improvement Act."

9

10 2. (New section) The Legislature finds and declares that:

11 a. Title III of the federal "Personal Responsibility and Work
12 Opportunity Reconciliation Act of 1996," Pub.L.104-193, provides
13 New Jersey with the authority and guidance to structure and
14 administer an effective and efficient child support program that is
15 accessible to all the citizens of this State needing its services;

16 b. Work and the timely payment of child support promote the best
17 interests of all families with children;

18 c. The expeditious establishment of paternity and child support
19 obligations is integral to the development of a safety net for
20 participants in the Work First New Jersey program established
21 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) and their children.
22 With the implementation of the Work First New Jersey program and
23 its time-limited benefits, the establishment of child support orders and
24 the collection of child support are essential to the ability of families to
25 achieve and maintain self-sufficiency;

26 d. The early establishment of paternity and child support orders
27 creates a basis for individual security and family stability, and fosters
28 an understanding of personal responsibility in children and teenagers;

29 e. The efficient establishment of paternity and support obligations,
30 and the effective enforcement and collection of child support
31 obligations pursuant to the provisions of Pub.L.104-193, will
32 maximize the federal funding available to New Jersey for these
33 services; and

34 f. The provisions of this act incorporate and expand the
35 fundamental concepts of P.L.1981, c.417 ¹ [(C.2A:17-56.7 et al.)]
36 (C.2A:17-56.8 et seq.)¹ and comply with the federal initiatives
37 embodied in Pub.L.104-193;

38

39 3. (New section) As used in P.L. , c. (C.)(pending before the
40 Legislature as this bill), P.L.1981, c.417 ¹ [(C.2A:17-56.7 et al.)]
41 (C.2A:17-56.8 et al.)¹, P.L.1988, c.111 (C.2A:17-56.23a), sections

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted February 10, 1998.

1 13, 17 through 20 and 22 of P.L.1985, c.278 (C.2A:17-56.16, 2A:17-
2 56.20 through 2A:17-56.23, and 2A:17-56.25), P.L.1990, c.53
3 (C.2A:17-56.13a), sections 5 and 6 of P.L.1990, c.92 (C.2A:17-56.9a
4 and 2A:17-56.9b), P.L.1995, c.287 (C.2A:17-56.11a), P.L.1995,
5 c.290 (C.2A:17-56.11b), P.L.1995, c.322 (C.2A:17-56.34 et seq.) and
6 P.L.1996, c.7 ¹ [(C.2A:17-56.40 et al.)](C.2A:17-56.41 et seq.)¹:

7 "Account" means a demand deposit account, checking or negotiable
8 order of withdrawal account, savings account, time deposit
9 account,¹ [equity securities account]¹ or money market mutual fund
10 account. ¹"Account" also includes an equity securities account if
11 permitted under federal law.¹

12 "Administrative enforcement" means the use of high volume
13 automated data processing to search various State data bases,
14 including, but not limited to, license records, employment service data
15 and State new hire registries, to determine whether information is
16 available in response to a request made by another jurisdiction to
17 enforce a support order.

18 "Appropriate enforcement methods" means mechanisms such as
19 income withholding, withholding of civil lawsuits, and execution of the
20 assets of the obligor which can result in immediate payment of the
21 child support arrearage when available. In appropriate cases, the
22 license revocation process may be used as an alternative to Rule 5:7-5
23 of the court rules.

24 "Arrearage" means the amount of unpaid support as determined by
25 a court order or an administrative order from a state for support of a
26 child or of a child and the custodial parent.

27 "Child" means a person, whether over or under the age of majority,
28 who is or is alleged to be owed a duty of child support by that person's
29 parent or who is or is alleged to be the beneficiary of a support order
30 directed to the parent.

31 "Child support" means the amount required to be paid under a
32 judgment, decree, or order, whether temporary, final or subject to
33 modification, issued by the Superior Court, Chancery Division, Family
34 Part or a court or administrative agency of competent jurisdiction of
35 another state, for the support and maintenance of a child, or the
36 support and maintenance of a child and the parent with whom the child
37 is living, which provides monetary support, health care coverage, any
38 arrearage or reimbursement, and which may include other related costs
39 and fees, interest and penalties, income withholding, attorney's fees
40 and other relief.

41 "Child support related warrant" means an outstanding warrant for
42 the arrest of a child support obligor or putative father issued by the
43 court for failure to pay child support as ordered, failure to appear at
44 a hearing to establish paternity or child support, or failure to appear
45 at a hearing to enforce a child support order.

46 "Commissioner" means the Commissioner of Human Services.

1 "Court" means the Superior Court, Chancery Division, Family Part.

2 "Court order" means an order of the court or an order from an
3 administrative or judicial tribunal in another state that is competent to
4 enter or modify orders for paternity or child support.

5 "Court rules" means the Rules Governing the Courts of the State of
6 New Jersey.

7 "Credit reporting agency" means a nationally recognized credit
8 reporting agency as approved by the commissioner and defined in the
9 federal Fair Credit Reporting Act (15 U.S.C. s. 1681a(f)) as any entity
10 which, for monetary fees, dues, or on a cooperative nonprofit basis,
11 regularly engages in whole or in part in the practice of assembling or
12 evaluating consumer credit information or other information on
13 consumers for the purpose of furnishing reports to third parties and
14 which uses any means or facility of interstate commerce for the
15 purpose of preparing or furnishing consumer reports.

16 "Custodial parent" means the parent or other person who has legal
17 and physical custody of a child for the majority of the time. The
18 custodial parent is responsible for the day-to-day decisions related to
19 the child and for providing the basic needs of the child on a daily basis.
20 The custodial parent is the person to whom child support is payable.
21 In shared parenting situations, the custodial parent is known as the
22 Parent of Primary Residence.

23 "Default order" means a court order entered due to a party's failure
24 to answer a complaint or motion or to appear at a court proceeding as
25 required, after being properly served with notice.

26 "Department" means the Department of Human Services.

27 "Employee" means an individual who is an employee within the
28 meaning of chapter 24 of the Internal Revenue Code of 1986.
29 Employee does not include an employee of a federal or state agency
30 performing intelligence or counter-intelligence functions, if the head
31 of such agency has determined that reporting could endanger the
32 safety of the employee or compromise an ongoing investigation or
33 intelligence mission.

34 "Employer" has the meaning given the term in section 3401(d) of
35 the Internal Revenue Code of 1986 and includes any governmental
36 entity and labor organization.

37 "Financial institution" means: a depository institution as defined in
38 12 U.S.C. s.1813(c); an institution affiliated party as defined in 12
39 U.S.C. s.1813(u); a federal or State credit union as defined in 12
40 U.S.C. s.1752, including an institution affiliated party of a credit union
41 as defined in 12 U.S.C. s.1786(r); a benefit association, insurance
42 company, safe deposit company, money market mutual fund,
43 ¹**[investment and loan corporation]**¹ or similar entity authorized to do
44 business in this State. ¹"Financial institution" also includes an
45 investment and loan corporation if permitted under federal law.¹

46 "Health care coverage" means cash medical support, health

1 insurance, dental insurance, eye care, pharmaceutical assistance and
2 other types of medical support which are ordered by the court to
3 maintain the health coverage of a child.

4 "Income" for the purposes of enforcing a support order, means, but
5 is not limited to, commissions, salaries, earnings, wages, rent monies,
6 unemployment compensation, workers' compensation, any legal or
7 equitable interest or entitlement owed that was acquired by a cause of
8 action, suit, claim or counterclaim, insurance benefits, claims,
9 accounts, assets of estates, inheritances, trusts, federal or State income
10 tax refunds, homestead rebates, State lottery prizes, casino and
11 racetrack winnings, annuities, retirement benefits, veteran's benefits,
12 union benefits, or any other ¹ **【source that may be defined as income**
13 **or other property】** earnings or other periodic entitlements to money
14 from any source and any other property¹ subject to withholding for
15 child support pursuant to State law.

16 For the purposes of establishing a support order, income is defined
17 pursuant to the child support guidelines in Appendix IX of the court
18 rules.

19 "Labor organization" means a labor organization as defined in
20 paragraph (5) of section 2 of the federal "National Labor Relations
21 Act" (29 U.S.C. s.152) and includes any entity used by the
22 organization and an employer to carry out the requirements of
23 paragraph (3) of subsection (f) of section 8 of that act (29 U.S.C.
24 s.158(f)(3)) or an agreement between the organization and the
25 employer.

26 "License" means any license, registration or certificate issued by the
27 State or its agencies or boards that is directly necessary to provide a
28 product or service for compensation, to operate a motor vehicle, or for
29 recreational or sporting purposes.

30 "Licensing authority" means any department, division, board,
31 agency or other instrumentality of State government that issues a
32 license, registration, certificate or other authorization to provide
33 goods or services for compensation, to operate a motor vehicle, or for
34 recreational or sporting purposes.

35 "Non-custodial parent" means the parent who does not have
36 physical custody of the child on a day-to-day basis. In shared parenting
37 situations, the non-custodial parent is known as the Parent of Alternate
38 Residence.

39 "Obligee" means an individual to whom a duty of support is or is
40 alleged to be owed or in whose favor a support order has been issued
41 or a judgment determining parentage has been rendered; a state or
42 political subdivision to which the rights under a duty of support or
43 support order have been assigned or which has independent claims
44 based on financial assistance provided to an individual obligee; or an
45 individual seeking a judgment determining parentage of the individual's
46 child or providing for the support of a child.

1 "Obligor" means an individual, or the estate of a decedent, who
2 owes or is alleged to owe a duty of support, who is alleged but has not
3 been adjudicated to be a parent of a child, or who is liable under a
4 support order.

5 "Payor" means an employer or individual or entity that disburses
6 or is in possession of income or assets payable to an obligor.

7 "Probation Division" means the Probation Division of the Superior
8 Court, Chancery Division, Family Part.

9 "RURESA" means the "Revised Uniform Reciprocal Enforcement
10 of Support Act (1968)," adopted in New Jersey as P.L.1981, c.243
11 (C.2A:4-30.24 et seq.).

12 "Spousal support" means a legally enforceable obligation assessed
13 against a person for the support of a spouse or former spouse ¹【who
14 is the custodial parent of a child to whom the person owes child
15 support】¹.

16 "State case registry" means the automated system maintained by the
17 State IV-D agency that contains federally required information on
18 child support cases.

19 "State IV-D agency" means the Department of Human Services.

20 "Support guidelines" means the set of presumptive standards for
21 determining the amount of child support as established by the court in
22 ¹Appendix IX of the¹ court rules.

23 "Support order" means a judgment, decree¹, ¹ or order, whether
24 temporary, final or subject to modification, for the benefit of a child,
25 a spouse or a former spouse, ¹【issued by the court or a court or
26 administrative agency of another state,】¹ which provides for monetary
27 support, health care coverage, arrearages or reimbursement, and may
28 include related costs and fees, interest, income withholding, attorney's
29 fees and other relief.

30 ¹A support order shall be issued by the court or a court or
31 administrative agency of another state.¹

32 "TANF" means the "Temporary Assistance to Needy Families"
33 program established pursuant to Title IV-A of the federal Social
34 Security Act (42 U.S.C. s.601 et seq.). TANF includes the Work First
35 New Jersey program for dependent children and their parents
36 established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

37 "Title IV-D" means Title IV-D of the federal Social Security Act
38 (42 U.S.C. s.651 et seq.).

39 "Title IV-D case" means a case under Title IV-A ¹or Title XIX¹ of
40 the federal Social Security Act (42 U.S.C. s.601 et seq.) that involves
41 an assignment of support rights, an appropriate referral under Title IV-
42 E of the federal Social Security Act (42 U.S.C. s.670 et seq.), a non-
43 public assistance case ¹【or a Medicaid only case,】¹ in which an
44 application for Title IV-D services has been filed and a fee paid, as
45 appropriate, with the department, or an interstate case referred to the
46 department by another jurisdiction.

1 "UIFSA" means the "Uniform Interstate Family Support Act" to be
2 adopted by each state to replace RURESA pursuant to Pub.L. 104-193.

3
4 4. (New section) Subject to safeguards on privacy and information
5 security¹, prescribed pursuant to subsection b. of section 11 of P.L. ,
6 c. (C.) (pending before the Legislature as this bill).¹ and appropriate
7 procedural due process requirements including, as appropriate, notice,
8 the opportunity to contest and notice of the right to appeal to the
9 court, the department is authorized to take the following actions
10 relating to the establishment of paternity or to the establishment,
11 modification or enforcement of support orders, without the necessity
12 of obtaining an order from the court, and to recognize and enforce the
13 authority of state agencies of other states to take the following
14 actions:

15 a. Require genetic testing for the purpose of paternity
16 establishment;

17 b. (1) Subpoena any financial or other information needed for the
18 establishment, modification or enforcement of a support order; and

19 (2) impose a civil penalty for failure to respond to a subpoena
20 which shall not exceed: \$25 per violation, or, if the failure to respond
21 is the result of a conspiracy between the entity and the non-custodial
22 parent not to supply the required information or to supply inaccurate
23 or incomplete information, \$500. Payment of the penalty may not be
24 required, however, if in response to the imposition of the penalty, the
25 person or entity complies immediately with the subpoena. All
26 penalties assessed under this section shall be payable to the State
27 Treasurer and may be recovered in a summary proceeding pursuant to
28 "the penalty enforcement law," N.J.S.2A:58-1 et seq.;

29 c. (1) Request that any entity including for-profit, nonprofit and
30 government employers, respond promptly to a request by the
31 department or any out-of-State IV-D agency for information on the
32 employment, compensation and benefits of any individual employed by
33 the entity as an employee or contractor; and

34 (2) impose a civil penalty for failure to respond to any request
35 which shall not exceed: \$25 per violation, or, if failure to respond is
36 the result of a conspiracy between the entity and the non-custodial
37 parent not to supply the required information or to supply inaccurate
38 or incomplete information, \$500. Payment of the penalty may not be
39 required, however, if in response to the imposition of the penalty, the
40 person or entity complies immediately with the subpoena. All
41 penalties assessed under this section shall be paid to the State
42 Treasurer and may be recovered in a summary proceeding pursuant to
43 "the penalty enforcement law," N.J.S.2A:58-1 et seq.;

44 d. Subject to the nonliability of entities that afford access, to obtain
45 access, including automated access when feasible, to information
46 contained in the following records:

- 1 (1) records of other State and local government agencies which
- 2 include, but are not limited to:
 - 3 (a) records of the Bureau of Vital Statistics in the Department of
 - 4 Health and Senior Services, and other agencies that collect vital
 - 5 statistics, including marriage, death and birth records;
 - 6 (b) records of the Division of Taxation in the Department of the
 - 7 Treasury, and local tax and revenue records including address,
 - 8 employer, income and assets;
 - 9 (c) records concerning real and titled personal property;
 - 10 (d) records of occupational, professional, recreational and sporting
 - 11 licenses and records concerning the ownership and control of
 - 12 corporations, partnerships and other business entities;
 - 13 (e) records of the Department of Labor, including wage,
 - 14 unemployment, disability and workers compensation records;
 - 15 (f) records of agencies administering public assistance programs;
 - 16 (g) records of the Division of Motor Vehicles in the Department of
 - 17 Transportation, including, but not limited to, motor vehicle and
 - 18 commercial license and registration records; and
 - 19 (h) records of the Department of Corrections, including records
 - 20 related to State-sentenced inmates and parolees; and
- 21 (2) records held by private entities with respect to individuals who
- 22 owe or are owed support, or against or with respect to whom a
- 23 support obligation is sought, including information on the assets and
- 24 liabilities of individuals held by financial institutions and the names and
- 25 addresses of the individuals and the names and addresses of the
- 26 employers of the individuals appearing in customer records of public
- 27 utilities and cable television companies, pursuant to a subpoena
- 28 authorized under subsection b. of this section;
 - 29 e. Order income withholding in accordance with the provisions of
 - 30 State and federal law;
 - 31 f. Direct the obligor or payor to change the payee pursuant to
 - 32 section 7 of P.L.1981, c.417 (C.2A:17-56.13) in cases where support
 - 33 is subject to an assignment or an application for Title IV-D services
 - 34 has been filed;
 - 35 g. Secure assets to satisfy arrearages by:
 - 36 (1) intercepting or seizing periodic or lump sum payments from:
 - 37 State or local agencies, including unemployment compensation,
 - 38 workers' compensation or other benefits; judgments, settlements and
 - 39 awards; inheritances; and lotteries;
 - 40 (2) developing a bank information matching program and attaching
 - 41 and seizing assets of the obligor held in financial institutions located
 - 42 in this State in accordance with the provisions of P.L. , c,
 - 43 (C.)(pending before the Legislature as this bill);
 - 44 (3) attaching public and private retirement funds as permitted
 - 45 under State law; and
 - 46 (4) imposing a lien and initiating an execution or levy to force the

1 sale of property and distribution of proceeds in accordance with
2 N.J.S.2A:17-1 through N.J.S.2A:17-4, N.J.S.2A:17-57 through
3 N.J.S.2A:17-76 and applicable court rules;

4 h. Require each party subject to a paternity or child support
5 proceeding to file with the court and the State case registry upon the
6 entry of an order and to update, as appropriate, information on the
7 location and the identity of the party, including, but not limited to:
8 Social Security number, telephone number, driver's license number,
9 residential and mailing addresses, and the name, address, and
10 telephone number of the party's employer; and

11 i. Unless otherwise ordered by the court 'in individual cases',
12 increase the amount of monthly support payments to include amounts
13 for arrearages 'in accordance with schedules approved by the court'.
14

15 5. (New section) For the purposes of enforcing a support provision
16 in an order or judgment, procedural due process requirements may be
17 deemed to have been met with respect to the party upon delivery of
18 written notice to that party's most recent residential or employer
19 address on file with the department, if there is a sufficient showing that
20 diligent efforts have been made to locate the party by making inquiries
21 that may include, but are not limited to, the United States Postal
22 Service, Division of Motor Vehicles in the Department of
23 Transportation, the Department of Labor, 'the Division of Taxation
24 in the Department of the Treasury' and the Department of
25 Corrections. A certification documenting unsuccessful efforts to
26 locate a party shall be provided to the court before any adverse action
27 is taken based on failure of the party to respond to a notice. For the
28 purposes of establishing or modifying the child support provision of a
29 court order or judgment, service of process shall be consistent with
30 court rules or applicable statutes.

31
32 6. (New section) In accordance with regulations adopted by the
33 commissioner, the department shall make the determination as to
34 whether an individual who has applied for or is receiving public
35 assistance or assistance under the State Medicaid program pursuant to
36 P.L.1968, c.413 (C.30:4D-1 et seq.) or the Title IV-E program is
37 cooperating in good faith in establishing the paternity of, or in
38 establishing, modifying or enforcing a support order for any child of
39 the individual by providing the name of the non-custodial parent and
40 such other information as may be required for this purpose. The
41 determination shall be made subject to good cause and other
42 exemptions as specified by the commissioner, by regulation.

43 The department shall notify the individual and appropriate State or
44 county entities administering TANF and appropriate State or county
45 entities administering the State Medicaid program of each
46 determination, and if noncooperation is determined, the basis therefor.

1 7. (New section) In any case in which an obligor owes past-due
2 child support with respect to a child receiving assistance under a State
3 program funded under TANF, the department is authorized to petition
4 the court to issue an order that requires the obligor: to pay the support
5 in accordance with a plan approved by the court; or to participate in
6 work activities as ordered by the court, if the obligor is subject to such
7 a plan and is not incapacitated. ¹A petition for participation in a work
8 activity shall include a request to adjust the amount of the order in
9 accordance with support guidelines and the plan.¹

10
11 8. (New section) a. Each financial institution doing business in the
12 State shall provide information to the department on all non-custodial
13 parents who maintain an account at the financial institution and who
14 owe past due ¹child¹ support ¹that equals or exceeds the amount of
15 support payable for three months and for which no regular payments
16 are being made¹.

17 b. In order to provide the information required pursuant to
18 subsection a. of this section, a financial institution shall enter into an
19 agreement and, at its option:

20 (1) identify non-custodial parents by comparing records maintained
21 by the financial institution with records provided by the department by
22 name, address of record and either Social Security number, tax
23 identification number or other identifying information;

24 (2) submit to the department a report that includes the name,
25 address of record and either Social Security number, tax identification
26 number or other identifying information of each individual maintaining
27 an account at the financial institution as shown on its records of that
28 account; or

29 (3) enter into an agreement with the department to provide the
30 name, address of record and either Social Security number, tax
31 identification number or other identifying information in a form and by
32 a method mutually agreeable to the financial institution and the
33 department.

34 c. The department shall enter into a cooperative agreement with
35 financial institutions doing business in this State to provide the
36 information required pursuant to subsection a. of this section on a
37 quarterly basis, by electronic or magnetic media, mail, facsimile or any
38 automated data exchange method or other means authorized by the
39 department. The department shall establish, by regulation, and pay a
40 reasonable fee for the data match provided for in this subsection. To
41 the extent consistent with federal law, the department shall reimburse
42 a financial institution for actual costs that are reasonably and
43 efficiently incurred in conducting the data match provided for in this
44 section.

45 d. In response to a notice of lien or levy, a financial institution shall
46 encumber or surrender, as the case may be, assets held by the financial

1 institution on behalf of any noncustodial parent who is subject to a
2 child support lien pursuant to 42 U.S.C. s.666(a)(4). To the extent
3 consistent with federal law, the encumbrance or surrender shall be
4 subject to any right to any fees and penalties or set-off the financial
5 institution may have against the assets under State law.

6 ¹The assets shall be held and not distributed to any party until the
7 contest period provided for in subsection f. of this section has expired
8 or while an action on these assets is pending in court.¹

9 e. Notwithstanding any other law to the contrary, a financial
10 institution that is directed to levy upon, block, freeze or encumber an
11 account pursuant to the provisions of this section, is entitled to: (1)
12 collect or deduct from the account its reasonable and normally
13 scheduled processing fee for a levy; and (2) collect or deduct its
14 normally scheduled account activity fee to maintain the account for
15 any period the account is blocked, frozen or encumbered. The
16 provisions of this section shall not be construed to preclude a financial
17 institution from exercising its right to charge back or recoup a deposit
18 to an account.

19 f. Notwithstanding any other provision of federal or State law to
20 the contrary, a financial institution shall not be liable under any federal
21 or State law to any person for any disclosure of information to the
22 department for the purpose of establishing, modifying or enforcing a
23 child support obligation of an individual, or for encumbering, holding,
24 refusing to release to the obligor or surrendering any assets held by the
25 financial institution, in response to a notice of lien or levy issued by
26 the department, or for any other action taken in good faith to comply
27 with the requirements of this section, regardless of whether the action
28 was authorized or described pursuant to this section. ¹The department
29 shall provide notice of the intent to levy an account and an opportunity
30 to contest the levy within 30 days of the date of the notice, in
31 accordance with regulations adopted by the commissioner.¹ A financial

32 institution shall not be required to give notice to an account holder or
33 customer that the financial institution has provided information or
34 taken any action pursuant to the provisions of this section. The
35 financial institution shall not be liable for failure to provide the notice.

36 g. In obtaining a financial record of an individual from a financial
37 institution, the department may only disclose the financial information
38 for the purpose of, and to the extent necessary to establish, modify or
39 enforce a child support obligation of the individual.

40 h. If any officer or employee of the department knowingly, or by
41 reason of negligence, discloses a financial record of an individual in
42 violation of subsection g. of this section, the injured individual may
43 bring a civil action for damages against the officer or employee.
44 Unauthorized release of information shall also be cause for
45 administrative discipline of any employee who engages in an
46 unauthorized release. ¹In the case of willful unauthorized release of

1 information, such action by an employee shall be cause for termination
2 of employment.¹

3 i. No liability shall arise under this section with respect to any
4 disclosure which results from a good faith but erroneous
5 interpretation.

6 j. No financial institution-affiliated party shall be required to
7 provide information required by this section if the financial institution
8 with which the party is affiliated has otherwise provided the required
9 information.

10 ¹k. The amount subject to levy in a joint account, as defined in
11 section 2 of P.L.1979, c.491 (C.17:16I-2), shall be in accordance with
12 the provisions of section 4 of P.L.1979, c.491 (C.17:16I-4).¹

13

14 9. (New section) a. The department shall establish and maintain
15 a State case registry. The department shall regularly monitor cases in
16 the registry with respect to which services are being provided under
17 the State Title IV-D plan. The registry shall include information on:

18 (1) the amount and frequency of support owed and other amounts
19 due or overdue under the support order, including arrearages, interest
20 or late payment penalties and fees;

21 (2) any amounts described in paragraph (1) of this subsection that
22 have been collected;

23 (3) the distribution of collected amounts;

24 (4) the date of birth of any child for whom the support order
25 requires support;

26 (5) the amount of any lien imposed;

27 (6) information on administrative actions and administrative and
28 judicial proceedings and court orders relating to paternity and support;

29 (7) information obtained from comparison with federal, State, or
30 local sources of information; and

31 (8) any other relevant information.

32 b. Beginning October 1, 1998, the court shall transmit to the State
33 case registry a copy of every judgment or order that includes a
34 provision for child support.

35

36 10. (New section) All federal and state agencies conducting
37 activities pursuant to the requirements of Title IV-D, shall have access
38 directly or through the department to any system used by the Division
39 of Motor Vehicles in the Department of Transportation and law
40 enforcement agencies in the State to locate an individual. The
41 information shall be made available to the department through
42 electronic means when feasible.

43

44 11. (New section) ¹a.¹ Subject to safeguards on privacy and
45 information security ¹provided for in this section¹:

46 ¹[a.] ¹(1) ¹The Social Security number of an applicant for any

1 professional or occupational license, recreational or sporting license,
2 driver's license, or marriage license shall be recorded on the
3 application;

4 ¹ **[b.] (2)**¹ The Social Security number shall be placed in the record
5 relating to: a divorce decree; support order in a divorce decree;
6 support order and paternity determination or acknowledgment; and on
7 a death certificate; and

8 ¹ **[c.] (3)**¹ The Social Security number shall be made available to the
9 department through electronic means when feasible.

10 ¹ b. The use or disclosure of information concerning applicants or
11 recipients of support enforcement services is limited to purposes
12 directly connected with:

13 (1) the administration of the State plan or program approved under
14 parts A, B, D, E, or F of Title IV or under Titles I, X, XIV, XVI,
15 XIX or XX of the federal Social Security Act (42 U.S.C.s.301 et seq.)
16 or the supplemental security income program established under Title
17 XVI of the federal Social Security Act (42 U.S.C.s.301 et seq.);

18 (2) any investigations, prosecution or criminal or civil proceeding
19 conducted in connection with the administration of any such plan or
20 program;

21 (3) the administration of any other federal or federally assisted
22 program which provides assistance, in cash or in kind, or services,
23 directly to individuals on the basis of need; and

24 (4) reporting to an appropriate agency or official, information on
25 known or suspected instances of physical or mental injury, sexual
26 abuse or exploitation, or negligent treatment or maltreatment of a child
27 who is the subject of a child support enforcement activity under
28 circumstances which indicate that the child's health or welfare is
29 threatened thereby.

30 The department is prohibited from disclosing to any committee or
31 federal, State or local legislative body any information that identifies
32 by name or address any such applicant or recipient.¹

33
34 12. (New section) a. All employers and labor organizations doing
35 business in the State shall report to the department ¹, or its designee¹:

36 (1) the hiring of, or contracting with, any person who works in this
37 State and to whom the employer anticipates paying earnings; and

38 (2) the re-hiring or return to work of any employee who is laid off,
39 furloughed, separated, granted a leave without pay, or terminated from
40 employment in this State.

41 b. An employer shall submit the information required in this
42 subsection within 20 days of the hiring, re-hiring, or return to work of
43 the employee, except that an employer who transmits reports
44 magnetically or electronically shall report every 15 days in accordance
45 with rules adopted by the commissioner. The report shall contain:

46 (1) the employee's name, address, date of birth and Social Security

1 number; and

2 (2) the employer's name, address, and federal tax identification
3 number.

4 c. An employer who fails to report, as required in this section, shall
5 be given a written warning by the department for the first violation and
6 shall be subject to a civil penalty which shall not exceed: \$25 per
7 violation, or, if the failure to report is the result of a conspiracy
8 between the employer and the employee to not supply the required
9 report or to supply a false or incomplete report, \$500.

10 Payment of the penalty may not be required, however, if in response
11 to the imposition of the penalty, the person or entity complies
12 immediately with the new hire reporting requirements. All penalties
13 assessed under this section shall be payable to the State Treasurer and
14 may be recovered in a summary proceeding pursuant to "the penalty
15 enforcement law," N.J.S.2A:58-1 et seq.

16 d. The information provided pursuant to this section may be shared
17 with any federal or State agency as deemed appropriate by the
18 commissioner.

19

20 13. (New section) In any case in which the department knows of
21 a transfer by a child support judgment debtor pursuant to the "Uniform
22 Fraudulent Transfer Act," R.S.25:2-20 et seq., with respect to which
23 a prima facie case is established, the department shall seek to void the
24 transfer or obtain a settlement in the best interest of the child support
25 creditor.

26

27 14. (New section) a. The department shall be responsible for the
28 establishment of a State disbursement unit ¹, on or before October 1,
29 1999,¹ for the collection and disbursement of payments under support
30 orders in all Title IV-D cases, and in all non-Title IV-D cases in which
31 the support order was initially issued in the State on or after January
32 1, 1994, and in which the income of the non-custodial parent is subject
33 to income withholding.

34 b. The department shall provide employers with one location to
35 which income withholding shall be sent.

36 c. The department shall use automated procedures, electronic
37 processes and computer driven technology to the maximum extent
38 feasible, for efficient and economical collection and disbursement of
39 support payments. All payments shall be disbursed in accordance with
40 federal requirements.

41 ¹d. On or before October 1, 1999, the department shall establish
42 the capability to disburse child support payments by direct deposit,
43 upon request of the payee.¹

44

45 15. (New section) a. The department shall use administrative
46 enforcement, to the same extent as used for intrastate cases, in

1 response to a request made by another state to enforce a support
2 order, and shall promptly report the results of the enforcement
3 procedure to the requesting state. The department shall respond to a
4 request made by another state to enforce a support order through
5 electronic means, when feasible.

6 b. The department may, by electronic or other means, transmit to
7 another state a request for assistance in enforcing support orders
8 through administrative enforcement.

9 c. The requesting state's request shall:

10 (1) include such information as will enable the state to which the
11 request is transmitted to compare the information about the case to the
12 information in the databases of the state; and

13 (2) constitute a certification by the requesting state:

14 (a) of the amount of support under an order that the payment of
15 which is in arrears; and

16 (b) that the requesting state has complied with all procedural due
17 process requirements applicable to each case.

18 d. If the department provides assistance to another state pursuant
19 to this section with respect to a case, neither state shall consider the
20 case to be transferred to the caseload of the other state.

21 e. The department shall maintain records of: the number of
22 requests for assistance received by the State; the number of cases for
23 which the State collected support in response to the request; and the
24 amount of support collected.

25

26 16. (New section) The State IV-D agency and the court may
27 transfer a case between local county welfare agency and Probation
28 Division offices, respectively, without the need for additional filing by
29 the petitioner or service of process upon the respondent to retain
30 jurisdiction over the parties. Notice shall be provided to the parties
31 advising of the transfer.

32

33 17. a. The commissioner, pursuant to the "Administrative
34 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
35 regulations to effectuate the purposes of this act and to comply with
36 the requirements of Pub.L.104-193; except that, notwithstanding any
37 provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the
38 commissioner may adopt, immediately upon filing with the Office of
39 Administrative Law, such regulations as the commissioner deems
40 necessary to implement the provisions of this act, which regulations
41 shall be effective for a period not to exceed six months and may,
42 thereafter, be amended, adopted or readopted by the commissioner in
43 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et
44 seq.).

45 b. The Attorney General and the Commissioners of Environmental
46 Protection, Labor, Banking and Insurance, Health and Senior Services,

1 Corrections, Transportation and Community Affairs may, pursuant to
2 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
3 seq.), adopt regulations, as appropriate, to effectuate the purposes of
4 this act and to comply with the requirements of Pub.L.104-193; except
5 that, notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1
6 et seq.) to the contrary, the Attorney General and the respective
7 commissioners may adopt, immediately upon filing with the Office of
8 Administrative Law such regulations as the Attorney General or the
9 respective commissioners deem necessary to implement the provisions
10 of this act, which regulations shall be effective for a period not to
11 exceed six months and may thereafter, be amended, adopted or
12 readopted by the Attorney General or respective commissioners in
13 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et
14 seq.).

15

16 18. Section 2 of P.L.1981, c.417 (C.2A:17-56.8) is amended to
17 read as follows:

18 2. Every complaint, notice or pleading for the entry or
19 modification of **[an] a support order [of a] and every court order**
20 which includes child support shall include a written notice to the
21 obligor stating that the child support provision of the order shall, and
22 the **[medical support] health care coverage** provision may, as
23 appropriate, be enforced by an income withholding upon the current
24 or future income due from the obligor's employer or successor
25 employers and upon the unemployment compensation benefits due the
26 obligor and against debts, income, trust funds, profits or income from
27 any other source due the obligor except as provided in section 3 of
28 P.L.1981, c.417 (C.2A:17-56.9). The written notice shall also state
29 that the driver's license and professional or occupational licenses, or
30 recreational or sporting license in accordance with P.L.1996, c.7
31 ¹[(C.2A:17-56.40 et seq.),](C.2A:17-56.41 et seq.)¹ held or applied
32 for by the obligor may be denied, suspended or revoked if: the child
33 support arrearage is equal to or exceeds the amount of child support
34 payable for six months; the obligor fails to provide health **[insurance]**
35 care coverage for the children as ordered by the court for six months;
36 or the obligor fails to respond to a subpoena relating to a paternity or
37 child support proceeding; or a warrant for the obligor's arrest has been
38 issued by the court due to failure to pay child support as ordered,
39 failure to appear at a hearing to establish paternity or child support, or
40 failure to appear at a hearing to enforce a child support order and said
41 warrant remains outstanding. The written notice shall also state that
42 the amount of a ¹**[Title IV-D]**¹ child support order and the provisions
43 for **[medical support] health care coverage** ¹**[shall] may**¹ be reviewed
44 and updated¹ **[, as necessary, at least every three years] when there has**
45 been a change in circumstances or in accordance with section 5 of
46 P.L.1990, c.92 (C.2A:17-56.9a)¹.

1 The court shall ensure that in the case of each obligor against whom
2 a support order is or has been issued or modified, the obligor's income
3 shall be withheld to comply with the order. An amount shall be
4 withheld to pay the support obligation and it shall include an amount
5 to be applied toward liquidation of arrearages reduced to judgments,
6 payments for paternity testing procedures and provisions for **medical**
7 **support** health care coverage when applicable. These provisions shall
8 also be applicable to all orders issued on or before the effective date
9 of **this act** P.L.1985, c.278 (C.2A:17-56.16 et seq.).

10 A support provision contained in an order or judgment issued by
11 the court shall be paid by income withholding unless the order or
12 judgment specifically provides for an alternative payment arrangement
13 to which the parties agree in writing or the obligor or obligee
14 demonstrates and the court finds good cause for establishing an
15 alternative arrangement.

16 (cf: P.L.1996, c.7, s.1)

17
18 19. Section 3 of P.L.1981, c.417 (C.2A:17-56.9) is amended to
19 read as follows:

20 3. **The income withholding shall be initiated by the probation**
21 **department of the county in which the obligor resides immediately**
22 **after the court order has been issued; except that immediate**
23 **withholding shall not apply in those cases in which the obligor and**
24 **obligee agree in writing to an alternative arrangement or the obligor**
25 **or obligee demonstrates and the court finds good cause for**
26 **establishing an alternative arrangement.] For support obligations that**
27 **are payable through the Probation Division, the Probation Division**
28 **shall mail the notice of immediate withholding to the obligor's payor**
29 **if the payor is known. If the obligor's source of income is unknown at**
30 **the time the Probation Division receives the support order, the**
31 **Probation Division shall mail the notice to the payor within the time**
32 **frame required pursuant to federal law. If an [immediate withholding**
33 **is not ordered, due to the above exception] alternative payment**
34 **arrangement has been ordered as provided in section 2 of P.L.1981,**
35 **c.417 (C.2A:17-56.8) or [an] a support order entered prior to [the**
36 **effective date of this act] October 1, 1996, the income withholding**
37 **shall be initiated by the Probation Division** when the obligor has failed
38 to make **[a] the** required child support payment **[allocated or**
39 **unallocated that] and** has arrearages accrued equal to the amount of
40 the support payable for 14 days **or without regard to an arrearage or**
41 **an alternative agreement if the obligee, for good cause, or the obligor**
42 **requests that withholding be initiated.** Subject to the provisions of
43 **[this act, the] P.L.1981, c.417 (C.2A:17-56.8 et seq.), an income**
44 **withholding shall be initiated by the Probation Division and shall take**
45 **effect without amendment to the support order or further court or**

1 quasi-judicial action and without regard to any alternative
2 arrangements entered into by the parties or ordered by the court.

3 The total amount of income to be withheld shall not exceed the
4 maximum amount permitted under section 303 (b) of the federal
5 Consumer Credit Protection Act (15 U.S.C. s. 1673 (b)). The income
6 withholding shall be carried out in full compliance with all procedural
7 due process requirements. The Administrative Office of the Courts
8 shall establish procedures for promptly terminating the withholding
9 when necessary and for promptly refunding amounts which have been
10 improperly withheld.

11 The Probation Division shall extend the income withholding system
12 to include withholding from income derived within the State in cases
13 where the applicable support order was issued in another state.

14 When an income withholding order has been issued in this State, it
15 shall promptly be forwarded to the obligor's principal place of
16 employment pursuant to P.L. c. (C.)(pending before the
17 Legislature as Assembly Bill No. 1646 of 1998) or to the appropriate
18 child support agency in the payor's state in the form prescribed by the
19 federal Office of Child Support Enforcement. All procedural due
20 process requirements of the state Title IV-D agency where the obligor
21 has income shall apply to the income withholding.

22 (cf: P.L.1990, c.92, s.2)

23

24 20. Section 5 of P.L.1990, c.92 (C. 2A:17-56.9a) is amended to
25 read as follows:

26 5. At least once every three years **【all IV-D orders for child**
27 **support payments shall be subject to】** , unless the State has developed
28 an automated cost-of-living adjustment program for child support
29 payments, the parties subject to a Title IV-D support order shall be
30 provided notice of their right to request a review, which shall be
31 conducted in accordance with the rules promulgated by the **【IV-D**
32 **Agency】 State IV-D agency** in consultation with the Supreme Court.
33 Such review shall take into account any changes in the financial
34 situation or related circumstances of both parties and whether the
35 order of child support is in full compliance with the **【Child Support**
36 **Guidelines set forth in the Rules Governing the Courts of the State of**
37 **New Jersey, R.5:6A】 child support guidelines.**

38 Upon completing the review and if a change in the amount of child
39 support is recommended, the State IV-D agency or designee shall so
40 notify the obligor and obligee in writing of the child support amount
41 that is recommended. The obligor and obligee shall be afforded not
42 less than 30 days after such notification to file with the State IV-D
43 agency and the court a challenge to such proposed adjustment or
44 determination. **【The】 If proof exists that the obligor and obligee have**
45 been provided with ¹at least 30-days¹ notice of the proposed
46 adjustment, the court shall adjust the child support amount **【will be**

1 adjusted accordingly by the court] as proposed by the department if
2 either party does not challenge the recommended award within the
3 prescribed time or fails to show good cause why the adjustment should
4 not occur.

5 In accordance with section 351 of Pub.L.104-193, a proof or
6 showing of a change in circumstances shall not be required prior to
7 initiation of a review or for the adjustment of an order under the three-
8 year review process; however, a proof or showing of a substantial
9 change in circumstances shall be required prior to the initiation of a
10 review or for the adjustment of an order outside the three-year review
11 process.

12 (cf: P.L.1990, c.92, s.5)

13

14 21. Section 4 of P.L.1981, c.417 (C.2A:17-56.10) is amended to
15 read as follows:

16 4. a. **【The probation department】** If an income withholding
17 initiated by the Probation Division is required pursuant to section 3 of
18 P.L.1981, c.417 (C.2A:17-56.9), the Probation Division shall notify
19 the obligor of the income withholding by **【certified or registered】**
20 regular mail 【with return receipt requested】 to the obligor's last
21 known address. The notice to the obligor shall be **【postmarked no**
22 **later than 10 days after the date on which the application was filed】**
23 mailed at the same time as the notice to the payor, and shall inform the
24 obligor that the withholding **【shall take effect 10 days after the**
25 **postmark date of the notice unless the obligor contests the**
26 **withholding】** has commenced in accordance with section 314 of
27 Pub.L.104-193. The notice to the obligor shall also include all of the
28 information regarding the withholding that is included in the notice to
29 the payor. An obligor may contest a withholding only on the basis of
30 mistake of fact. The notice to the obligor shall include but need not
31 be limited to: the amount to be withheld, including an amount to be
32 applied toward liquidation of arrearages; a statement that the
33 withholding applies to current and subsequent sources of income; the
34 methods available for contesting the withholding on the grounds that
35 the withholding is not proper because of mistake of fact; the period
36 within which the 【probation department shall】 **Probation Division may**
37 be contacted in order to contest the withholding 【and that failure to
38 do so will result in notifying the payor to begin withholding; and the
39 actions the probation department will take if the individual contests the
40 withholding】 ; and the procedures to follow if the obligor desires to
41 contest the withholding on the grounds that the withholding or the
42 amount thereof is improper due to a mistake of fact.

43 If an obligor contests the proposed withholding, the **【probation**
44 **department】** Probation Division shall schedule a hearing or review
45 within 20 days after receiving notice of contest of the withholding. If

1 it is determined that the withholding is to ~~occur~~ continue, the
2 ~~probation department~~ Probation Division shall provide notice to the
3 obligor. ~~Notice to the obligor shall include the time within which the~~
4 ~~withholding is to begin.~~ Notice to the obligor shall ~~also~~ include all
5 of the information that is included in the notice to the payor in section
6 5 of ~~this act~~ P.L.1981, c.417 (C.2A:17-56.11). The Probation
7 Division shall notify the obligor ~~shall be notified by the probation~~
8 ~~department~~ of the results of the hearing or review within five days of
9 the ~~determination made at the hearing~~ date of the hearing or review.

10 b. ~~The probation department shall prepare the income withholding~~
11 ~~notice when the obligor does not contest the withholding or has~~
12 ~~exhausted all procedures established by the Administrative Office of~~
13 ~~the Courts for contesting the withholding. The income withholding~~
14 ~~shall include requirements that a payor withhold the amount specified~~
15 ~~in the notice and shall include a statement that the amount actually~~
16 ~~withheld for support and for other purposes may not be in excess of~~
17 ~~the amount allowed under section 303(b) of the federal Consumer~~
18 ~~Credit Protection Act (15 U.S.C. s. 1673(b)). On any~~ If the court
19 enters an order modifying alimony, maintenance or child support
20 ~~based upon changed circumstances~~, the Probation Division shall
21 amend the income withholding amount ~~shall also be changed~~
22 accordingly. This income withholding shall have priority over any
23 other withholdings and garnishments without regard to the dates ~~of~~
24 that the other income withholdings or garnishments were issued.

25 c. An income withholding made under ~~this act~~ P.L.1981, c.417
26 (C.2A:17-56.8 et seq.) shall continue ~~in full force and effect until~~
27 ~~such time as a court order to the contrary is entered upon the~~
28 ~~liquidation of all arrearages~~ until terminated by a court.

29 d. Where there is more than one support order for withholding
30 against a single obligor, the payor shall withhold the payments to fully
31 comply with the court orders on a pro rata basis to the extent that the
32 total amount withheld from the obligor's ~~wages~~ income does not
33 exceed the limits allowed under section 303(b) of the federal
34 Consumer Credit Protection Act (15 U.S.C. s. 1673(b)). Payors may
35 combine withheld amounts in a single payment for each appropriate
36 probation department requesting withholding and separately identify
37 the portion of the payment which is attributable to each ~~individual~~
38 obligor unless submitted pursuant to section 7 of P.L.1981, c.417
39 (C.2A:17-56.13) or through the use of electronic funds transfer.

40 (cf: P.L.1985, c.278, s.4)

41

42 22. Section 5 of P.L.1981, c.417 (C.2A:17-56.11) is amended to
43 read as follows:

44 5. a. An income withholding made under ~~this act~~ P.L.1981,
45 c.417 (C.2A:17-56.8 et seq.) and provisions for ~~medical support~~

1 health care coverage shall be binding upon the payor and successor
2 payors immediately after service upon the payor by the [probation
3 department] Probation Division of a copy of the income withholding
4 and an order for the provision of [medical support] health care
5 coverage, by [registered or certified mail with return receipt requested
6 until further order] regular mail. The payor is to pay the withheld
7 amount to the [probation department] Probation Division at the same
8 time the obligor is paid. The payor shall implement withholding and
9 the provisions for [medical support] health care coverage no later
10 than the first pay period that ends immediately after the date the notice
11 was postmarked, except that the payor is not required to alter regular
12 pay cycles to comply with the withholding. For each payment, other
13 than payment received from the unemployment compensation fund, the
14 payor may receive \$1.00, which shall be deducted from the obligor's
15 income in addition to the amount of the support order to compensate
16 the payor for the administrative expense of processing the withholding.

17 Notice to the payor shall include, but not be limited to, instructions
18 for the provisions for [medical support] health care coverage, the
19 amount to be withheld from the obligor's income and a statement that
20 the total amount [actually] withheld for support and other purposes
21 may not be in excess of the maximum amount permitted under section
22 303 (b) of the federal Consumer Credit Protection Act (15 U.S.C.
23 s.1673 (b)); that the payor shall send the amount to the [probation
24 department] Probation Division at the same time the obligor is paid,
25 unless the [probation department] Probation Division directs that
26 payment be made to another individual or entity; that the payor may
27 deduct and retain a fee of \$1.00 in addition to the amount of the
28 support order except when the payment is received from the
29 unemployment compensation fund; that withholding is binding on the
30 payor until further notice by the [probation department] Probation
31 Division; that, in accordance with section 6 of P.L.1981, c.417
32 (C.2A:17-56.12), the payor is subject to a fine and civil damages as
33 determined by the court for discharging an obligor from employment,
34 refusing to employ, or taking disciplinary action against an obligor
35 subject to an income withholding because of the withholding or any
36 obligation which it imposes upon the payor; that the payor is subject
37 to a fine as determined by the court for failure to withhold support
38 from the obligor's income or pay the withheld amount to the Probation
39 Division; that if the payor fails to take appropriate action with regard
40 to the provisions for [medical support] health care coverage or
41 withhold wages in accordance with the provisions of the notice, the
42 payor is liable for any medical expenses incurred by the children
43 subject to the provisions for [medical support] health care coverage
44 and any amount up to the accumulated amount the payor should have
45 withheld from the obligor's income; that the withholding shall have

1 priority over any other legal process under State law against the same
2 **【wages】** income; that the payor may combine withheld amounts from
3 the obligor's **【wages】** income in a single payment to **【each appropriate**
4 **agency requesting withholding】** the Probation Division and separately
5 identify the portion of the single payment which is attributable to each
6 **【individual】** obligor unless submitted pursuant to section 7 of
7 P.L.1981, c.417 (C.2A:17-56.13) or through electronic funds transfer;
8 that if there is more than one support order for withholding against a
9 single obligor, the payor shall withhold the payments on a pro rata
10 basis to fully comply with the support orders, to the extent that the
11 total amount withheld does not exceed the limits imposed under
12 section 303 (b) of the federal Consumer Credit Protection Act (15
13 U.S.C. s.1673 (b)); that the payor shall implement withholding no later
14 than the first pay period that ends immediately after the date the notice
15 was postmarked, except that the payor is not required to alter regular
16 pay cycles to comply with the withholding; and that the payor shall
17 notify the **【probation department】** Probation Division promptly upon
18 the termination of the obligor's employment benefits and provide the
19 obligor's last known address and the name and address of the obligor's
20 new payor, if known.

21 A payor served with an income withholding notice shall be liable to
22 the obligee for failure to deduct the amounts specified. The obligee or
23 the Probation Division may commence a proceeding against the payor
24 for accrued deductions, together with interest and reasonable
25 attorney's fees.

26 In accordance with section 314 of Pub.L.104-193, a payor who
27 complies with an income withholding notice that is regular on its face
28 shall be immune from civil liability for conduct in compliance with the
29 notice.

30 b. When a payor receives an income withholding notice issued by
31 another state, the payor shall apply the income withholding law of the
32 state in which the obligor's principal place of employment is located in
33 determining:

34 (1) the payor's fee for processing the income withholding;

35 (2) the maximum amount permitted to be withheld from the
36 obligor's income;

37 (3) the time periods within which the payor must implement the
38 income withholding order and forward the child support payment;

39 (4) the priorities for withholding and allocating income withheld
40 for multiple obligees; and

41 (5) any withholding terms or conditions not specified in the
42 support order or notice.

43 (cf: P.L.1995, c.58, s.3)

44

45 23. Section 7 of P.L.1981, c.417 (C.2A:17-56.13) is amended to read
46 as follows:

1 7. **[In]** Until such time as a State disbursement unit is established
2 pursuant to section 15 of P.L. , c. (C.)(pending before the
3 Legislature as this bill), in every award for alimony, maintenance or
4 child support payments the judgment or order shall provide that
5 payments be made through the [probation department] Probation
6 Division of the county in which the obligor resides, unless the court,
7 for good cause shown, otherwise orders. Upon entry of the judgment
8 or order, the parties shall provide the court and the Probation Division
9 with their Social Security numbers, residential and mailing addresses,
10 telephone numbers, driver's license numbers, and the name, address
11 and telephone number of their employers. Each judgment or order
12 **[for alimony, maintenance or child support] shall [include an order]**
13 **require** that the obligor and obligee notify the **[appropriate probation**
14 **department] Probation Division** of any change of payor or change of
15 address within 10 days of the change. Failure to provide this
16 information shall be considered a violation of this order.

17 The order shall also inform the obligor that the address provided to
18 the Probation Division shall be the address of record for subsequent
19 support enforcement actions and that service of legal documents at
20 that address shall be effective for the purpose of meeting due process
21 requirements.

22 **[Service at the address of record of all summonses, pleadings, or**
23 **notices shall be effective for all purposes.] For the purposes of**
24 **enforcing a support provision, the court may deem procedural due**
25 **process requirements for notice and service of process to be met with**
26 **respect to a party thereto upon delivery of written notice to the most**
27 **recent residential or employer address filed with the Probation**
28 **Division for that party. If a party fails to respond to a notice and no**
29 **proof is available that the party received the notice, the Probation**
30 **Division shall document to the court that it has made a diligent effort**
31 **to locate the party by making inquiries that may include, but are not**
32 **limited to: the United States Postal Service, the Division of Motor**
33 **Vehicles in the Department of Transportation, ¹the Division of**
34 **Taxation in the Department of the Treasury¹ and the Departments of**
35 **Labor and Corrections. The Probation Division shall provide an**
36 **affidavit to the court presenting such documentation of its diligent**
37 **effort, which certifies its inability to locate the party, before any**
38 **adverse action is taken based upon the party's failure to respond to the**
39 **notice. When an obligor changes employment within the State while**
40 **income withholding is in effect, the [probation department] Probation**
41 **Division shall notify the new payor that the withholding is binding on**
42 **the new payor. When [a probation department] the Probation**
43 **Division is unable to locate the obligor's current payor in order to**
44 **effectuate an income withholding under [this act] P.L.1981, c.417**
45 **(C.2A:17-56.8 et seq.), the [probation department] Probation**

1 Division is authorized to utilize any other procedure authorized by law
2 to obtain this information.
3 (cf: P.L.1985, c.278, s.7)

4
5 24. Section 18 of P.L.1985, c.278 (C.2A:17-56.21) is amended to
6 read as follows:

7 18. a. The State IV-D agency shall have the authority to make
8 available **[information on]** the name of any delinquent obligor and the
9 amount of overdue support owed by **[obligors]** the obligor to
10 **[consumer]** credit reporting agencies [upon their request], subject to
11 the conditions set forth in this section and privacy safeguards
12 established by the commissioner. This information shall be provided
13 only to an entity that has demonstrated to the satisfaction of the State
14 IV-D agency that the entity is a credit reporting agency.

15 b. In all **[State]** Title IV-D **[agency]** cases where the obligor is
16 **[more than \$1,000.00]** in arrears, the information shall be made
17 available **[upon the consumer]** to credit reporting [agency's request
18 and may be made available in all other cases] agencies.

19 c. The State IV-D agency may establish a fee for all requests which
20 will be uniformly applied in all Title IV-D cases. Any fee charged shall
21 be limited to the actual cost of providing the information.

22 d. **[The obligor shall receive written notice that the information**
23 **will be made available to the credit reporting agency. The obligor**
24 **shall have an opportunity to contest the accuracy of the information.]**
25 Information with respect to a delinquent obligor shall be reported to
26 credit reporting agencies only after the obligor has been afforded all
27 procedural due process required under State law including notice and
28 a reasonable opportunity to contest the accuracy of the information.

29 e. The State IV-D agency shall comply with all applicable
30 procedural due process requirements before releasing information and
31 may request information on an obligor from a credit reporting agency
32 only after noticing the obligor of the State IV-D agency's intent to
33 request the information.

34 (cf: P.L.1985, c.278, s.18)

35
36 25. Section 1 of P.L.1988, c.111 (C.2A:17-56.23a) is amended to
37 read as follows:

38 1. Any payment or installment of an order for child support, or
39 those portions of an order which are allocated for child support,
40 whether ordered in this State or in another state, shall be fully
41 enforceable and entitled as a judgment to full faith and credit and shall
42 be a judgment by operation of law on and after the date it is due. For
43 obligors who reside or own property in this State, such judgments¹,
44 once docketed with the Clerk of the Superior Court,¹ shall have the
45 same force and effect¹, be enforced in the same manner and be subject

1 to the same priorities¹ as a civil money judgment entered by the
2 court¹ [, shall be subject to the same enforcement methods as civil
3 money judgments, and shall be a lien against the obligor's real and
4 personal property, subject to prior perfected liens of financial
5 institutions and other legitimate lien holders under State and federal
6 law]¹ . The State shall accord full faith and credit to child support
7 judgments or liens of other states, whether arising by operation of law
8 or having been entered by a court or administrative agency, when a
9 Title IV-D agency, a party, or other entity seeking to enforce such a
10 judgment or lien in this State files a Notice of Interstate Lien, in the
11 form prescribed by the federal Office of Child Support Enforcement,
12 and supporting documents with the Clerk of the Superior Court. An
13 action to domesticate a foreign child support judgment or lien shall be
14 consistent with the "Uniform Enforcement of Foreign Judgments Act,"
15 P.L. 1997, c.204 (C.2A:49A-25 et seq.). Liens against real and
16 personal property shall be subject to the same enforcement procedures
17 as other civil money judgments except that no judicial notice or
18 hearing shall be required to enforce the lien. No payment or
19 installment of an order for child support, or those portions of an order
20 which are allocated for child support established prior to or
21 subsequent to the effective date of P.L.1993, c.45 (C.2A:17-56.23a),
22 shall be retroactively modified by the court except with respect to the
23 period during which there is a pending application for modification,
24 but only from the date the notice of motion was mailed either directly
25 or through the appropriate agent. The written notice will state that a
26 change of circumstances has occurred and a motion for modification
27 of the order will be filed within 45 days. In the event a motion is not
28 filed within the 45-day period, modification shall be permitted only
29 from the date the motion is filed with the court.

30 The non-modification provision of this section is intended to be
31 curative and shall apply to all orders entered before, on and after the
32 effective date of **[this act]** P.L.1993, c.45 (C.2A:17-56.23a).
33 (cf: P.L.1993, c.45, s.1)

34
35 26. Section 1 of P.L.1995, c.322 (C.2A:17-56.34) is amended to
36 read as follows:

37 1. The ¹**[county probation department]** Probation Division¹, the
38 State IV-D agency and its designees, subject to privacy safeguards,
39 shall be authorized to receive information concerning putative fathers
40 and child support obligors from the following sources through
41 electronic or other appropriate means:

42 a. To the extent permitted by R.S.54:50-9, records of the Division
43 of Taxation in the Department of the Treasury containing information
44 concerning an obligor's income or assets;

45 b. Direct, on-line access to the Division of Motor Vehicles'
46 records, including, where possible, interface between automated

1 systems;

2 c. Any record, paper, document or entity deemed by the
3 **【probation department】 Probation Division**, the State IV-D agency or
4 its designee to be a potential source of information concerning an
5 obligor's income or assets. In order to obtain information pursuant to
6 this subsection, the **【probation department】 Probation Division** and
7 the State IV-D agency shall have the authority, as designated by the
8 Commissioner of the Department of Human Services, to compel the
9 production of books, papers, accounts, records and documents by
10 subpoena. The subpoena shall be served by certified and regular mail
11 ¹【in accordance with court rules】 on the person or entity in
12 possession of the information or record that is sought and such service
13 shall be considered consistent with procedural due process
14 requirements. In all other respects, a subpoena issued under this
15 section shall be subject to the same procedures as a subpoena issued
16 by other agencies of this State. Actions relating to a subpoena issued
17 under this section shall be heard in the court;

18 d. State lottery prize payments in excess of \$600 made by the
19 Department of the Treasury;

20 e. Record of a judgment or settlement of any civil action where
21 a party is entitled to receive a monetary award made by the court ¹or
22 an inheritance¹; and

23 f. Record of an out-of-court settlement.

24 (cf: P.L.1995, c.322, s.1)

25

26 27. Section 2 of P.L.1995, c.322 (C.2A:17-56.35) is amended to
27 read as follows:

28 2. a. If the State IV-D agency and its designees are unable to
29 obtain information pursuant to section 1 of **【this act】 P.L.1995, c.322**
30 **(C.2A:17-56.34)**, then the agency and its designees may seek verifying
31 information from public utility **【records】 and cable television**
32 **companies as required by Pub.L.104-193**. Such information shall be
33 limited to identifying information necessary to establish the name and
34 address, or residency, if different from the address, of putative fathers
35 and child support obligors.

36 b. A public utility or cable television company shall not be liable
37 for damages for any civil action which may result from complying with
38 the provisions of **【this act】 P.L.1995, c.322 (C.2A:17-56.34 et seq.)**.

39 c. A long distance carrier shall be exempt from the provisions of
40 **【this act】 P.L.1995, c.322 (C.2A:17-56.34 et seq.)**.

41 (cf: P.L.1995, c.322, s.2)

42

43 28. Section 3 of P.L.1996, c.7 (C.2A:17-56.41) is amended to read
44 as follows:

45 3. a. If the child support arrearage equals or exceeds the amount
46 of child support payable for six months or court-ordered health

1 **[insurance] care coverage** for the child is not provided for six months,
2 or the obligor fails to respond to a subpoena relating to a paternity or
3 child support action, or a child support-related warrant exists, and the
4 obligor is found to possess a license in the State and all appropriate
5 enforcement methods to collect the child support arrearage[, as
6 defined in section 2 of P.L.1996, c.7 (C.2A:17-56.40)] have been
7 exhausted, the Probation Division shall send a written notice to the
8 obligor, by certified and regular mail, return receipt requested, at the
9 obligor's last-known address or place of business or employment,
10 advising the obligor that the obligor's license **[shall] may** be revoked
11 or suspended unless, within 30 days of the postmark date of the notice,
12 the obligor pays the full amount of the child support arrearage, or
13 provides proof that health **[insurance] care coverage** for the child has
14 been obtained, or responds to a subpoena, or makes a written request
15 for a court hearing to the Probation Division. The obligor's driver's
16 license shall be suspended by operation of law upon the issuance of a
17 child support-related warrant. If a child support- related warrant for
18 the obligor exists, the professional, occupational, recreational or
19 sporting license revocation or suspension **[process]** shall be
20 terminated if the obligor pays the full amount of the child support
21 arrearage, provides proof that health **[insurance]care coverage** for the
22 child has been obtained as required by the court order, or surrenders
23 to the county sheriff or the Probation Division.

24 b. If the obligor fails to take one of the actions in subsection a. of
25 this section within 30 days of the postmark date of the notice and there
26 is proof that service on the obligor was effective, the Probation
27 Division shall file a certification with the court setting forth the
28 obligor's non-compliance with the support order and the obligor's
29 failure to respond to the written notice of the potential license
30 suspension or revocation. If, based on the papers filed by the
31 Probation Division, the court is satisfied that service on the obligor
32 was effective as set forth in this section, it shall without need for
33 further due process or hearing, enter a court order suspending or
34 revoking all licenses held by the obligor. Upon the entry of the order,
35 the Probation Division shall forward a copy to the obligor and all
36 appropriate licensing authorities.

37 **[Simultaneous certified and regular mailing of the written notice**
38 **shall constitute effective service unless the United States Postal**
39 **Service returns the mail to the Probation Division within the 30-day**
40 **response period marked "moved, unable to forward," "addressee not**
41 **known," "no such number/street," "insufficient address," or**
42 **"forwarding order expired."** If the certified mail is returned for any
43 other reason without the return of the regular mail, the regular mail
44 service shall constitute effective service. If the mail is addressed to the
45 obligor at the obligor's place of business or employment, with postal
46 instructions to deliver to addressee only, service will be deemed

1 effective only if the signature on the return receipt appears to be that
2 of the obligor. Acceptance of the certified mail notice signed by the
3 obligor, the obligor's attorney, or a competent member of the obligor's
4 household above the age of 14 shall be deemed effective service. **]** For
5 the purposes of this section, the court may deem procedural due
6 process requirements for notice and service of process to be met with
7 respect to a party thereto upon delivery of written notice to the most
8 recent residential or employer address filed with the Probation
9 Division for that party. If a party fails to respond to a notice and no
10 proof is available that the party received the notice, the Probation
11 Division shall document to the court that it has made a diligent effort
12 to locate the party by making inquiries that may include, but are not
13 limited to: the United States Postal Service, the Division of Motor
14 Vehicles in the Department of Transportation, ¹the Division of
15 Taxation in the Department of the Treasury¹ and the Departments of
16 Labor and Corrections. The Probation Division shall provide an
17 affidavit to the court presenting such documentation of its diligent
18 effort, which certifies its inability to locate the party, before any
19 adverse action is taken based upon the party's failure to respond to the
20 notice.

21 c. If the obligor requests a hearing, the Probation Division shall
22 file a petition for a judicial hearing in accordance with section 5 of
23 P.L.1996, c.7 (C.2A:17-56.43). The hearing shall occur within 45
24 days of the obligor's request. If, at or prior to the hearing, the obligor
25 pays the full amount of the child support arrearage or provides health
26 **[insurance] care coverage as ordered, or responds to the subpoena or**
27 **surrenders to the county sheriff or the Probation Division,** the license
28 revocation process shall be terminated. No license revocation action
29 shall be initiated if the Probation Division has received notice that the
30 obligor has pending a motion to modify the child support order if that
31 motion was filed prior to the date that the notice of the license
32 suspension or revocation was sent by the Probation Division. The
33 court shall consider the Probation Division's petition to revoke or
34 suspend a license in accordance with section 5 of P.L.1996, c.7
35 (C.2A:17-56.43).

36 (cf: P.L.1996, c.7, s.3)

37

38 29. Section 5 of P.L.1996, c.7 (C.2A:17-56.43) is amended to read
39 as follows:

40 5. The court shall suspend or revoke a license if it finds that: a. all
41 appropriate enforcement methods ¹**[as defined in section 2 of**
42 **P.L.1996, c.7 (C.2A:17-56.40)]¹** have been exhausted, b. the obligor
43 is the holder of a license, c. the requisite child support arrearage
44 amount exists **[or]**, health **[insurance] care coverage** has not been
45 provided as ordered pursuant to section 3 of P.L.1996, c.7
46 (C.2A:17-56.41), or there has been no response to a subpoena, d. no

1 motion to modify the child support order, filed prior to the date that
2 the notice of the license suspension or revocation was sent by the
3 Probation Division, is pending before the court, and e. there is no
4 equitable reason, such as involuntary unemployment, disability, or
5 compliance with a court-ordered plan for the periodic payment of the
6 child support arrearage amount, for the obligor's non-compliance with
7 the child support order.

8 If the court is satisfied that these conditions exist, it shall first
9 consider suspending or revoking a driver's license prior to a
10 professional license. If the obligor fails to appear at the hearing after
11 being properly served with notice, the court shall order the suspension
12 or revocation of all licenses held by the obligor. In the case of a
13 driver's license, if the court finds that the license revocation or
14 suspension will result in a significant hardship to the obligor, to the
15 obligor's legal dependents under 18 years of age living in the obligor's
16 household, to the obligor's employees, or to persons, businesses or
17 entities to whom the obligor provides goods or services, the court may
18 allow the obligor to pay 25% of the past-due child support amount
19 within three working days of the hearing, establish a payment schedule
20 to satisfy the remainder of the arrearages within one year, and require
21 that the obligor comply with any current child support obligation. If
22 the obligor agrees to this arrangement, no suspension or revocation of
23 any licenses shall be ordered. Compliance with the payment agreement
24 shall be monitored by the Probation Division. If the obligor has good
25 cause for not complying with the payment agreement within the time
26 permitted, the obligor shall immediately file a motion with the court
27 and the Probation Division requesting an extension of the payment
28 plan. The court may extend the payment plan if it is satisfied that the
29 obligor has made a good faith effort to comply with the plan and is
30 unable to satisfy the full amount of past-due support within the time
31 permitted due to circumstances beyond the obligor's control. In no
32 case shall a payment plan extend beyond the date the dependent child
33 reaches the age of 18. If the obligor fails to comply with the
34 court-ordered payment schedule, the court shall, upon receipt of a
35 certification of non-compliance from the obligee or Probation
36 Division, and without further hearing, order the immediate revocation
37 or suspension of all licenses held by the obligor. If required by
38 existing law or regulation, the court shall order that the obligor
39 surrender the license to the issuing authority within 30 days of the date
40 of the order.

41 (cf: P.L.1996, c.7, s.5)

42
43 30. Section 6 of P.L.1996, c.7 (C.2A:17-56.44) is amended to read
44 as follows:

45 6. a. The Probation Division shall provide the licensing authority
46 with a copy of the order requiring the suspension or revocation of a

1 license. Upon receipt of an order requiring the suspension or
2 revocation of a license **【for non-payment of child support】**, the
3 licensing authority shall immediately notify the licensee of the effective
4 date of the suspension or revocation, which shall be 20 days after the
5 postmark of the notice, direct the licensee to refrain from engaging in
6 the activity associated with the license, surrender any license as
7 required by law, and inform the licensee that the license shall not be
8 reinstated until the court or Probation Division certifies that **【all child**
9 **support arrearage is】** the conditions which resulted in the suspension
10 or revocation are satisfied. The Probation Division and the State IV-D
11 agency in association with the affected licensing authorities may
12 develop electronic or magnetic tape data transfers to notify licensing
13 authorities of restrictions, suspensions, revocations and reinstatements.
14 No liability shall be imposed on a licensing authority for suspending or
15 revoking a license if the action is in response to a court order issued
16 in accordance with P.L.1996, c.7¹ **【(C.2A:17-56.40 et al.)】**~~(C.2A:17-~~
17 ~~56.41 et seq.)¹~~. Licensing authorities shall not have jurisdiction to
18 modify, remand, reverse, vacate or stay a court order to restrict,
19 suspend or revoke a license for non-payment of child support.

20 b. If a licensee, upon receipt of the notice of suspension or
21 revocation from the licensing authority, disputes that he is an obligor,
22 the licensee shall notify the licensing authority and the Probation
23 Division by registered mail within 20 days of the postmark of the
24 notice and request a hearing. Upon receipt of the licensee's request for
25 a hearing, the Probation Division shall determine if the licensee is an
26 obligor. If the Probation Division determines that the licensee is an
27 obligor, the Probation Division shall file a petition for a judicial
28 hearing on the issue of whether the licensee is an obligor. The hearing
29 shall occur within 30 days. If the Probation Division determines that
30 the licensee is not an obligor, the Probation Division shall so notify the
31 licensee and the licensing authority. The licensing authority shall not
32 suspend or revoke a person's license, if the licensing authority received
33 proper notice of the licensee's request for a hearing pursuant to this
34 subsection, until the court finds that the licensee is an obligor. The
35 Probation Division shall notify the licensing authority of the court's
36 finding. Upon receipt of the court's finding that the licensee is an
37 obligor, the licensing authority shall immediately suspend or revoke
38 the obligor's license without additional review or hearing.

39 c. The revocation or suspension of a license ordered by the court
40 in accordance with P.L.1996, c.7¹ **【(C.2A:17-56.40 et al.)】**~~(C.2A:17-~~
41 ~~56.41 et seq.)¹~~ shall continue until the ¹Probation Division or the¹
42 obligor files with the licensing authority ¹**【either】**¹ a ¹certified¹ court
43 order restoring the license ¹**【or a Probation Division certification**
44 **attesting to the full satisfaction of the 【child support arrearage】**
45 conditions which resulted in the revocation or suspension】¹.

1 d. Each licensing authority shall require license applicants to
2 certify on the license application form, under penalty of perjury, that
3 the applicant does not have a child support obligation, the applicant
4 does have such an obligation but the arrearage amount does not equal
5 or exceed the amount of child support payable for six months and any
6 court-ordered health care coverage has been provided for the past six
7 months, the applicant has not failed to respond to a subpoena relating
8 to a paternity or child support proceeding, or the applicant is not the
9 subject of a child-support related warrant. A license shall not be
10 granted to an obligor who applies for a license if there is an arrearage
11 equal to or exceeding the amount of child support payable for six
12 months, the applicant has not provided court-ordered health care
13 coverage during the past six months or **【who】** the applicant has failed
14 to respond to a subpoena relating to a paternity or child support
15 proceeding or is the subject of a child support-related warrant. The
16 application form shall state that making a false statement may subject
17 the applicant to contempt of court. It shall also state that if the
18 applicant's certification is found to be false, the licensing authority
19 shall take disciplinary action including, but not limited to, immediate
20 revocation or suspension of the license.

21 e. For all licenses issued or renewed in the State after the effective
22 date of P.L.1996, c.7¹ **【(C.2A:17-56.40 et al.)】**~~(C.2A:17-56.41 et~~
23 ~~seq.)¹~~, the licensing authority shall record the full name, mailing
24 address, Social Security number and date of birth of the applicant or
25 licensee. All affected licensing authorities shall cooperate and enter
26 into agreements with the Probation Division and the State IV-D
27 agency to exchange information to effectuate the purposes of
28 P.L.1996, c.7 ¹**【(C.2A:17-56.40 et al.)】**~~(C.2A:17-56.41 et seq.)¹~~. The
29 Division of Motor Vehicles in the Department of Transportation and
30 other appropriate licensing agencies shall amend their regulations and
31 public notices to permit Social Security numbers collected by those
32 agencies to be used for child support enforcement purposes. License
33 information obtained through data matches with licensing authorities
34 shall be maintained on the **【Automated Child Support Enforcement**
35 **System】** State case registry in the Department of Human Services for
36 future use.

37 (cf: P.L.1996, c.7, s.6)

38

39 31. Section 11 of P.L.1996, c.7 (C.2A:17-56.49) is amended to
40 read as follows:

41 11. The license revocation provisions of P.L.1996, c.7
42 ¹**【(C.2A:17-56.40 et al.)】**~~(C.2A:17-56.41 et seq.)¹~~ apply to all orders
43 issued before or after the effective date of P.L.1996, c.7
44 ¹**【(C.2A:17-56.40 et al.)】**~~(C.2A:17-56.41 et seq.)¹~~. All child support
45 arrearage and health **【insurance】** care coverage provisions in existence

1 on or before the effective date of P.L.1996, c.7 ¹[(C.2A:17-56.40 et
 2 al.)](C.2A:17-56.41 et seq.)¹ shall be included in determining whether
 3 a case is eligible for enforcement in accordance with P.L.1996, c.7
 4 ¹[(C.2A:17-56.40 et al.)(C.2A:17-56.41 et seq.)]¹. **【This act】**
 5 P.L.1996, c.7¹ [(C.2A:17-56.40 et al.)(C.2A:17-56.41 et seq.)¹
 6 applies to all child support obligations ordered by any state, territory
 7 or district of the United States that are being enforced by the
 8 Probation Division, that are payable directly to the obligee, or have
 9 been registered in this State in accordance with **【P.L.1981, c.243**
 10 **(C.2A:4-30.24 et seq.)】** the "Uniform Interstate Family Support Act,"
 11 P.L. , c. (C.)(pending before the Legislature as Assembly Bill
 12 No.1646).

13 (cf: P.L.1996, c.7, s.11)

14

15 32. Section 1 of P.L.1991, c.384 (C.5:9-13.1) is amended to read
 16 as follows:

17 1. a. The Director of the Division of the State Lottery in the
 18 Department of the Treasury and the Director of the Division of Family
 19 Development in the Department of Human Services shall initiate an
 20 ongoing data exchange in the Office of Telecommunications and
 21 Information Systems in the Department of the Treasury before a
 22 payment is made of a State lottery prize in excess of**【\$1,000】** \$600.

23 b. A delinquent Title IV-D obligor who is an annuity award winner
 24 shall be prohibited from assigning the annuity award.

25 (cf: P.L.1995, c.333, s.1)

26

27 33. Section 2 of P.L.1991, c.384 (C.5:9-13.2) is amended to read
 28 as follows:

29 2. The **【Director of the Division of Economic Assistance】**
 30 Commissioner of Human Services shall periodically supply the Office
 31 of Telecommunications and Information Systems with a list of:

32 a. those individuals in arrears of a court ordered child support
 33 obligation; and

34 b. those former recipients of Aid to Families with Dependent
 35 Children, pursuant to P.L.1959, c.86 (C.44:10-1 et seq.) or Work First
 36 New Jersey, pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), food
 37 stamp benefits issued pursuant to Pub.L. 95-113, Title XIII
 38 (7 U.S.C. s.2011 et seq.), or low-income home energy assistance
 39 benefits issued pursuant to Pub.L. 97-35, Title XXVI (42 U.S.C.
 40 s.8621 et seq.) who incurred an overpayment which has not been
 41 repaid.

42 (cf: P.L.1991, c.384, s.2)

43

44 34. Section 4 of P.L.1991, c.384 (C.5:9-13.4) is amended to read
 45 as follows:

46 4. The Office of Telecommunications and Information Systems

1 shall cross check the lottery list with the data supplied by the
2 **【Director of the Division of Economic Assistance】** Commissioner of
3 Human Services for a social security number match. If a match is
4 made, the Office of Telecommunications and Information Systems
5 shall notify the **【Division of Economic Assistance】** Commissioner of
6 Human Services.

7 (cf: P.L.1991, c.384, s.4)

8

9 35. Section 5 of P.L.1991, c.384 (C.5:9-13.5) is amended to read
10 as follows:

11 5. If a lottery prize claimant is in arrears of a child support order,
12 or is a former recipient of Aid to Families with Dependent Children
13 or Work First New Jersey, food stamp benefits or low-income home
14 energy assistance benefits who has incurred an overpayment which has
15 not been repaid, the **【Division of Economic Assistance】** Department
16 of Human Services shall promptly notify the Department of the
17 Treasury and the Division of the State Lottery of the claimant's name,
18 address, social security number and amount due on an arrears child
19 support order or the amount due on an overpayment. The Department
20 of the Treasury shall withhold this amount from the pending lottery
21 payment and transmit same to the Department of Human Services or
22 appropriate county probation department **】** Probation Division, as the
23 case may be, in accordance with regulations promulgated by the State
24 Treasurer.

25 (cf:P.L.1991,c.384,s.5)

26

27 36. Section 6 of P.L.1991, c.384 (C.5:9-13.6) is amended to read
28 as follows:

29 6. The county welfare agency which provided the public assistance
30 benefits or the **【county probation office】** Probation Division, acting as
31 agent for the child support payee, shall have a lien on the proceeds of
32 the State lottery prize in an amount equal to the amount of child
33 support arrearage or the amount of overpayment incurred.

34 The lien imposed by this act shall be enforceable in the Superior
35 Court.

36 (cf: P.L.1991, c.384, s.6)

37

38 37. Section 9 of P.L.1991, c.384 (C.5:9-13.9) is amended to read
39 as follows:

40 9. The costs associated with or necessary for the implementation
41 of P.L.1991, c.384 (C.5:9-13.1 et seq.) shall be borne by the **【Division**
42 **of Economic Assistance in the】**Department of Human Services.

43 (cf: P.L.1991, c.384, s.9)

44

45 38. Section 4 of P.L.1983, c.17 (C.9:17-41) is amended to read as
46 follows:

1 4. The parent and child relationship between a child and:

2 a. The natural mother, may be established by proof of her having
3 given birth to the child, or under ~~["this act"] P.L.1983, c.17 (C.9:17-38~~
4 ~~et seq.)~~;

5 b. The natural father, may be established by proof that his
6 paternity has been adjudicated under prior law; under the laws
7 governing probate; by giving full faith and credit to a determination of
8 paternity made by any other state or jurisdiction, whether established
9 through voluntary acknowledgment or through judicial or
10 administrative processes; by a Certificate of Parentage as provided in
11 section 7 of P.L.1994, c.164 (C.26:8-28.1) that is executed by the
12 father, including an unemancipated minor, prior to or after the birth
13 of a child, and filed with the appropriate State agency; by a default
14 judgment or order of the court; or by an order of the court based on
15 a blood test or genetic test that meets or exceeds the specific threshold
16 probability as set by ¹~~["the"]~~ ¹ ~~["State"]~~ ¹ ~~["Commissioner of Human~~
17 ~~Services,]~~ subsection i. of section 11 of P.L.1983, c.19 (C.9:17-48)¹
18 creating a ¹~~["conclusive"]~~ rebuttable ¹ presumption of paternity; ~~["or~~
19 ~~under this act"]~~

20 In accordance with section 331 of Pub.L.104-193, a signed
21 voluntary acknowledgment of paternity shall be considered a legal
22 finding of paternity subject to the right of the signatory to rescind the
23 acknowledgment within 60 days of the date of signing, or by the date
24 of establishment of a support order to which the signatory is a party,
25 whichever is earlier.

26 The adjudication of paternity shall only be voided upon a finding
27 that there exists clear and convincing evidence of: fraud, duress or a
28 material mistake of fact, with the burden of proof upon the challenger;

29 c. An adoptive parent, may be established by proof of adoption;

30 d. The natural mother or the natural father, may be terminated by
31 an order of a court of competent jurisdiction in granting a judgment of
32 adoption or as the result of an action to terminate parental rights.

33 e. The establishment of the parent and child relationship pursuant
34 to subsections a., b., and c. of this section shall be the basis upon
35 which an action for child support may be brought by a party and acted
36 upon by the court without further evidentiary proceedings.

37 f. In any case in which the parties execute a Certificate of
38 Parentage or a ¹["conclusive"] rebuttable¹ presumption of paternity is
39 created through genetic testing, the presumptions of paternity under
40 section 6 of P.L.1983, c.17 P.L.1983, c.17 (C.9:17-43) shall not
41 apply.

42 g. Pursuant to the provisions of section 331 of Pub.L.104-193, the
43 child and other parties in a contested paternity case shall submit to a
44 genetic test upon the request of one of the parties, unless that person
45 has good cause for refusal, if the request is supported by a sworn
46 statement by the requesting party:

1 (1) alleging paternity and setting forth the facts establishing a
2 reasonable possibility of the requisite sexual contact between the
3 parties; or

4 (2) denying paternity and setting forth the facts establishing a
5 reasonable possibility of the nonexistence of sexual contact between
6 the parties.

7 h. In a contested paternity case in which the State IV-D agency
8 requires¹ or the court orders¹ genetic testing, the State IV-D agency
9 shall:

10 (1) pay the costs of the genetic test and may recoup payment from
11 the alleged father whose paternity is established; and

12 (2) obtain additional testing if the initial test results are contested,
13 and upon the request and advance payment for the additional test by
14 the contestant.

15 (cf: P.L.1997, c.376, s.3)

16
17 39. Section 8 of P.L.1983, c.17 (C.9:17-45) is amended to read as
18 follows:

19 8. a. A child, a legal representative of the child, the natural
20 mother, the estate or legal representative of the mother, if the mother
21 has died or is a minor, a man alleged or alleging himself to be the
22 father, the estate or legal representative of the alleged father, if the
23 alleged father has died or is a minor, the Division of **Public Welfare**
24 Family Development in the Department of Human Services, or the
25 county welfare agency, or any person with an interest recognized as
26 justiciable by the court may bring or defend an action or be made a
27 party to an action at any time for the purpose of determining the
28 existence or nonexistence of the parent and child relationship.

29 b. No action shall be brought under **this act** P.L.1983, c.17
30 (C.9:17-38 et seq.) more than 5 years after the child attains the age of
31 majority.

32 c. The death of the alleged father shall not cause abatement of any
33 action to establish paternity, and an action to determine the existence
34 or nonexistence of the parent and child relationship may be instituted
35 or continued against the estate or the legal representative of the
36 alleged father.

37 d. Regardless of its terms, an agreement, other than an agreement
38 approved by the court in accordance with subsection **11c.** of
39 section 11 of P.L.1983, c.17 (C.9:17-48) between an alleged or
40 presumed father and the mother of the child, shall not bar an action
41 under this section.

42 e. If an action under this section is brought before the birth of the
43 child, all proceedings shall be stayed until after the birth, except
44 service of process and the taking of depositions to perpetuate
45 testimony. The court may consider the issue of medical expenses and
46 may order the alleged father to pay the reasonable expenses of the

1 mother's pregnancy and postpartum disability. Bills for pregnancy,
2 childbirth and genetic testing are admissible as evidence without
3 requiring third party foundation testimony, and shall constitute prima
4 facie evidence of the amounts incurred for such services or for testing
5 on behalf of the child.

6 f. This section does not extend the time within which a right of
7 inheritance or a right to succession may be asserted beyond the time
8 provided by law relating to distribution and closing of decedents'
9 estates or to the determination of heirship, or otherwise.

10 (cf: P.L.1983, c.17, s.8)

11

12 40. Section 11 of P.L.1983, c.17 (C.9:17-48) is amended to read
13 as follows:

14 11. a. As soon as practicable after an action to declare the
15 existence or nonexistence of the father and child relationship has been
16 brought, a consent conference shall be held by the Superior Court,
17 Chancery Division, Family Part intake service, the **【**county probation
18 department**】** Probation Division or the county welfare agency. At the
19 request of either party, the determination of paternity may be referred
20 directly to the court in lieu of the consent process. A court appearance
21 shall be scheduled in the event that a consent agreement cannot be
22 reached.

23 b. On the basis of the information produced at the conference, an
24 appropriate recommendation for settlement shall be made to the
25 parties, which may include any of the following:

- 26 (1) That the action be dismissed with or without prejudice; or
27 (2) That the alleged father voluntarily acknowledge his paternity
28 of the child.

29 c. If the parties accept a recommendation made in accordance with
30 subsection b. of this section, which has been approved by the court,
31 judgment shall be entered or a Certificate of Parentage shall be
32 executed accordingly.

33 d. If a party refuses to accept a recommendation made under
34 subsection b. of this section or the consent conference is terminated
35 because it is unlikely that all parties would accept a recommendation
36 pursuant to subsection b. of this section, and blood tests or genetic
37 tests have not been taken, the county welfare agency shall require or
38 the court shall **【**require**】** order the child and the parties to submit to
39 blood tests or genetic tests **【**if the court determines that there is an
40 articulable reason for suspecting that the alleged father is the natural
41 father. The tests shall be scheduled within 10 days and shall be
42 performed by qualified experts. Thereafter the Family Part intake
43 service, with the approval of the court, shall make an appropriate final
44 recommendation **】** unless a party claims, and the county welfare agency
45 or the court finds, good cause for not ordering the tests. The court
46 may hear and decide motions to challenge a directive issued by the

1 county welfare agency requiring a party to submit to blood or genetic
2 tests. A genetic test shall be ordered upon the request of either party,
3 if the request is supported by a sworn statement by the requesting
4 party which alleges paternity and sets forth the facts establishing a
5 reasonable possibility of the requisite sexual contact between the
6 parties or denies paternity and sets forth the facts establishing a
7 reasonable possibility of the nonexistence of sexual contact between
8 the parties. If a party refuses to **[accept the final recommendation]**
9 acknowledge paternity based upon the blood or genetic test results,
10 the action shall be set for **[trial] a hearing¹ [**, except when the results
11 of the blood test or genetic test indicate that the specific threshold
12 probability as set by the State to establish paternity has been met or
13 exceeded]¹.

14 If the results of the blood test or genetic test indicate that the
15 specific threshold probability, as **[set by the State] ¹[adopted by**
16 regulation by the commissioner,] set by subsection i. of this section¹
17 to establish paternity has been met or exceeded, the results shall be
18 received in evidence as a ¹**[conclusive] rebuttable¹** presumption of
19 paternity **[and no] without requiring any** additional foundation
20 testimony or proof of authenticity or accuracy **[shall be required to**
21 establish paternity] of the paternity testing or results. In actions based
22 on allegations of fraud or inaccurate analysis, the court or the county
23 welfare agency shall require that **[the] additional blood [test] or**
24 **genetic [test] tests** be scheduled within 10 days of the request and be
25 performed by qualified experts. **[The test] Additional blood or**
26 genetic tests shall be paid for in advance by the **[moving] requesting**
27 party.

28 If a party objects to the results of the blood [test] or genetic [test]
29 tests, the party shall make the objection to the appropriate agency, in
30 writing, within 10 days of **[receipt of the results] the consent**
31 conference or hearing.

32 e. The guardian ad litem may accept or refuse to accept a
33 recommendation under this section.

34 f. (Deleted by amendment, P.L.1994, c.164).

35 g. No evidence, testimony or other disclosure from the consent
36 conference shall be admitted as evidence in a civil action except by
37 consent of the parties. However, blood tests or genetic tests ordered
38 pursuant to subsection d. of this section **[may] shall** be admitted as
39 evidence.

40 h. The refusal to submit to a blood test or genetic test required
41 pursuant to subsection d. of this section, or both, shall be admitted
42 into evidence and shall give rise to the presumption that the results of
43 the test would have been unfavorable to the interests of the party who
44 refused to submit to the test. Refusal to submit to a blood test or
45 genetic test, or both, is also subject to the contempt power of the

1 court.

2 i.¹ Blood test or genetic test results indicating a 95% or greater
3 probability that the alleged father is the father of the child shall create
4 a presumption of paternity which may be rebutted only by clear and
5 convincing evidence that the results of the test are not reliable in that
6 particular case.

7 j.¹ If a party refuses to acknowledge paternity or does not appear
8 at a consent conference conducted by the county welfare agency, the
9 county welfare agency shall refer the matter to the court for
10 adjudication. For purposes of establishing paternity, the blood or
11 genetic test results shall be admitted into evidence at the hearing
12 without the need for foundation testimony or other proof of
13 authenticity or accuracy, unless an objection is made.

14 (cf: P.L.1997, c.376, s.4)

15

16 41. Section 16 of P.L.1983, c.17 (C.9:17-53) is amended to read
17 as follows:

18 16. a. The judgment or order of the court or a Certificate of
19 Parentage determining the existence or nonexistence of the parent and
20 child relationship is determinative for all purposes.

21 b. If the judgment or order of the court is at variance with the
22 child's birth certificate, the court shall order that an amendment to the
23 original birth record be made under section 22 of P.L.1983, c.17
24 (C.9:17-59).

25 c. The judgment or order may contain any other provision directed
26 against the appropriate party to the proceeding concerning the duty of
27 support, the custody and guardianship of the child, visitation privileges
28 with the child, the furnishing of bond or other security for the payment
29 of the judgment, the repayment of any public assistance grant, or any
30 other matter in the best interests of the child. The judgment or order
31 may direct the father to pay the reasonable expenses of the mother's
32 pregnancy and postpartum disability, including repayment to an agency
33 which provided public assistance funds for those expenses. Bills for
34 pregnancy, childbirth and blood or genetic testing are admissible as
35 evidence without requiring third party foundation testimony, and shall
36 constitute prima facie evidence of the amounts incurred for these
37 services or for testing on behalf of the child.

38 d. Support judgments or orders ordinarily shall be for periodic
39 payments, which may vary in amount. In the best interests of the
40 child, the purchase of an annuity may be ordered in lieu of periodic
41 payments of support. The court may limit a parent's liability for past
42 support of the child to the proportion of the expenses already incurred
43 that the court deems just.

44 e. In determining the amount to be paid by a parent for support of
45 the child and the period during which the duty of support is owed, **[a]**
46 the court [enforcing the obligation of support] shall apply the child

1 support guidelines as defined in section 3 of P.L. , c. (C.)(pending
2 before the Legislature as this act). In cases in which the court finds
3 that a deviation from these guidelines is appropriate, the court shall
4 consider all relevant facts when determining the amount of support,
5 including the:

- 6 (1) needs of the child;
- 7 (2) standard of living and economic circumstances of each parent;
- 8 (3) income and assets of each parent, including any public
9 assistance grant received by a parent;
- 10 (4) Earning ability of each parent, including educational
11 background, training, employment skills, work experience, custodial
12 responsibility for children and the length of time and cost for each
13 parent to obtain training or experience for appropriate employment;
- 14 (5) Need and capacity of the child for education, including higher
15 education;
- 16 (6) age and health of the child and each parent;
- 17 (7) Income, assets and earning ability of the child;
- 18 (8) Responsibility of the parents for the support of others; and
- 19 (9) Debts and liabilities of each child and parent.

20 The factors set forth herein are not intended to be exhaustive. The
21 court may consider such other factors as may be appropriate under the
22 circumstances.

23 f. Upon a motion by a party, the court shall enter a temporary
24 support order pending a judicial determination of parentage if there is
25 clear and convincing evidence of paternity supported by blood or
26 genetic test results or other evidence.

27 (cf: P.L.1983, c.17, s.16)

28

29 42. R.S.26:8-28 is amended to read as follows:

30 26:8-28. a. Within five days after each birth, there shall be filed
31 with the local registrar of the district in which the birth occurred a
32 certificate of the birth filled out with durable black or blue ink in a
33 legible manner. The name of the father shall be included on the record
34 of birth of the child of unmarried parents only if the father and mother
35 have signed a voluntary acknowledgment of paternity; or a court or an
36 administrative agency of competent jurisdiction has issued an
37 adjudication of paternity.

38 Nothing in this section shall preclude the State IV-D agency from
39 obtaining an admission of paternity from the father for submission in
40 a judicial or administrative proceeding, or prohibit the issuance of an
41 order in a judicial or administrative proceeding which bases a legal
42 finding of paternity on an admission of paternity by the father and any
43 other additional showing required by State law.

44 b. **[**In accordance with the provisions of the federal "Family
45 Support Act of 1988," Pub.L.100-485, and section 13721 of
46 Pub.L.103-66 (42 U.S.C. s.666), as **]** As part of the birth record, all

1 information required by the State IV-D agency pursuant to section 7
2 of P.L.1994, c.164 (C.26:8-28.1) shall be recorded on a separate form
3 provided or approved by the State registrar pursuant to subsection c.
4 of R.S.26:8-24, and filed with the State IV-D agency pursuant to
5 R.S.26:8-30 and R.S.26:8-31 for the establishment and enforcement
6 of child support matters in the State. For the purposes of this
7 subsection, "State IV-D agency" means the agency in the Department
8 of Human Services designated to administer the Title IV-D Child
9 Support Program.

10 c. The State registrar shall require each parent to provide his Social
11 Security number in accordance with procedures established by the
12 State registrar. The Social Security numbers furnished pursuant to this
13 section shall be used exclusively for child support enforcement
14 purposes.

15 d. The certificate of birth shall include the blood type of the child.
16 (cf: P.L.1994, c.164, s.3)

17

18 43. Section 7 of P.L.1994, c.164 (C.26:8-28.1) is amended to read
19 as follows:

20 7. A Certificate of Parentage may serve to satisfy the method of
21 collection of Social Security numbers as required pursuant to
22 subsection c. of R.S.26:8-28 and shall serve as the voluntary
23 acknowledgement of paternity by a father. The Certificate of
24 Parentage shall contain, at a minimum, the following information:

25 a. a sworn statement by the father that he is the natural father of
26 the child;

27 b. the Social Security numbers, except in those cases in which a
28 person is ineligible to apply for one, and addresses of the father and
29 mother;

30 c. the signature of the mother and father authenticated by a witness
31 or notary; and

32 d. instructions for filing the Certificate of Parentage with the
33 agency designated by the State IV-D agency.

34 In addition, the State IV-D agency, in cooperation with birthing
35 centers and hospitals providing maternity services and social services
36 or health care providers as designated by the Commissioner of Human
37 Services that may provide voluntary acknowledgment or paternity
38 services, shall provide **[written]** information orally, or through the use
39 of video or audio equipment, and in writing to the father and mother
40 of the child explaining the implications of signing a Certificate of
41 Parentage, including the parental rights, responsibilities and financial
42 obligations, as well as the availability of paternity establishment
43 services and child support enforcement services.

44 (cf: P.L.1994, c.164, s.7)

45

46 44. R.S.26:8-30 is amended to read as follows:

1 26:8-30. The attending physician, midwife or person acting as the
2 agent of the physician or midwife, who was in attendance upon the
3 birth shall be responsible for the proper execution and return of a
4 certificate of birth, which certificate shall be upon the form provided
5 or approved by the State department, and for making available to the
6 mother and natural father a Certificate of Parentage along with related
7 information as required by the State IV-D agency and pursuant to
8 section 452(a)(F) of the federal Social Security Act
9 (42 U.S.C.652(a)(F)). It shall be the responsibility of personnel at the
10 hospital or birthing facility to offer an opportunity to the child's natural
11 father to execute a Certificate of Parentage. Failure of the natural
12 father or mother to execute the Certificate of Parentage and the date
13 of the request shall be noted on the Certificate of Parentage. The
14 Certificate of Parentage shall be filed with the State IV-D agency or
15 its designee. The provision of services related to paternity
16 acknowledgment shall not be required when a legal action is pending
17 in the case, such as adoption, or State law prohibits such intervention.

18 For the purposes of this section, "State IV-D agency" means the
19 agency in the Department of Human Services designated to administer
20 the Title IV-D Child Support Program.

21 A signed voluntary acknowledgment of paternity may be challenged
22 in court within 60 days from the date of the signing of the Certificate
23 of Parentage or by the date of the establishment of a support order to
24 which the signatory is a party, whichever date is earlier. The challenge
25 may be made only on the basis of fraud, duress, or material mistake of
26 fact, with the burden of proof upon the challenger, and the legal
27 responsibilities of any signatory arising from the acknowledgment may
28 not be suspended during the challenge, except for good cause shown.
29 A signed voluntary acknowledgment of paternity shall be considered
30 a legal finding of paternity with the same force and effect as a court
31 order or judgment establishing paternity. No judicial or administrative
32 proceedings are required to ratify an unchallenged acknowledgment of
33 paternity.

34 (cf: P.L.1994, c.164, s.4)

35

36 45. R.S.37:1-17 is amended to read as follows:

37 37:1-17. On the marriage license shall be the form for the certificate
38 of marriage in quadruplicate, to which the licensing officer shall have
39 set forth particularly therein the name, age, parentage, race,
40 birthplace, residence, Social Security number and condition (whether
41 single, widowed or divorced) of each of the married persons, and the
42 names and county of birth of their parents. The Social Security number
43 shall be kept confidential and may only be released for child support
44 enforcement purposes, and shall not be considered a public record
45 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). The person by whom
46 or the religious society, institution, or organization by or before which,

1 the marriage was solemnized, shall personally or by legally authorized
2 agent subscribe where indicated on the form the date and place of the
3 marriage. Each certificate of marriage shall also contain the signature
4 and residence of at least two witnesses who were present at the
5 marriage ceremony.

6 (cf: P.L.1980, c. 128, s.1)

7

8 46. Section 12 of P.L.1983, c.17 (C.9:17-49) is amended to read
9 as follows:

10 12. a. An action under this act is a civil action governed by the
11 **【rules of court】** Rules Governing the Courts of the State of New
12 Jersey.

13 b. The trial shall be by the court without a jury【, unless a party to
14 the action shall file with the court a written request for a trial by jury
15 within 10 days after service of the complaint. The complaint shall
16 contain a notice to all parties that they may request a jury trial within
17 10 days of the service of the complaint】.

18 (cf: P.L.1983, c.17, s.12)

19

20 47. The following are repealed:

21 Section 1 of P.L.1981, c.417 (C.2A:17-56.7);

22 Sections 1 and 14 of P.L.1985, c.278 (C.2A:17-56.26 and 2A:17-
23 56.17); and

24 Section 2 of P.L.1996, c.7 (C.2A:17-56.40).

25

26 48. This act shall take effect immediately.

ASSEMBLY, No. 1645

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JANUARY 29, 1998

Sponsored by:

Assemblyman MELVIN COTTRELL

District 30 (Burlington, Monmouth and Ocean)

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Cosponsored by:

Assemblymen O'Toole, Moran, Felice, Talarico, T. Smith, DiGaetano and Zecker

SYNOPSIS

"New Jersey Child Support Program Improvement Act."

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning child support reform and revising parts of
2 statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) This act shall be known and may be cited as the
8 "New Jersey Child Support Program Improvement Act."

9

10 2. (New section) The Legislature finds and declares that:

11 a. Title III of the federal "Personal Responsibility and Work
12 Opportunity Reconciliation Act of 1996," Pub.L.104-193, provides
13 New Jersey with the authority and guidance to structure and
14 administer an effective and efficient child support program that is
15 accessible to all the citizens of this State needing its services;

16 b. Work and the timely payment of child support promote the best
17 interests of all families with children;

18 c. The expeditious establishment of paternity and child support
19 obligations is integral to the development of a safety net for
20 participants in the Work First New Jersey program established
21 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) and their children.
22 With the implementation of the Work First New Jersey program and
23 its time-limited benefits, the establishment of child support orders and
24 the collection of child support are essential to the ability of families to
25 achieve and maintain self-sufficiency;

26 d. The early establishment of paternity and child support orders
27 creates a basis for individual security and family stability, and fosters
28 an understanding of personal responsibility in children and teenagers;

29 e. The efficient establishment of paternity and support obligations,
30 and the effective enforcement and collection of child support
31 obligations pursuant to the provisions of Pub.L.104-193, will
32 maximize the federal funding available to New Jersey for these
33 services; and

34 f. The provisions of this act incorporate and expand the
35 fundamental concepts of P.L.1981, c.417 (C.2A:17-56.7 et al.) and
36 comply with the federal initiatives embodied in Pub.L.104-193;

37

38 3. (New section) As used in P.L. , c. (C.)(pending before the
39 Legislature as this bill), P.L.1981, c.417 (C.2A:17-56.7 et al.),
40 P.L.1988, c.111 (C.2A:17-56.23a), sections 13, 17 through 20 and 22
41 of P.L.1985, c.278 (C.2A:17-56.16, 2A:17-56.20 through 2A:17-
42 56.23, and 2A:17-56.25), P.L.1990, c.53 (C.2A:17-56.13a), sections
43 5 and 6 of P.L.1990, c.92 (C.2A:17-56.9a and 2A:17-56.9b),

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 P.L.1995, c.287 (C.2A:17-56.11a), P.L.1995, c.290 (C.2A:17-
2 56.11b), P.L.1995, c.322 (C.2A:17-56.34 et seq.) and P.L.1996, c.7
3 (C.2A:17-56.40 et al.):

4 "Account" means a demand deposit account, checking or negotiable
5 order of withdrawal account, savings account, time deposit account,
6 equity securities account or money market mutual fund account.

7 "Administrative enforcement" means the use of high volume automated
8 data processing to search various State data bases, including, but not
9 limited to, license records, employment service data and State new hire
10 registries, to determine whether information is available in response to
11 a request made by another jurisdiction to enforce a support order.

12 "Appropriate enforcement methods" means mechanisms such as
13 income withholding, withholding of civil lawsuits, and execution of the
14 assets of the obligor which can result in immediate payment of the
15 child support arrearage when available. In appropriate cases, the
16 license revocation process may be used as an alternative to Rule 5:7-5
17 of the court rules.

18 "Arrearage" means the amount of unpaid support as determined by
19 a court order or an administrative order from a state for support of a
20 child or of a child and the custodial parent.

21 "Child" means a person, whether over or under the age of majority,
22 who is or is alleged to be owed a duty of child support by that person's
23 parent or who is or is alleged to be the beneficiary of a support order
24 directed to the parent.

25 "Child support" means the amount required to be paid under a
26 judgment, decree, or order, whether temporary, final or subject to
27 modification, issued by the Superior Court, Chancery Division, Family
28 Part or a court or administrative agency of competent jurisdiction of
29 another state, for the support and maintenance of a child, or the
30 support and maintenance of a child and the parent with whom the child
31 is living, which provides monetary support, health care coverage, any
32 arrearage or reimbursement, and which may include other related costs
33 and fees, interest and penalties, income withholding, attorney's fees
34 and other relief.

35 "Child support related warrant" means an outstanding warrant for
36 the arrest of a child support obligor or putative father issued by the
37 court for failure to pay child support as ordered, failure to appear at
38 a hearing to establish paternity or child support, or failure to appear
39 at a hearing to enforce a child support order.

40 "Commissioner" means the Commissioner of Human Services.

41 "Court" means the Superior Court, Chancery Division, Family Part.

42 "Court order" means an order of the court or an order from an
43 administrative or judicial tribunal in another state that is competent to
44 enter or modify orders for paternity or child support.

45 "Court rules" means the Rules Governing the Courts of the State of
46 New Jersey.

1 "Credit reporting agency" means a nationally recognized credit
2 reporting agency as approved by the commissioner and defined in the
3 federal Fair Credit Reporting Act (15 U.S.C. s. 1681a(f)) as any entity
4 which, for monetary fees, dues, or on a cooperative nonprofit basis,
5 regularly engages in whole or in part in the practice of assembling or
6 evaluating consumer credit information or other information on
7 consumers for the purpose of furnishing reports to third parties and
8 which uses any means or facility of interstate commerce for the
9 purpose of preparing or furnishing consumer reports.

10 "Custodial parent" means the parent or other person who has legal
11 and physical custody of a child for the majority of the time. The
12 custodial parent is responsible for the day-to-day decisions related to
13 the child and for providing the basic needs of the child on a daily basis.
14 The custodial parent is the person to whom child support is payable.
15 In shared parenting situations, the custodial parent is known as the
16 Parent of Primary Residence.

17 "Default order" means a court order entered due to a party's failure
18 to answer a complaint or motion or to appear at a court proceeding as
19 required, after being properly served with notice.

20 "Department" means the Department of Human Services.

21 "Employee" means an individual who is an employee within the
22 meaning of chapter 24 of the Internal Revenue Code of 1986.
23 Employee does not include an employee of a federal or state agency
24 performing intelligence or counter-intelligence functions, if the head
25 of such agency has determined that reporting could endanger the
26 safety of the employee or compromise an ongoing investigation or
27 intelligence mission.

28 "Employer" has the meaning given the term in section 3401(d) of
29 the Internal Revenue Code of 1986 and includes any governmental
30 entity and labor organization.

31 "Financial institution" means: a depository institution as defined in
32 12 U.S.C. s.1813(c); an institution affiliated party as defined in 12
33 U.S.C. s.1813(u); a federal or State credit union as defined in 12
34 U.S.C. s.1752, including an institution affiliated party of a credit union
35 as defined in 12 U.S.C. s.1786(r); a benefit association, insurance
36 company, safe deposit company, money market mutual fund,
37 investment and loan corporation or similar entity authorized to do
38 business in this State.

39 "Health care coverage" means cash medical support, health insurance,
40 dental insurance, eye care, pharmaceutical assistance and other types
41 of medical support which are ordered by the court to maintain the
42 health coverage of a child.

43 "Income" for the purposes of enforcing a support order, means, but
44 is not limited to, commissions, salaries, earnings, wages, rent monies,
45 unemployment compensation, workers' compensation, any legal or
46 equitable interest or entitlement owed that was acquired by a cause of

1 action, suit, claim or counterclaim, insurance benefits, claims,
2 accounts, assets of estates, inheritances, trusts, federal or State income
3 tax refunds, homestead rebates, State lottery prizes, casino and
4 racetrack winnings, annuities, retirement benefits, veteran's benefits,
5 union benefits, or any other source that may be defined as income or
6 other property subject to withholding for child support pursuant to
7 State law.

8 For the purposes of establishing a support order, income is defined
9 pursuant to the child support guidelines in Appendix IX of the court
10 rules.

11 "Labor organization" means a labor organization as defined in
12 paragraph (5) of section 2 of the federal "National Labor Relations
13 Act" (29 U.S.C. s.152) and includes any entity used by the
14 organization and an employer to carry out the requirements of
15 paragraph (3) of subsection (f) of section 8 of that act (29 U.S.C.
16 s.158(f)(3)) or an agreement between the organization and the
17 employer.

18 "License" means any license, registration or certificate issued by the
19 State or its agencies or boards that is directly necessary to provide a
20 product or service for compensation, to operate a motor vehicle, or for
21 recreational or sporting purposes.

22 "Licensing authority" means any department, division, board,
23 agency or other instrumentality of State government that issues a
24 license, registration, certificate or other authorization to provide
25 goods or services for compensation, to operate a motor vehicle, or for
26 recreational or sporting purposes.

27 "Non-custodial parent" means the parent who does not have
28 physical custody of the child on a day-to-day basis. In shared parenting
29 situations, the non-custodial parent is known as the Parent of Alternate
30 Residence.

31 "Obligee" means an individual to whom a duty of support is or is
32 alleged to be owed or in whose favor a support order has been issued
33 or a judgment determining parentage has been rendered; a state or
34 political subdivision to which the rights under a duty of support or
35 support order have been assigned or which has independent claims
36 based on financial assistance provided to an individual obligee; or an
37 individual seeking a judgment determining parentage of the individual's
38 child or providing for the support of a child.

39 "Obligor" means an individual, or the estate of a decedent, who
40 owes or is alleged to owe a duty of support, who is alleged but has not
41 been adjudicated to be a parent of a child, or who is liable under a
42 support order.

43 "Payor" means an employer or individual or entity that disburses
44 or is in possession of income or assets payable to an obligor.

45 "Probation Division" means the Probation Division of the Superior
46 Court, Chancery Division, Family Part.

1 "RURESA" means the "Revised Uniform Reciprocal Enforcement
2 of Support Act (1968)," adopted in New Jersey as P.L.1981, c.243
3 (C.2A:4-30.24 et seq.).

4 "Spousal support" means a legally enforceable obligation assessed
5 against a person for the support of a spouse or former spouse who is
6 the custodial parent of a child to whom the person owes child support.

7 "State case registry" means the automated system maintained by the
8 State IV-D agency that contains federally required information on
9 child support cases.

10 "State IV-D agency" means the Department of Human Services.

11 "Support guidelines" means the set of presumptive standards for
12 determining the amount of child support as established by the court in
13 court rules.

14 "Support order" means a judgment, decree or order, whether
15 temporary, final or subject to modification, for the benefit of a child,
16 a spouse or a former spouse, issued by the court or a court or
17 administrative agency of another state, which provides for monetary
18 support, health care coverage, arrearages or reimbursement, and may
19 include related costs and fees, interest, income withholding, attorney's
20 fees and other relief.

21 "TANF" means the "Temporary Assistance to Needy Families"
22 program established pursuant to Title IV-A of the federal Social
23 Security Act (42 U.S.C. s.601 et seq.). TANF includes the Work First
24 New Jersey program for dependent children and their parents
25 established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

26 "Title IV-D" means Title IV-D of the federal Social Security Act
27 (42 U.S.C. s.651 et seq.).

28 "Title IV-D case" means a case under Title IV-A of the federal
29 Social Security Act (42 U.S.C. s.601 et seq.) that involves an
30 assignment of support rights, an appropriate referral under Title IV-E
31 of the federal Social Security Act (42 U.S.C. s.670 et seq.), a non-
32 public assistance case or a Medicaid only case, in which an application
33 for Title IV-D services has been filed and a fee paid, as appropriate,
34 with the department, or an interstate case referred to the department
35 by another jurisdiction.

36 "UIFSA" means the "Uniform Interstate Family Support Act" to be
37 adopted by each state to replace RURESA pursuant to Pub.L. 104-193.
38

39 4. (New section) Subject to safeguards on privacy and information
40 security and appropriate procedural due process requirements
41 including, as appropriate, notice, the opportunity to contest and notice
42 of the right to appeal to the court, the department is authorized to take
43 the following actions relating to the establishment of paternity or to
44 the establishment, modification or enforcement of support orders,
45 without the necessity of obtaining an order from the court, and to
46 recognize and enforce the authority of state agencies of other states to

1 take the following actions:

2 a. Require genetic testing for the purpose of paternity
3 establishment;

4 b. (1) Subpoena any financial or other information needed for the
5 establishment, modification or enforcement of a support order; and

6 (2) impose a civil penalty for failure to respond to a subpoena
7 which shall not exceed: \$25 per violation, or, if the failure to respond
8 is the result of a conspiracy between the entity and the non-custodial
9 parent not to supply the required information or to supply inaccurate
10 or incomplete information, \$500. Payment of the penalty may not be
11 required, however, if in response to the imposition of the penalty, the
12 person or entity complies immediately with the subpoena. All
13 penalties assessed under this section shall be payable to the State
14 Treasurer and may be recovered in a summary proceeding pursuant to
15 "the penalty enforcement law," N.J.S.2A:58-1 et seq.;

16 c. (1) Request that any entity including for-profit, nonprofit and
17 government employers, respond promptly to a request by the
18 department or any out-of-State IV-D agency for information on the
19 employment, compensation and benefits of any individual employed by
20 the entity as an employee or contractor; and

21 (2) impose a civil penalty for failure to respond to any request
22 which shall not exceed: \$25 per violation, or, if failure to respond is
23 the result of a conspiracy between the entity and the non-custodial
24 parent not to supply the required information or to supply inaccurate
25 or incomplete information, \$500. Payment of the penalty may not be
26 required, however, if in response to the imposition of the penalty, the
27 person or entity complies immediately with the subpoena. All
28 penalties assessed under this section shall be paid to the State
29 Treasurer and may be recovered in a summary proceeding pursuant to
30 "the penalty enforcement law," N.J.S.2A:58-1 et seq.;

31 d. Subject to the nonliability of entities that afford access, to obtain
32 access, including automated access when feasible, to information
33 contained in the following records:

34 (1) records of other State and local government agencies which
35 include, but are not limited to:

36 (a) records of the Bureau of Vital Statistics in the Department of
37 Health and Senior Services, and other agencies that collect vital
38 statistics, including marriage, death and birth records;

39 (b) records of the Division of Taxation in the Department of the
40 Treasury, and local tax and revenue records including address,
41 employer, income and assets;

42 (c) records concerning real and titled personal property;

43 (d) records of occupational, professional, recreational and sporting
44 licenses and records concerning the ownership and control of
45 corporations, partnerships and other business entities;

46 (e) records of the Department of Labor, including wage,

- 1 unemployment, disability and workers compensation records;
- 2 (f) records of agencies administering public assistance programs;
- 3 (g) records of the Division of Motor Vehicles in the Department
4 of Transportation, including, but not limited to, motor vehicle and
5 commercial license and registration records; and
- 6 (h) records of the Department of Corrections, including records
7 related to State-sentenced inmates and parolees; and
- 8 (2) records held by private entities with respect to individuals who
9 owe or are owed support, or against or with respect to whom a
10 support obligation is sought, including information on the assets and
11 liabilities of individuals held by financial institutions and the names and
12 addresses of the individuals and the names and addresses of the
13 employers of the individuals appearing in customer records of public
14 utilities and cable television companies, pursuant to a subpoena
15 authorized under subsection b. of this section;
- 16 e. Order income withholding in accordance with the provisions of
17 State and federal law;
- 18 f. Direct the obligor or payor to change the payee pursuant to
19 section 7 of P.L.1981, c.417 (C.2A:17-56.13) in cases where support
20 is subject to an assignment or an application for Title IV-D services
21 has been filed;
- 22 g. Secure assets to satisfy arrearages by:
- 23 (1) intercepting or seizing periodic or lump sum payments from:
24 State or local agencies, including unemployment compensation,
25 workers' compensation or other benefits; judgments, settlements and
26 awards; and lotteries;
- 27 (2) developing a bank information matching program and attaching
28 and seizing assets of the obligor held in financial institutions located
29 in this State in accordance with the provisions of P.L. , c,
30 (C.)(pending before the Legislature as this bill);
- 31 (3) attaching public and private retirement funds as permitted
32 under State law; and
- 33 (4) imposing a lien and initiating an execution or levy to force the
34 sale of property and distribution of proceeds in accordance with
35 N.J.S.2A:17-1 through N.J.S.2A:17-4, N.J.S.2A:17-57 through
36 N.J.S.2A:17-76 and applicable court rules;
- 37 h. Require each party subject to a paternity or child support
38 proceeding to file with the court and the State case registry upon the
39 entry of an order and to update, as appropriate, information on the
40 location and the identity of the party, including, but not limited to:
41 Social Security number, telephone number, driver's license number,
42 residential and mailing addresses, and the name, address, and
43 telephone number of the party's employer; and
- 44 i. Unless otherwise ordered by the court, increase the amount of
45 monthly support payments to include amounts for arrearages.

1 5. (New section) For the purposes of enforcing a support
2 provision in an order or judgment, procedural due process
3 requirements may be deemed to have been met with respect to the
4 party upon delivery of written notice to that party's most recent
5 residential or employer address on file with the department, if there is
6 a sufficient showing that diligent efforts have been made to locate the
7 party by making inquiries that may include, but are not limited to, the
8 United States Postal Service, Division of Motor Vehicles in the
9 Department of Transportation, the Department of Labor, and the
10 Department of Corrections. A certification documenting unsuccessful
11 efforts to locate a party shall be provided to the court before any
12 adverse action is taken based on failure of the party to respond to a
13 notice. For the purposes of establishing or modifying the child support
14 provision of a court order or judgment, service of process shall be
15 consistent with court rules or applicable statutes.

16

17 6. (New section) In accordance with regulations adopted by the
18 commissioner, the department shall make the determination as to
19 whether an individual who has applied for or is receiving public
20 assistance or assistance under the State Medicaid program pursuant to
21 P.L.1968, c.413 (C.30:4D-1 et seq.) or the Title IV-E program is
22 cooperating in good faith in establishing the paternity of, or in
23 establishing, modifying or enforcing a support order for any child of
24 the individual by providing the name of the non-custodial parent and
25 such other information as may be required for this purpose. The
26 determination shall be made subject to good cause and other
27 exemptions as specified by the commissioner, by regulation.

28 The department shall notify the individual and appropriate State or
29 county entities administering TANF and appropriate State or county
30 entities administering the State Medicaid program of each
31 determination, and if noncooperation is determined, the basis therefor.

32

33 7. (New section) In any case in which an obligor owes past-due
34 child support with respect to a child receiving assistance under a State
35 program funded under TANF, the department is authorized to petition
36 the court to issue an order that requires the obligor: to pay the support
37 in accordance with a plan approved by the court; or to participate in
38 work activities as ordered by the court, if the obligor is subject to such
39 a plan and is not incapacitated.

40

41 8. (New section) a. Each financial institution doing business in the
42 State shall provide information to the department on all non-custodial
43 parents who maintain an account at the financial institution and who
44 owe past due support.

45 b. In order to provide the information required pursuant to
46 subsection a. of this section, a financial institution shall enter into an

1 agreement and, at its option:

2 (1) identify non-custodial parents by comparing records maintained
3 by the financial institution with records provided by the department by
4 name, address of record and either Social Security number, tax
5 identification number or other identifying information;

6 (2) submit to the department a report that includes the name,
7 address of record and either Social Security number, tax identification
8 number or other identifying information of each individual maintaining
9 an account at the financial institution as shown on its records of that
10 account; or

11 (3) enter into an agreement with the department to provide the
12 name, address of record and either Social Security number, tax
13 identification number or other identifying information in a form and by
14 a method mutually agreeable to the financial institution and the
15 department.

16 c. The department shall enter into a cooperative agreement with
17 financial institutions doing business in this State to provide the
18 information required pursuant to subsection a. of this section on a
19 quarterly basis, by electronic or magnetic media, mail, facsimile or any
20 automated data exchange method or other means authorized by the
21 department. The department shall establish, by regulation, and pay a
22 reasonable fee for the data match provided for in this subsection. To
23 the extent consistent with federal law, the department shall reimburse
24 a financial institution for actual costs that are reasonably and
25 efficiently incurred in conducting the data match provided for in this
26 section.

27 d. In response to a notice of lien or levy, a financial institution
28 shall encumber or surrender, as the case may be, assets held by the
29 financial institution on behalf of any noncustodial parent who is subject
30 to a child support lien pursuant to 42 U.S.C. s.666(a)(4). To the
31 extent consistent with federal law, the encumbrance or surrender shall
32 be subject to any right to any fees and penalties or set-off the financial
33 institution may have against the assets under State law.

34 e. Notwithstanding any other law to the contrary, a financial
35 institution that is directed to levy upon, block, freeze or encumber an
36 account pursuant to the provisions of this section, is entitled to: (1)
37 collect or deduct from the account its reasonable and normally
38 scheduled processing fee for a levy; and (2) collect or deduct its
39 normally scheduled account activity fee to maintain the account for
40 any period the account is blocked, frozen or encumbered. The
41 provisions of this section shall not be construed to preclude a financial
42 institution from exercising its right to charge back or recoup a deposit
43 to an account.

44 f. Notwithstanding any other provision of federal or State law to
45 the contrary, a financial institution shall not be liable under any federal
46 or State law to any person for any disclosure of information to the

1 department for the purpose of establishing, modifying or enforcing a
2 child support obligation of an individual, or for encumbering, holding,
3 refusing to release to the obligor or surrendering any assets held by the
4 financial institution, in response to a notice of lien or levy issued by
5 the department, or for any other action taken in good faith to comply
6 with the requirements of this section, regardless of whether the action
7 was authorized or described pursuant to this section. A financial
8 institution shall not be required to give notice to an account holder or
9 customer that the financial institution has provided information or
10 taken any action pursuant to the provisions of this section. The
11 financial institution shall not be liable for failure to provide the notice.

12 g. In obtaining a financial record of an individual from a financial
13 institution, the department may only disclose the financial information
14 for the purpose of, and to the extent necessary to establish, modify or
15 enforce a child support obligation of the individual.

16 h. If any officer or employee of the department knowingly, or by
17 reason of negligence, discloses a financial record of an individual in
18 violation of subsection g. of this section, the injured individual may
19 bring a civil action for damages against the officer or employee.
20 Unauthorized release of information shall also be cause for
21 administrative discipline of any employee who engages in an
22 unauthorized release.

23 i. No liability shall arise under this section with respect to any
24 disclosure which results from a good faith but erroneous
25 interpretation.

26 j. No financial institution-affiliated party shall be required to
27 provide information required by this section if the financial institution
28 with which the party is affiliated has otherwise provided the required
29 information.

30

31 9. (New section) a. The department shall establish and maintain
32 a State case registry. The department shall regularly monitor cases in
33 the registry with respect to which services are being provided under
34 the State Title IV-D plan. The registry shall include information on:

35 (1) the amount and frequency of support owed and other amounts
36 due or overdue under the support order, including arrearages, interest
37 or late payment penalties and fees;

38 (2) any amounts described in paragraph (1) of this subsection that
39 have been collected;

40 (3) the distribution of collected amounts;

41 (4) the date of birth of any child for whom the support order
42 requires support;

43 (5) the amount of any lien imposed;

44 (6) information on administrative actions and administrative and
45 judicial proceedings and court orders relating to paternity and support;

46 (7) information obtained from comparison with federal, State, or

1 local sources of information; and

2 (8) any other relevant information.

3 b. Beginning October 1, 1998, the court shall transmit to the State
4 case registry a copy of every judgment or order that includes a
5 provision for child support.

6

7 10. (New section) All federal and state agencies conducting
8 activities pursuant to the requirements of Title IV-D, shall have access
9 directly or through the department to any system used by the Division
10 of Motor Vehicles in the Department of Transportation and law
11 enforcement agencies in the State to locate an individual. The
12 information shall be made available to the department through
13 electronic means when feasible.

14

15 11. (New section) Subject to safeguards on privacy and
16 information security:

17 a. The Social Security number of an applicant for any professional
18 or occupational license, recreational or sporting license, driver's
19 license, or marriage license shall be recorded on the application;

20 b. The Social Security number shall be placed in the record relating
21 to: a divorce decree; support order in a divorce decree; support order
22 and paternity determination or acknowledgment; and on a death
23 certificate; and

24 c. The Social Security number shall be made available to the
25 department through electronic means when feasible.

26

27 12. (New section) a. All employers and labor organizations doing
28 business in the State shall report to the department:

29 (1) the hiring of, or contracting with, any person who works in this
30 State and to whom the employer anticipates paying earnings; and

31 (2) the re-hiring or return to work of any employee who is laid off,
32 furloughed, separated, granted a leave without pay, or terminated from
33 employment in this State.

34 b. An employer shall submit the information required in this
35 subsection within 20 days of the hiring, re-hiring, or return to work of
36 the employee, except that an employer who transmits reports
37 magnetically or electronically shall report every 15 days in accordance
38 with rules adopted by the commissioner. The report shall contain:

39 (1) the employee's name, address, date of birth and Social Security
40 number; and

41 (2) the employer's name, address, and federal tax identification
42 number.

43 c. An employer who fails to report, as required in this section, shall
44 be given a written warning by the department for the first violation and
45 shall be subject to a civil penalty which shall not exceed: \$25 per
46 violation, or, if the failure to report is the result of a conspiracy

1 between the employer and the employee to not supply the required
2 report or to supply a false or incomplete report, \$500.

3 Payment of the penalty may not be required, however, if in response
4 to the imposition of the penalty, the person or entity complies
5 immediately with the new hire reporting requirements. All penalties
6 assessed under this section shall be payable to the State Treasurer and
7 may be recovered in a summary proceeding pursuant to "the penalty
8 enforcement law," N.J.S.2A:58-1 et seq.

9 d. The information provided pursuant to this section may be shared
10 with any federal or State agency as deemed appropriate by the
11 commissioner.

12

13 13. (New section) In any case in which the department knows of
14 a transfer by a child support judgment debtor pursuant to the "Uniform
15 Fraudulent Transfer Act," R.S.25:2-20 et seq., with respect to which
16 a prima facie case is established, the department shall seek to void the
17 transfer or obtain a settlement in the best interest of the child support
18 creditor.

19

20 14. (New section) a. The department shall be responsible for the
21 establishment of a State disbursement unit for the collection and
22 disbursement of payments under support orders in all Title IV-D cases,
23 and in all non-Title IV-D cases in which the support order was initially
24 issued in the State on or after January 1, 1994, and in which the
25 income of the non-custodial parent is subject to income withholding.

26 b. The department shall provide employers with one location to
27 which income withholding shall be sent.

28 c. The department shall use automated procedures, electronic
29 processes and computer driven technology to the maximum extent
30 feasible, for efficient and economical collection and disbursement of
31 support payments. All payments shall be disbursed in accordance with
32 federal requirements.

33

34 15. (New section) a. The department shall use administrative
35 enforcement, to the same extent as used for intrastate cases, in
36 response to a request made by another state to enforce a support
37 order, and shall promptly report the results of the enforcement
38 procedure to the requesting state. The department shall respond to a
39 request made by another state to enforce a support order through
40 electronic means, when feasible.

41 b. The department may, by electronic or other means, transmit to
42 another state a request for assistance in enforcing support orders
43 through administrative enforcement.

44 c. The requesting state's request shall:

45 (1) include such information as will enable the state to which the
46 request is transmitted to compare the information about the case to the

1 information in the databases of the state; and

2 (2) constitute a certification by the requesting state:

3 (a) of the amount of support under an order that the payment of
4 which is in arrears; and

5 (b) that the requesting state has complied with all procedural due
6 process requirements applicable to each case.

7 d. If the department provides assistance to another state pursuant
8 to this section with respect to a case, neither state shall consider the
9 case to be transferred to the caseload of the other state.

10 e. The department shall maintain records of: the number of
11 requests for assistance received by the State; the number of cases for
12 which the State collected support in response to the request; and the
13 amount of support collected.

14

15 16. (New section) The State IV-D agency and the court may
16 transfer a case between local county welfare agency and Probation
17 Division offices, respectively, without the need for additional filing by
18 the petitioner or service of process upon the respondent to retain
19 jurisdiction over the parties. Notice shall be provided to the parties
20 advising of the transfer.

21

22 17. a. The commissioner, pursuant to the “Administrative
23 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
24 regulations to effectuate the purposes of this act and to comply with
25 the requirements of Pub.L.104-193; except that, notwithstanding any
26 provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the
27 commissioner may adopt, immediately upon filing with the Office of
28 Administrative Law, such regulations as the commissioner deems
29 necessary to implement the provisions of this act, which regulations
30 shall be effective for a period not to exceed six months and may,
31 thereafter, be amended, adopted or readopted by the commissioner in
32 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et
33 seq.).

34 b. The Attorney General and the Commissioners of Environmental
35 Protection, Labor, Banking and Insurance, Health and Senior Services,
36 Corrections, Transportation and Community Affairs may, pursuant to
37 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
38 seq.), adopt regulations, as appropriate, to effectuate the purposes of
39 this act and to comply with the requirements of Pub.L.104-193; except
40 that, notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1
41 et seq.) to the contrary, the Attorney General and the respective
42 commissioners may adopt, immediately upon filing with the Office of
43 Administrative Law such regulations as the Attorney General or the
44 respective commissioners deem necessary to implement the provisions
45 of this act, which regulations shall be effective for a period not to
46 exceed six months and may thereafter, be amended, adopted or

1 readopted by the Attorney General or respective commissioners in
2 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et
3 seq.).

4

5 18. Section 2 of P.L.1981, c.417 (C.2A:17-56.8) is amended to
6 read as follows:

7 2. Every complaint, notice or pleading for the entry or modification
8 of **[an]** a support order **[of a]** and every court order which includes
9 child support shall include a written notice to the obligor stating that
10 the child support provision of the order shall, and the **[medical**
11 **support]** health care coverage provision may, as appropriate, be
12 enforced by an income withholding upon the current or future income
13 due from the obligor's employer or successor employers and upon the
14 unemployment compensation benefits due the obligor and against
15 debts, income, trust funds, profits or income from any other source
16 due the obligor except as provided in section 3 of P.L.1981, c.417
17 (C.2A:17-56.9). The written notice shall also state that the driver's
18 license and professional or occupational licenses, or recreational or
19 sporting license in accordance with P.L.1996, c.7 (C.2A:17-56.40 et
20 seq.), held or applied for by the obligor may be denied, suspended or
21 revoked if: the child support arrearage is equal to or exceeds the
22 amount of child support payable for six months; the obligor fails to
23 provide health **[insurance]** care coverage for the children as ordered
24 by the court for six months; or the obligor fails to respond to a
25 subpoena relating to a paternity or child support proceeding; or a
26 warrant for the obligor's arrest has been issued by the court due to
27 failure to pay child support as ordered, failure to appear at a hearing
28 to establish paternity or child support, or failure to appear at a hearing
29 to enforce a child support order and said warrant remains outstanding.
30 The written notice shall also state that the amount of a Title IV-D
31 child support order and the provisions for **[medical support]** health
32 care coverage shall be reviewed and updated, as necessary, at least
33 every three years.

34 The court shall ensure that in the case of each obligor against whom
35 a support order is or has been issued or modified, the obligor's income
36 shall be withheld to comply with the order. An amount shall be
37 withheld to pay the support obligation and it shall include an amount
38 to be applied toward liquidation of arrearages reduced to judgments,
39 payments for paternity testing procedures and provisions for **[medical**
40 **support]** health care coverage when applicable. These provisions shall
41 also be applicable to all orders issued on or before the effective date
42 of **[this act]** P.L.1985, c.278 (C.2A:17-56.16 et seq.).

43 A support provision contained in an order or judgment issued by
44 the court shall be paid by income withholding unless the order or
45 judgment specifically provides for an alternative payment arrangement
46 to which the parties agree in writing or the obligor or obligee

1 demonstrates and the court finds good cause for establishing an
2 alternative arrangement.

3 (cf: P.L.1996, c.7, s.1)

4

5 19. Section 3 of P.L.1981, c.417 (C.2A:17-56.9) is amended to
6 read as follows:

7 3. **【**The income withholding shall be initiated by the probation
8 department of the county in which the obligor resides immediately
9 after the court order has been issued; except that immediate
10 withholding shall not apply in those cases in which the obligor and
11 obligee agree in writing to an alternative arrangement or the obligor
12 or obligee demonstrates and the court finds good cause for
13 establishing an alternative arrangement. **】** For support obligations that
14 are payable through the Probation Division, the Probation Division
15 shall mail the notice of immediate withholding to the obligor's payor
16 if the payor is known. If the obligor's source of income is unknown at
17 the time the Probation Division receives the support order, the
18 Probation Division shall mail the notice to the payor within the time
19 frame required pursuant to federal law. If an 【immediate withholding
20 is not ordered, due to the above exception】 alternative payment
21 arrangement has been ordered as provided in section 2 of P.L.1981,
22 c.417 (C.2A:17-56.8) or 【an】 a support order entered prior to 【the
23 effective date of this act】 October 1, 1996, the income withholding
24 shall be initiated by the Probation Division when the obligor has failed
25 to make 【a】 the required child support payment 【allocated or
26 unallocated that】 and has arrearages accrued equal to the amount of
27 the support payable for 14 days . or without regard to an arrearage or
28 an alternative agreement if the obligee, for good cause, or the obligor
29 requests that withholding be initiated. Subject to the provisions of
30 **【**this act, the **】** P.L.1981, c.417 (C.2A:17-56.8 et seq.), an income
31 withholding shall be initiated by the Probation Division and shall take
32 effect without amendment to the support order or further court or
33 quasi-judicial action and without regard to any alternative
34 arrangements entered into by the parties or ordered by the court.

35 The total amount of income to be withheld shall not exceed the
36 maximum amount permitted under section 303 (b) of the federal
37 Consumer Credit Protection Act (15 U.S.C. s. 1673 (b)). The income
38 withholding shall be carried out in full compliance with all procedural
39 due process requirements. The Administrative Office of the Courts
40 shall establish procedures for promptly terminating the withholding
41 when necessary and for promptly refunding amounts which have been
42 improperly withheld.

43 The Probation Division shall extend the income withholding system
44 to include withholding from income derived within the State in cases
45 where the applicable support order was issued in another state.

1 When an income withholding order has been issued in this State, it
2 shall promptly be forwarded to the obligor's principal place of
3 employment pursuant to P.L. c. (C.)(pending before the
4 Legislature as Senate Bill No. 461 of 1998) or to the appropriate child
5 support agency in the payor's state in the form prescribed by the
6 federal Office of Child Support Enforcement. All procedural due
7 process requirements of the state Title IV-D agency where the obligor
8 has income shall apply to the income withholding.

9 (cf: P.L.1990, c.92, s.2)

10
11 20. Section 5 of P.L.1990, c.92 (C. 2A:17-56.9a) is amended to
12 read as follows:

13 5. At least once every three years **【all IV-D orders for child**
14 **support payments shall be subject to】**, unless the State has developed
15 an automated cost-of-living adjustment program for child support
16 payments, the parties subject to a Title IV-D support order shall be
17 provided notice of their right to request a review, which shall be
18 conducted in accordance with the rules promulgated by the **【IV-D**
19 **Agency】** State IV-D agency in consultation with the Supreme Court.
20 Such review shall take into account any changes in the financial
21 situation or related circumstances of both parties and whether the
22 order of child support is in full compliance with the **【Child Support**
23 **Guidelines set forth in the Rules Governing the Courts of the State of**
24 **New Jersey, R.5:6A】** child support guidelines.

25 Upon completing the review and if a change in the amount of child
26 support is recommended, the State IV-D agency or designee shall so
27 notify the obligor and obligee in writing of the child support amount
28 that is recommended. The obligor and obligee shall be afforded not
29 less than 30 days after such notification to file with the State IV-D
30 agency and the court a challenge to such proposed adjustment or
31 determination. 【The】 If proof exists that the obligor and obligee have
32 been provided with notice of the proposed adjustment, the court shall
33 adjust the child support amount 【will be adjusted accordingly by the
34 court】 as proposed by the department if either party does not
35 challenge the recommended award within the prescribed time or fails
36 to show good cause why the adjustment should not occur.

37 In accordance with section 351 of Pub.L.104-193, a proof or
38 showing of a change in circumstances shall not be required prior to
39 initiation of a review or for the adjustment of an order under the three-
40 year review process; however, a proof or showing of a substantial
41 change in circumstances shall be required prior to the initiation of a
42 review or for the adjustment of an order outside the three-year review
43 process.

44 (cf: P.L.1990, c.92, s.5)

1 21. Section 4 of P.L.1981, c.417 (C.2A:17-56.10) is amended to
2 read as follows:

3 4. a. **【The probation department】** If an income withholding
4 initiated by the Probation Division is required pursuant to section 3 of
5 P.L.1981, c.417 (C.2A:17-56.9), the Probation Division shall notify
6 the obligor of the income withholding by 【certified or registered】
7 regular mail 【with return receipt requested】 to the obligor's last
8 known address. The notice to the obligor shall be 【postmarked no
9 later than 10 days after the date on which the application was filed】
10 mailed at the same time as the notice to the payor, and shall inform the
11 obligor that the withholding 【shall take effect 10 days after the
12 postmark date of the notice unless the obligor contests the
13 withholding】 has commenced in accordance with section 314 of
14 Pub.L.104-193. The notice to the obligor shall also include all of the
15 information regarding the withholding that is included in the notice to
16 the payor. An obligor may contest a withholding only on the basis of
17 mistake of fact. The notice to the obligor shall include but need not
18 be limited to: the amount to be withheld, including an amount to be
19 applied toward liquidation of arrearages; a statement that the
20 withholding applies to current and subsequent sources of income; the
21 methods available for contesting the withholding on the grounds that
22 the withholding is not proper because of mistake of fact; the period
23 within which the 【probation department shall】 Probation Division may
24 be contacted in order to contest the withholding 【and that failure to
25 do so will result in notifying the payor to begin withholding; and the
26 actions the probation department will take if the individual contests the
27 withholding】 ; and the procedures to follow if the obligor desires to
28 contest the withholding on the grounds that the withholding or the
29 amount thereof is improper due to a mistake of fact.

30 If an obligor contests the proposed withholding, the **【probation**
31 **department】** Probation Division shall schedule a hearing or review
32 within 20 days after receiving notice of contest of the withholding. If
33 it is determined that the withholding is to 【occur】 continue, the
34 **【probation department】** Probation Division shall provide notice to the
35 obligor. 【Notice to the obligor shall include the time within which the
36 withholding is to begin.】Notice to the obligor shall 【also】 include all
37 of the information that is included in the notice to the payor in section
38 5 of 【this act】 P.L.1981, c.417 (C.2A:17-56.11). The Probation
39 Division shall notify the obligor 【shall be notified by the probation
40 department】 of the results of the hearing or review within five days of
41 the 【determination made at the hearing】 date of the hearing or review.

42 b. **【The probation department shall prepare the income withholding**
43 **notice when the obligor does not contest the withholding or has**
44 **exhausted all procedures established by the Administrative Office of**
45 **the Courts for contesting the withholding. The income withholding**

1 shall include requirements that a payor withhold the amount specified
2 in the notice and shall include a statement that the amount actually
3 withheld for support and for other purposes may not be in excess of
4 the amount allowed under section 303(b) of the federal Consumer
5 Credit Protection Act (15 U.S.C. s. 1673(b)). On any **】** If the court
6 enters an order modifying alimony, maintenance or child support
7 **【** based upon changed circumstances】, the Probation Division shall
8 amend the income withholding amount **【** shall also be changed】
9 accordingly. This income withholding shall have priority over any
10 other withholdings and garnishments without regard to the dates **【** of
11 that the other income withholdings or garnishments were issued.

12 c. An income withholding made under **【** this act】 P.L.1981, c.417
13 (C.2A:17-56.8 et seq.) shall continue **【** in full force and effect until
14 such time as a court order to the contrary is entered upon the
15 liquidation of all arrearages】 until terminated by a court.

16 d. Where there is more than one support order for withholding
17 against a single obligor, the payor shall withhold the payments to fully
18 comply with the court orders on a pro rata basis to the extent that the
19 total amount withheld from the obligor's **【** wages】 income does not
20 exceed the limits allowed under section 303(b) of the federal
21 Consumer Credit Protection Act (15 U.S.C. s. 1673(b)). Payors may
22 combine withheld amounts in a single payment for each appropriate
23 probation department requesting withholding and separately identify
24 the portion of the payment which is attributable to each **【** individual】
25 obligor unless submitted pursuant to section 7 of P.L.1981, c.417
26 (C.2A:17-56.13) or through the use of electronic funds transfer.
27 (cf: P.L.1985, c.278, s.4)

28

29 22. Section 5 of P.L.1981, c.417 (C.2A:17-56.11) is amended to
30 read as follows:

31 5. a. An income withholding made under **【** this act】 P.L.1981,
32 c.417 (C.2A:17-56.8 et seq.) and provisions for **【** medical support】
33 health care coverage shall be binding upon the payor and successor
34 payors immediately after service upon the payor by the **【** probation
35 department】 Probation Division of a copy of the income withholding
36 and an order for the provision of **【** medical support】 health care
37 coverage, by **【** registered or certified mail with return receipt requested
38 until further order】 regular mail. The payor is to pay the withheld
39 amount to the **【** probation department】 Probation Division at the same
40 time the obligor is paid. The payor shall implement withholding and
41 the provisions for **【** medical support】 health care coverage no later
42 than the first pay period that ends immediately after the date the notice
43 was postmarked, except that the payor is not required to alter regular
44 pay cycles to comply with the withholding. For each payment, other
45 than payment received from the unemployment compensation fund, the

1 payor may receive \$1.00, which shall be deducted from the obligor's
2 income in addition to the amount of the support order to compensate
3 the payor for the administrative expense of processing the withholding.

4 Notice to the payor shall include, but not be limited to, instructions
5 for the provisions for **【medical support】** health care coverage, the
6 amount to be withheld from the obligor's income and a statement that
7 the total amount **【actually】** withheld for support and other purposes
8 may not be in excess of the maximum amount permitted under section
9 303 (b) of the federal Consumer Credit Protection Act (15 U.S.C.
10 s.1673 (b)); that the payor shall send the amount to the **【probation**
11 **department】** Probation Division at the same time the obligor is paid,
12 unless the **【probation department】** Probation Division directs that
13 payment be made to another individual or entity; that the payor may
14 deduct and retain a fee of \$1.00 in addition to the amount of the
15 support order except when the payment is received from the
16 unemployment compensation fund; that withholding is binding on the
17 payor until further notice by the **【probation department】** Probation
18 Division; that, in accordance with section 6 of P.L.1981, c.417
19 (C.2A:17-56.12), the payor is subject to a fine and civil damages as
20 determined by the court for discharging an obligor from employment,
21 refusing to employ, or taking disciplinary action against an obligor
22 subject to an income withholding because of the withholding or any
23 obligation which it imposes upon the payor; that the payor is subject
24 to a fine as determined by the court for failure to withhold support
25 from the obligor's income or pay the withheld amount to the Probation
26 Division; that if the payor fails to take appropriate action with regard
27 to the provisions for **【medical support】** health care coverage or
28 withhold wages in accordance with the provisions of the notice, the
29 payor is liable for any medical expenses incurred by the children
30 subject to the provisions for **【medical support】** health care coverage
31 and any amount up to the accumulated amount the payor should have
32 withheld from the obligor's income; that the withholding shall have
33 priority over any other legal process under State law against the same
34 **【wages】** income; that the payor may combine withheld amounts from
35 the obligor's **【wages】** income in a single payment to **【each appropriate**
36 **agency requesting withholding】** the Probation Division and separately
37 identify the portion of the single payment which is attributable to each
38 **【individual】** obligor unless submitted pursuant to section 7 of
39 P.L.1981, c.417 (C.2A:17-56.13) or through electronic funds transfer;
40 that if there is more than one support order for withholding against a
41 single obligor, the payor shall withhold the payments on a pro rata
42 basis to fully comply with the support orders, to the extent that the
43 total amount withheld does not exceed the limits imposed under
44 section 303 (b) of the federal Consumer Credit Protection Act (15
45 U.S.C. s.1673 (b)); that the payor shall implement withholding no later

1 than the first pay period that ends immediately after the date the notice
2 was postmarked, except that the payor is not required to alter regular
3 pay cycles to comply with the withholding; and that the payor shall
4 notify the **【probation department】** Probation Division promptly upon
5 the termination of the obligor's employment benefits and provide the
6 obligor's last known address and the name and address of the obligor's
7 new payor, if known.

8 A payor served with an income withholding notice shall be liable to
9 the obligee for failure to deduct the amounts specified. The obligee or
10 the Probation Division may commence a proceeding against the payor
11 for accrued deductions, together with interest and reasonable
12 attorney's fees.

13 In accordance with section 314 of Pub.L.104-193, a payor who
14 complies with an income withholding notice that is regular on its face
15 shall be immune from civil liability for conduct in compliance with the
16 notice.

17 b. When a payor receives an income withholding notice issued by
18 another state, the payor shall apply the income withholding law of the
19 state in which the obligor's principal place of employment is located in
20 determining:

21 (1) the payor's fee for processing the income withholding;

22 (2) the maximum amount permitted to be withheld from the
23 obligor's income;

24 (3) the time periods within which the payor must implement the
25 income withholding order and forward the child support payment;

26 (4) the priorities for withholding and allocating income withheld
27 for multiple obligees; and

28 (5) any withholding terms or conditions not specified in the
29 support order or notice.

30 (cf: P.L.1995, c.58, s.3)

31
32 23. Section 7 of P.L.1981, c.417 (C.2A:17-56.13) is amended to
33 read as follows:

34 7. **【In】** Until such time as a State disbursement unit is established
35 pursuant to section 15 of P.L. , c. (C.)(pending before the
36 Legislature as this bill), in every award for alimony, maintenance or
37 child support payments the judgment or order shall provide that
38 payments be made through the 【probation department】 Probation
39 Division of the county in which the obligor resides, unless the court,
40 for good cause shown, otherwise orders. Upon entry of the judgment
41 or order, the parties shall provide the court and the Probation Division
42 with their Social Security numbers, residential and mailing addresses,
43 telephone numbers, driver's license numbers, and the name, address
44 and telephone number of their employers. Each judgment or order
45 **【for alimony, maintenance or child support】** shall **【include an order】**
46 require that the obligor and obligee notify the 【appropriate probation

1 department] Probation Division of any change of payor or change of
2 address within 10 days of the change. Failure to provide this
3 information shall be considered a violation of this order.

4 The order shall also inform the obligor that the address provided to
5 the Probation Division shall be the address of record for subsequent
6 support enforcement actions and that service of legal documents at
7 that address shall be effective for the purpose of meeting due process
8 requirements.

9 [Service at the address of record of all summonses, pleadings, or
10 notices shall be effective for all purposes.]For the purposes of
11 enforcing a support provision, the court may deem procedural due
12 process requirements for notice and service of process to be met with
13 respect to a party thereto upon delivery of written notice to the most
14 recent residential or employer address filed with the Probation
15 Division for that party. If a party fails to respond to a notice and no
16 proof is available that the party received the notice, the Probation
17 Division shall document to the court that it has made a diligent effort
18 to locate the party by making inquiries that may include, but are not
19 limited to: the United States Postal Service, the Division of Motor
20 Vehicles in the Department of Transportation, and the Departments of
21 Labor and Corrections. The Probation Division shall provide an
22 affidavit to the court presenting such documentation of its diligent
23 effort, which certifies its inability to locate the party, before any
24 adverse action is taken based upon the party's failure to respond to the
25 notice. When an obligor changes employment within the State while
26 income withholding is in effect, the [probation department] Probation
27 Division shall notify the new payor that the withholding is binding on
28 the new payor. When [a probation department] the Probation
29 Division is unable to locate the obligor's current payor in order to
30 effectuate an income withholding under [this act] P.L.1981, c.417
31 (C.2A:17-56.8 et seq.), the [probation department] Probation
32 Division is authorized to utilize any other procedure authorized by law
33 to obtain this information.

34 (cf: P.L.1985, c.278, s.7)

35

36 24. Section 18 of P.L.1985, c.278 (C.2A:17-56.21) is amended to
37 read as follows:

38 18. a. The State IV-D agency shall have the authority to make
39 available [information on] the name of any delinquent obligor and the
40 amount of overdue support owed by [obligors] the obligor to
41 [consumer] credit reporting agencies [upon their request], subject to
42 the conditions set forth in this section and privacy safeguards
43 established by the commissioner. This information shall be provided
44 only to an entity that has demonstrated to the satisfaction of the State
45 IV-D agency that the entity is a credit reporting agency.

1 b. In all [State] Title IV-D [agency] cases where the obligor is
2 [more than \$1,000.00] in arrears, the information shall be made
3 available [upon the consumer] to credit reporting [agency's request
4 and may be made available in all other cases] agencies.

5 c. The State IV-D agency may establish a fee for all requests which
6 will be uniformly applied in all Title IV-D cases. Any fee charged shall
7 be limited to the actual cost of providing the information.

8 d. [The obligor shall receive written notice that the information
9 will be made available to the credit reporting agency. The obligor
10 shall have an opportunity to contest the accuracy of the information.]
11 Information with respect to a delinquent obligor shall be reported to
12 credit reporting agencies only after the obligor has been afforded all
13 procedural due process required under State law including notice and
14 a reasonable opportunity to contest the accuracy of the information.

15 e. The State IV-D agency shall comply with all applicable
16 procedural due process requirements before releasing information and
17 may request information on an obligor from a credit reporting agency
18 only after noticing the obligor of the State IV-D agency's intent to
19 request the information.

20 (cf: P.L.1985, c.278, s.18)

21
22 25. Section 1 of P.L.1988, c.111 (C.2A:17-56.23a) is amended to
23 read as follows:

24 1. Any payment or installment of an order for child support, or
25 those portions of an order which are allocated for child support,
26 whether ordered in this State or in another state, shall be fully
27 enforceable and entitled as a judgment to full faith and credit and shall
28 be a judgment by operation of law on and after the date it is due. For
29 obligors who reside or own property in this State, such judgments
30 shall have the same force and effect as a civil money judgment entered
31 by the court, shall be subject to the same enforcement methods as civil
32 money judgments, and shall be a lien against the obligor's real and
33 personal property, subject to prior perfected liens of financial
34 institutions and other legitimate lien holders under State and federal
35 law. The State shall accord full faith and credit to child support
36 judgments or liens of other states, whether arising by operation of law
37 or having been entered by a court or administrative agency, when a
38 Title IV-D agency, a party, or other entity seeking to enforce such a
39 judgment or lien in this State files a Notice of Interstate Lien, in the
40 form prescribed by the federal Office of Child Support Enforcement,
41 and supporting documents with the Clerk of the Superior Court. An
42 action to domesticate a foreign child support judgment or lien shall be
43 consistent with the "Uniform Enforcement of Foreign Judgments Act,"
44 P.L. 1997, c.204 (C.2A:49A-25 et seq.). Liens against real and
45 personal property shall be subject to the same enforcement procedures
46 as other civil money judgments except that no judicial notice or

1 hearing shall be required to enforce the lien. No payment or
2 installment of an order for child support, or those portions of an order
3 which are allocated for child support established prior to or
4 subsequent to the effective date of P.L.1993, c.45 (C.2A:17-56.23a),
5 shall be retroactively modified by the court except with respect to the
6 period during which there is a pending application for modification,
7 but only from the date the notice of motion was mailed either directly
8 or through the appropriate agent. The written notice will state that a
9 change of circumstances has occurred and a motion for modification
10 of the order will be filed within 45 days. In the event a motion is not
11 filed within the 45-day period, modification shall be permitted only
12 from the date the motion is filed with the court.

13 The non-modification provision of this section is intended to be
14 curative and shall apply to all orders entered before, on and after the
15 effective date of **[this act]** P.L.1993, c.45 (C.2A:17-56.23a).
16 (cf: P.L.1993, c.45, s.1)

17

18 26. Section 1 of P.L.1995, c.322 (C.2A:17-56.34) is amended to
19 read as follows:

20 1. The county probation department, the State IV-D agency and its
21 designees, subject to privacy safeguards, shall be authorized to receive
22 information concerning putative fathers and child support obligors
23 from the following sources through electronic or other appropriate
24 means:

25 a. To the extent permitted by R.S.54:50-9, records of the Division
26 of Taxation in the Department of the Treasury containing information
27 concerning an obligor's income or assets;

28 b. Direct, on-line access to the Division of Motor Vehicles'
29 records, including, where possible, interface between automated
30 systems;

31 c. Any record, paper, document or entity deemed by the **[probation**
32 **department]** Probation Division, the State IV-D agency or its designee
33 to be a potential source of information concerning an obligor's income
34 or assets. In order to obtain information pursuant to this subsection,
35 the **[probation department]** Probation Division and the State IV-D
36 agency shall have the authority, as designated by the Commissioner of
37 the Department of Human Services, to compel the production of
38 books, papers, accounts, records and documents by subpoena. The
39 subpoena shall be served by certified and regular mail in accordance
40 with court rules on the person or entity in possession of the
41 information or record that is sought and such service shall be
42 considered consistent with procedural due process requirements. In
43 all other respects, a subpoena issued under this section shall be subject
44 to the same procedures as a subpoena issued by other agencies of this
45 State. Actions relating to a subpoena issued under this section shall
46 be heard in the court;

1 d. State lottery prize payments in excess of \$600 made by the
2 Department of the Treasury;

3 e. Record of a judgment or settlement of any civil action where a
4 party is entitled to receive a monetary award made by the court; and

5 f. Record of an out-of-court settlement.

6 (cf: P.L.1995, c.322, s.1)

7

8 27. Section 2 of P.L.1995, c.322 (C.2A:17-56.35) is amended to
9 read as follows:

10 2. a. If the State IV-D agency and its designees are unable to
11 obtain information pursuant to section 1 of **[this act] P.L.1995, c.322**
12 **(C.2A:17-56.34)**, then the agency and its designees may seek verifying
13 information from public utility **[records]** and cable television
14 companies as required by Pub.L.104-193. Such information shall be
15 limited to identifying information necessary to establish the name and
16 address, or residency, if different from the address, of putative fathers
17 and child support obligors.

18 b. A public utility or cable television company shall not be liable
19 for damages for any civil action which may result from complying with
20 the provisions of **[this act] P.L.1995, c.322 (C.2A:17-56.34 et seq.)**.

21 c. A long distance carrier shall be exempt from the provisions of
22 **[this act] P.L.1995, c.322 (C.2A:17-56.34 et seq.)**.

23 (cf: P.L.1995, c.322, s.2)

24

25 28. Section 3 of P.L.1996, c.7 (C.2A:17-56.41) is amended to read
26 as follows:

27 3. a. If the child support arrearage equals or exceeds the amount
28 of child support payable for six months or court-ordered health
29 **[insurance] care coverage** for the child is not provided for six months,
30 or the obligor fails to respond to a subpoena relating to a paternity or
31 child support action, or a child support-related warrant exists, and the
32 obligor is found to possess a license in the State and all appropriate
33 enforcement methods to collect the child support arrearage**[, as**
34 **defined in section 2 of P.L.1996, c.7 (C.2A:17-56.40)]** have been
35 exhausted, the Probation Division shall send a written notice to the
36 obligor, by certified and regular mail, return receipt requested, at the
37 obligor's last-known address or place of business or employment,
38 advising the obligor that the obligor's license **[shall] may** be revoked
39 or suspended unless, within 30 days of the postmark date of the notice,
40 the obligor pays the full amount of the child support arrearage, or
41 provides proof that health **[insurance] care coverage** for the child has
42 been obtained, or responds to a subpoena, or makes a written request
43 for a court hearing to the Probation Division. The obligor's driver's
44 license shall be suspended by operation of law upon the issuance of a
45 child support-related warrant. If a child support- related warrant for

1 the obligor exists, the professional, occupational, recreational or
2 sporting license revocation or suspension **【process】** shall be
3 terminated if the obligor pays the full amount of the child support
4 arrearage, provides proof that health **【insurance】**care coverage for the
5 child has been obtained as required by the court order, or surrenders
6 to the county sheriff or the Probation Division.

7 b. If the obligor fails to take one of the actions in subsection a. of
8 this section within 30 days of the postmark date of the notice and there
9 is proof that service on the obligor was effective, the Probation
10 Division shall file a certification with the court setting forth the
11 obligor's non-compliance with the support order and the obligor's
12 failure to respond to the written notice of the potential license
13 suspension or revocation. If, based on the papers filed by the
14 Probation Division, the court is satisfied that service on the obligor
15 was effective as set forth in this section, it shall without need for
16 further due process or hearing, enter a court order suspending or
17 revoking all licenses held by the obligor. Upon the entry of the order,
18 the Probation Division shall forward a copy to the obligor and all
19 appropriate licensing authorities.

20 **【Simultaneous certified and regular mailing of the written notice**
21 **shall constitute effective service unless the United States Postal**
22 **Service returns the mail to the Probation Division within the 30-day**
23 **response period marked "moved, unable to forward," "addressee not**
24 **known," "no such number/street," "insufficient address," or**
25 **"forwarding order expired." If the certified mail is returned for any**
26 **other reason without the return of the regular mail, the regular mail**
27 **service shall constitute effective service. If the mail is addressed to the**
28 **obligor at the obligor's place of business or employment, with postal**
29 **instructions to deliver to addressee only, service will be deemed**
30 **effective only if the signature on the return receipt appears to be that**
31 **of the obligor. Acceptance of the certified mail notice signed by the**
32 **obligor, the obligor's attorney, or a competent member of the obligor's**
33 **household above the age of 14 shall be deemed effective service.】**For
34 the purposes of this section, the court may deem procedural due
35 process requirements for notice and service of process to be met with
36 respect to a party thereto upon delivery of written notice to the most
37 recent residential or employer address filed with the Probation
38 Division for that party. If a party fails to respond to a notice and no
39 proof is available that the party received the notice, the Probation
40 Division shall document to the court that it has made a diligent effort
41 to locate the party by making inquiries that may include, but are not
42 limited to: the United States Postal Service, the Division of Motor
43 Vehicles in the Department of Transportation, and the Departments of
44 Labor and Corrections. The Probation Division shall provide an
45 affidavit to the court presenting such documentation of its diligent
46 effort, which certifies its inability to locate the party, before any

1 adverse action is taken based upon the party's failure to respond to the
2 notice.

3 c. If the obligor requests a hearing, the Probation Division shall file
4 a petition for a judicial hearing in accordance with section 5 of
5 P.L.1996, c.7 (C.2A:17-56.43). The hearing shall occur within 45
6 days of the obligor's request. If, at or prior to the hearing, the obligor
7 pays the full amount of the child support arrearage or provides health
8 **[insurance]** care coverage as ordered, or responds to the subpoena or
9 surrenders to the county sheriff or the Probation Division, the license
10 revocation process shall be terminated. No license revocation action
11 shall be initiated if the Probation Division has received notice that the
12 obligor has pending a motion to modify the child support order if that
13 motion was filed prior to the date that the notice of the license
14 suspension or revocation was sent by the Probation Division. The
15 court shall consider the Probation Division's petition to revoke or
16 suspend a license in accordance with section 5 of P.L.1996, c.7
17 (C.2A:17-56.43).
18 (cf: P.L.1996, c.7, s.3)

19

20 29. Section 5 of P.L.1996, c.7 (C.2A:17-56.43) is amended to read
21 as follows:

22 5. The court shall suspend or revoke a license if it finds that: a. all
23 appropriate enforcement methods as defined in section 2 of P.L.1996,
24 c.7 (C.2A:17-56.40) have been exhausted, b. the obligor is the holder
25 of a license, c. the requisite child support arrearage amount exists
26 **[or],** health **[insurance]** care coverage has not been provided as
27 ordered pursuant to section 3 of P.L.1996, c.7 (C.2A:17-56.41), or
28 there has been no response to a subpoena, d. no motion to modify the
29 child support order, filed prior to the date that the notice of the license
30 suspension or revocation was sent by the Probation Division, is
31 pending before the court, and e. there is no equitable reason, such as
32 involuntary unemployment, disability, or compliance with a
33 court-ordered plan for the periodic payment of the child support
34 arrearage amount, for the obligor's non-compliance with the child
35 support order.

36 If the court is satisfied that these conditions exist, it shall first
37 consider suspending or revoking a driver's license prior to a
38 professional license. If the obligor fails to appear at the hearing after
39 being properly served with notice, the court shall order the suspension
40 or revocation of all licenses held by the obligor. In the case of a
41 driver's license, if the court finds that the license revocation or
42 suspension will result in a significant hardship to the obligor, to the
43 obligor's legal dependents under 18 years of age living in the obligor's
44 household, to the obligor's employees, or to persons, businesses or
45 entities to whom the obligor provides goods or services, the court may
46 allow the obligor to pay 25% of the past-due child support amount

1 within three working days of the hearing, establish a payment schedule
2 to satisfy the remainder of the arrearages within one year, and require
3 that the obligor comply with any current child support obligation. If
4 the obligor agrees to this arrangement, no suspension or revocation of
5 any licenses shall be ordered. Compliance with the payment agreement
6 shall be monitored by the Probation Division. If the obligor has good
7 cause for not complying with the payment agreement within the time
8 permitted, the obligor shall immediately file a motion with the court
9 and the Probation Division requesting an extension of the payment
10 plan. The court may extend the payment plan if it is satisfied that the
11 obligor has made a good faith effort to comply with the plan and is
12 unable to satisfy the full amount of past-due support within the time
13 permitted due to circumstances beyond the obligor's control. In no
14 case shall a payment plan extend beyond the date the dependent child
15 reaches the age of 18. If the obligor fails to comply with the
16 court-ordered payment schedule, the court shall, upon receipt of a
17 certification of non-compliance from the obligee or Probation
18 Division, and without further hearing, order the immediate revocation
19 or suspension of all licenses held by the obligor. If required by
20 existing law or regulation, the court shall order that the obligor
21 surrender the license to the issuing authority within 30 days of the date
22 of the order.

23 (cf: P.L.1996, c.7, s.5)

24

25 30. Section 6 of P.L.1996, c.7 (C.2A:17-56.44) is amended to read
26 as follows:

27 6. a. The Probation Division shall provide the licensing authority
28 with a copy of the order requiring the suspension or revocation of a
29 license. Upon receipt of an order requiring the suspension or
30 revocation of a license **【for non-payment of child support】**, the
31 licensing authority shall immediately notify the licensee of the effective
32 date of the suspension or revocation, which shall be 20 days after the
33 postmark of the notice, direct the licensee to refrain from engaging in
34 the activity associated with the license, surrender any license as
35 required by law, and inform the licensee that the license shall not be
36 reinstated until the court or Probation Division certifies that **【all child**
37 **support arrearage is】** the conditions which resulted in the suspension
38 or revocation are satisfied. The Probation Division and the State IV-D
39 agency in association with the affected licensing authorities may
40 develop electronic or magnetic tape data transfers to notify licensing
41 authorities of restrictions, suspensions, revocations and reinstatements.
42 No liability shall be imposed on a licensing authority for suspending or
43 revoking a license if the action is in response to a court order issued
44 in accordance with P.L.1996, c.7 (C.2A:17-56.40 et al.). Licensing
45 authorities shall not have jurisdiction to modify, remand, reverse,
46 vacate or stay a court order to restrict, suspend or revoke a license for

1 non-payment of child support.

2 b. If a licensee, upon receipt of the notice of suspension or
3 revocation from the licensing authority, disputes that he is an obligor,
4 the licensee shall notify the licensing authority and the Probation
5 Division by registered mail within 20 days of the postmark of the
6 notice and request a hearing. Upon receipt of the licensee's request for
7 a hearing, the Probation Division shall determine if the licensee is an
8 obligor. If the Probation Division determines that the licensee is an
9 obligor, the Probation Division shall file a petition for a judicial
10 hearing on the issue of whether the licensee is an obligor. The hearing
11 shall occur within 30 days. If the Probation Division determines that
12 the licensee is not an obligor, the Probation Division shall so notify the
13 licensee and the licensing authority. The licensing authority shall not
14 suspend or revoke a person's license, if the licensing authority received
15 proper notice of the licensee's request for a hearing pursuant to this
16 subsection, until the court finds that the licensee is an obligor. The
17 Probation Division shall notify the licensing authority of the court's
18 finding. Upon receipt of the court's finding that the licensee is an
19 obligor, the licensing authority shall immediately suspend or revoke
20 the obligor's license without additional review or hearing.

21 c. The revocation or suspension of a license ordered by the court
22 in accordance with P.L.1996, c.7 (C.2A:17-56.40 et al.) shall continue
23 until the obligor files with the licensing authority either a court order
24 restoring the license or a Probation Division certification attesting to
25 the full satisfaction of the **【child support arrearage】** conditions which
26 resulted in the revocation or suspension.

27 d. Each licensing authority shall require license applicants to certify
28 on the license application form, under penalty of perjury, that the
29 applicant does not have a child support obligation, the applicant does
30 have such an obligation but the arrearage amount does not equal or
31 exceed the amount of child support payable for six months and any
32 court-ordered health care coverage has been provided for the past six
33 months, the applicant has not failed to respond to a subpoena relating
34 to a paternity or child support proceeding, or the applicant is not the
35 subject of a child-support related warrant. A license shall not be
36 granted to an obligor who applies for a license if there is an arrearage
37 equal to or exceeding the amount of child support payable for six
38 months, the applicant has not provided court-ordered health care
39 coverage during the past six months or **【who】** the applicant has failed
40 to respond to a subpoena relating to a paternity or child support
41 proceeding or is the subject of a child support-related warrant. The
42 application form shall state that making a false statement may subject
43 the applicant to contempt of court. It shall also state that if the
44 applicant's certification is found to be false, the licensing authority
45 shall take disciplinary action including, but not limited to, immediate
46 revocation or suspension of the license.

1 e. For all licenses issued or renewed in the State after the effective
2 date of P.L.1996, c.7 (C.2A:17-56.40 et al.), the licensing authority
3 shall record the full name, mailing address, Social Security number and
4 date of birth of the applicant or licensee. All affected licensing
5 authorities shall cooperate and enter into agreements with the
6 Probation Division and the State IV-D agency to exchange information
7 to effectuate the purposes of P.L.1996, c.7 (C.2A:17-56.40 et al.).
8 The Division of Motor Vehicles in the Department of Transportation
9 and other appropriate licensing agencies shall amend their regulations
10 and public notices to permit Social Security numbers collected by
11 those agencies to be used for child support enforcement purposes.
12 License information obtained through data matches with licensing
13 authorities shall be maintained on the **【Automated Child Support**
14 **Enforcement System】** State case registry in the Department of Human
15 Services for future use.

16 (cf: P.L.1996, c.7, s.6)

17

18 31. Section 11 of P.L.1996, c.7 (C.2A:17-56.49) is amended to
19 read as follows:

20 11. The license revocation provisions of P.L.1996, c.7
21 (C.2A:17-56.40 et al.) apply to all orders issued before or after the
22 effective date of P.L.1996, c.7 (C.2A:17-56.40 et al.). All child
23 support arrearage and health **【insurance】** care coverage provisions in
24 existence on or before the effective date of P.L.1996, c.7
25 (C.2A:17-56.40 et al.) shall be included in determining whether a case
26 is eligible for enforcement in accordance with P.L.1996, c.7
27 (C.2A:17-56.40 et al.). **【This act】** P.L.1996, c.7 (C.2A:17-56.40 et
28 al.) applies to all child support obligations ordered by any state,
29 territory or district of the United States that are being enforced by the
30 Probation Division, that are payable directly to the obligee, or have
31 been registered in this State in accordance with **【P.L.1981, c.243**
32 **(C.2A:4-30.24 et seq.)】** the "Uniform Interstate Family Support Act,"
33 P.L. , c. (C.)(pending before the Legislature as Senate Bill
34 No.).

35 (cf: P.L.1996, c.7, s.11)

36

37 32. Section 1 of P.L.1991, c.384 (C.5:9-13.1) is amended to read
38 as follows:

39 1. a. The Director of the Division of the State Lottery in the
40 Department of the Treasury and the Director of the Division of Family
41 Development in the Department of Human Services shall initiate an
42 ongoing data exchange in the Office of Telecommunications and
43 Information Systems in the Department of the Treasury before a
44 payment is made of a State lottery prize in excess of **【\$1,000】** \$600.

45 b. A delinquent Title IV-D obligor who is an annuity award winner

1 shall be prohibited from assigning the annuity award.

2 (cf: P.L.1995, c.333, s.1)

3

4 33. Section 2 of P.L.1991, c.384 (C.5:9-13.2) is amended to read
5 as follows:

6 2. The **【Director of the Division of Economic Assistance】**
7 Commissioner of Human Services shall periodically supply the Office
8 of Telecommunications and Information Systems with a list of:

9 a. those individuals in arrears of a court ordered child support
10 obligation; and

11 b. those former recipients of Aid to Families with Dependent
12 Children, pursuant to P.L.1959, c.86 (C.44:10-1 et seq.) or Work First
13 New Jersey, pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), food
14 stamp benefits issued pursuant to Pub.L. 95-113, Title XIII
15 (7 U.S.C. s.2011 et seq.), or low-income home energy assistance
16 benefits issued pursuant to Pub.L. 97-35, Title XXVI (42 U.S.C.
17 s.8621 et seq.) who incurred an overpayment which has not been
18 repaid.

19 (cf: P.L.1991, c.384, s.2)

20

21 34. Section 4 of P.L.1991, c.384 (C.5:9-13.4) is amended to read
22 as follows:

23 4. The Office of Telecommunications and Information Systems
24 shall cross check the lottery list with the data supplied by the
25 **【Director of the Division of Economic Assistance】** Commissioner of
26 Human Services for a social security number match. If a match is
27 made, the Office of Telecommunications and Information Systems
28 shall notify the **【Division of Economic Assistance】** Commissioner of
29 Human Services.

30 (cf: P.L.1991, c.384, s.4)

31

32 35. Section 5 of P.L.1991, c.384 (C.5:9-13.5) is amended to read
33 as follows:

34 5. If a lottery prize claimant is in arrears of a child support order,
35 or is a former recipient of Aid to Families with Dependent Children
36 or Work First New Jersey, food stamp benefits or low-income home
37 energy assistance benefits who has incurred an overpayment which has
38 not been repaid, the **【Division of Economic Assistance】** Department
39 of Human Services shall promptly notify the Department of the
40 Treasury and the Division of the State Lottery of the claimant's name,
41 address, social security number and amount due on an arrears child
42 support order or the amount due on an overpayment. The Department
43 of the Treasury shall withhold this amount from the pending lottery
44 payment and transmit same to the Department of Human Services or
45 appropriate county probation department **】** Probation Division, as the
46 case may be, in accordance with regulations promulgated by the State

1 Treasurer.

2 (cf:P.L.1991,c.384,s.5)

3

4 36. Section 6 of P.L.1991, c.384 (C.5:9-13.6) is amended to read
5 as follows:

6 6. The county welfare agency which provided the public assistance
7 benefits or the **【county probation office】** Probation Division, acting as
8 agent for the child support payee, shall have a lien on the proceeds of
9 the State lottery prize in an amount equal to the amount of child
10 support arrearage or the amount of overpayment incurred.

11 The lien imposed by this act shall be enforceable in the Superior
12 Court.

13 (cf: P.L.1991, c.384, s.6)

14

15 37. Section 9 of P.L.1991, c.384 (C.5:9-13.9) is amended to read
16 as follows:

17 9. The costs associated with or necessary for the implementation
18 of P.L.1991, c.384 (C.5:9-13.1 et seq.) shall be borne by the **【Division**
19 **of Economic Assistance in the】**Department of Human Services.

20 (cf: P.L.1991, c.384, s.9)

21

22 38. Section 4 of P.L.1983, c.17 (C.9:17-41) is amended to read as
23 follows:

24 4. The parent and child relationship between a child and:

25 a. The natural mother, may be established by proof of her having
26 given birth to the child, or under **【this act】** P.L.1983, c.17 (C.9:17-38
27 et seq.);

28 b. The natural father, may be established by proof that his paternity
29 has been adjudicated under prior law; under the laws governing
30 probate; by giving full faith and credit to a determination of paternity
31 made by any other state or jurisdiction, whether established through
32 voluntary acknowledgment or through judicial or administrative
33 processes; by a Certificate of Parentage as provided in section 7 of
34 P.L.1994, c.164 (C.26:8-28.1) that is executed by the father, including
35 an unemancipated minor, prior to or after the birth of a child, and
36 filed with the appropriate State agency; by a default judgment or order
37 of the court; or by an order of the court based on a blood test or
38 genetic test that meets or exceeds the specific threshold probability as
39 set by the **【State】** Commissioner of Human Services, creating a
40 conclusive presumption of paternity; **【or under this act】**

41 In accordance with section 331 of Pub.L.104-193, a signed
42 voluntary acknowledgment of paternity shall be considered a legal
43 finding of paternity subject to the right of the signatory to rescind the
44 acknowledgment within 60 days of the date of signing, or by the date
45 of establishment of a support order to which the signatory is a party,
46 whichever is earlier.

1 The adjudication of paternity shall only be voided upon a finding
2 that there exists clear and convincing evidence of: fraud, duress or a
3 material mistake of fact, with the burden of proof upon the challenger;

4 c. An adoptive parent, may be established by proof of adoption;

5 d. The natural mother or the natural father, may be terminated by
6 an order of a court of competent jurisdiction in granting a judgment of
7 adoption or as the result of an action to terminate parental rights.

8 e. The establishment of the parent and child relationship pursuant
9 to subsections a., b., and c. of this section shall be the basis upon
10 which an action for child support may be brought by a party and acted
11 upon by the court without further evidentiary proceedings.

12 f. In any case in which the parties execute a Certificate of
13 Parentage or a conclusive presumption of paternity is created through
14 genetic testing, the presumptions of paternity under section 6 of
15 P.L.1981, c.417 (C.9:17-43) shall not apply.

16 g. Pursuant to the provisions of section 331 of Pub.L.104-193, the
17 child and other parties in a contested paternity case shall submit to a
18 genetic test upon the request of one of the parties, unless that person
19 has good cause for refusal, if the request is supported by a sworn
20 statement by the requesting party:

21 (1) alleging paternity and setting forth the facts establishing a
22 reasonable possibility of the requisite sexual contact between the
23 parties; or

24 (2) denying paternity and setting forth the facts establishing a
25 reasonable possibility of the nonexistence of sexual contact between
26 the parties.

27 h. In a contested paternity case in which the State IV-D agency
28 requires genetic testing, the State IV-D agency shall:

29 (1) pay the costs of the genetic test and may recoup payment from
30 the alleged father whose paternity is established; and

31 (2) obtain additional testing if the initial test results are contested,
32 and upon the request and advance payment for the additional test by
33 the contestant.

34 (cf: P.L.1994, c.164, s.1)

35
36 39. Section 8 of P.L.1983, c.17 (C.9:17-45) is amended to read as
37 follows:

38 8. a. A child, a legal representative of the child, the natural
39 mother, the estate or legal representative of the mother, if the mother
40 has died or is a minor, a man alleged or alleging himself to be the
41 father, the estate or legal representative of the alleged father, if the
42 alleged father has died or is a minor, the Division of **Public Welfare**
43 Family Development in the Department of Human Services, or the
44 county welfare agency, or any person with an interest recognized as
45 justiciable by the court may bring or defend an action or be made a
46 party to an action at any time for the purpose of determining the

1 existence or nonexistence of the parent and child relationship.

2 b. No action shall be brought under **【this act】** P.L.1983, c.17
3 (C.9:17-38 et seq.) more than 5 years after the child attains the age of
4 majority.

5 c. The death of the alleged father shall not cause abatement of any
6 action to establish paternity, and an action to determine the existence
7 or nonexistence of the parent and child relationship may be instituted
8 or continued against the estate or the legal representative of the
9 alleged father.

10 d. Regardless of its terms, an agreement, other than an agreement
11 approved by the court in accordance with subsection **【11c.】**c. of
12 section 11 of P.L.1983, c.17 (C.9:17-48) between an alleged or
13 presumed father and the mother of the child, shall not bar an action
14 under this section.

15 e. If an action under this section is brought before the birth of the
16 child, all proceedings shall be stayed until after the birth, except
17 service of process and the taking of depositions to perpetuate
18 testimony. The court may consider the issue of medical expenses and
19 may order the alleged father to pay the reasonable expenses of the
20 mother's pregnancy and postpartum disability. Bills for pregnancy,
21 childbirth and genetic testing are admissible as evidence without
22 requiring third party foundation testimony, and shall constitute prima
23 facie evidence of the amounts incurred for such services or for testing
24 on behalf of the child.

25 f. This section does not extend the time within which a right of
26 inheritance or a right to succession may be asserted beyond the time
27 provided by law relating to distribution and closing of decedents'
28 estates or to the determination of heirship, or otherwise.

29 (cf: P.L.1983, c.17, s.8)

30

31 40. Section 11 of P.L.1983, c.17 (C.9:17-48) is amended to read
32 as follows:

33 11. a. As soon as practicable after an action to declare the
34 existence or nonexistence of the father and child relationship has been
35 brought, a consent conference shall be held by the Superior Court,
36 Chancery Division, Family Part intake service, the **【county probation**
37 **department】** Probation Division or the county welfare agency. At the
38 request of either party, the determination of paternity may be referred
39 directly to the court in lieu of the consent process. A court appearance
40 shall be scheduled in the event that a consent agreement cannot be
41 reached.

42 b. On the basis of the information produced at the conference, an
43 appropriate recommendation for settlement shall be made to the
44 parties, which may include any of the following:

- 45 (1) That the action be dismissed with or without prejudice; or
46 (2) That the alleged father voluntarily acknowledge his paternity

1 of the child.

2 c. If the parties accept a recommendation made in accordance with
3 subsection b. of this section, which has been approved by the court,
4 judgment shall be entered or a Certificate of Parentage shall be
5 executed accordingly.

6 d. If a party refuses to accept a recommendation made under
7 subsection b. of this section or the consent conference is terminated
8 because it is unlikely that all parties would accept a recommendation
9 pursuant to subsection b. of this section, and blood tests or genetic
10 tests have not been taken, the county welfare agency shall require or
11 the court shall [require] order the child and the parties to submit to
12 blood tests or genetic tests [if the court determines that there is an
13 articulable reason for suspecting that the alleged father is the natural
14 father. The tests shall be scheduled within 10 days and shall be
15 performed by qualified experts. Thereafter the Family Part intake
16 service, with the approval of the court, shall make an appropriate final
17 recommendation] unless a party claims, and the county welfare agency
18 or the court finds, good cause for not ordering the tests. The court
19 may hear and decide motions to challenge a directive issued by the
20 county welfare agency requiring a party to submit to blood or genetic
21 tests. A genetic test shall be ordered upon the request of either party,
22 if the request is supported by a sworn statement by the requesting
23 party which alleges paternity and sets forth the facts establishing a
24 reasonable possibility of the requisite sexual contact between the
25 parties or denies paternity and sets forth the facts establishing a
26 reasonable possibility of the nonexistence of sexual contact between
27 the parties. If a party refuses to [accept the final recommendation]
28 acknowledge paternity based upon the blood or genetic test results,
29 the action shall be set for [trial] a hearing, except when the results of
30 the blood test or genetic test indicate that the specific threshold
31 probability as set by the State to establish paternity has been met or
32 exceeded.

33 If the results of the blood test or genetic test indicate that the
34 specific threshold probability, as [set by the State] adopted by
35 regulation by the commissioner, to establish paternity has been met or
36 exceeded, the results shall be received in evidence as a conclusive
37 presumption of paternity [and no] without requiring any additional
38 foundation testimony or proof of authenticity or accuracy [shall be
39 required to establish paternity] of the paternity testing or results. In
40 actions based on allegations of fraud or inaccurate analysis, the court
41 or the county welfare agency shall require that [the] additional blood
42 [test] or genetic [test] tests be scheduled within 10 days of the
43 request and be performed by qualified experts. [The test] Additional
44 blood or genetic tests shall be paid for in advance by the [moving]
45 requesting party.

1 If a party objects to the results of the blood ~~test~~ or genetic ~~test~~
2 tests, the party shall make the objection to the appropriate agency, in
3 writing, within 10 days of ~~receipt of the results~~ the consent
4 conference or hearing.

5 e. The guardian ad litem may accept or refuse to accept a
6 recommendation under this section.

7 f. (Deleted by amendment, P.L.1994, c.164).

8 g. No evidence, testimony or other disclosure from the consent
9 conference shall be admitted as evidence in a civil action except by
10 consent of the parties. However, blood tests or genetic tests ordered
11 pursuant to subsection d. of this section ~~may~~ shall be admitted as
12 evidence.

13 h. The refusal to submit to a blood test or genetic test required
14 pursuant to subsection d. of this section, or both, shall be admitted
15 into evidence and shall give rise to the presumption that the results of
16 the test would have been unfavorable to the interests of the party who
17 refused to submit to the test. Refusal to submit to a blood test or
18 genetic test, or both, is also subject to the contempt power of the
19 court.

20 i. If a party refuses to acknowledge paternity or does not appear
21 at a consent conference conducted by the county welfare agency, the
22 county welfare agency shall refer the matter to the court for
23 adjudication. For purposes of establishing paternity, the blood or
24 genetic test results shall be admitted into evidence at the hearing
25 without the need for foundation testimony or other proof of
26 authenticity or accuracy, unless an objection is made.

27 (cf: .L.1994, c.164, s.2)

28
29 41. Section 16 of P.L.1983, c.17 (C.9:17-53) is amended to read
30 as follows:

31 16. a. The judgment or order of the court or a Certificate of
32 Parentage determining the existence or nonexistence of the parent and
33 child relationship is determinative for all purposes.

34 b. If the judgment or order of the court is at variance with the
35 child's birth certificate, the court shall order that an amendment to the
36 original birth record be made under section 22 of P.L.1983, c.17
37 (C.9:17-59).

38 c. The judgment or order may contain any other provision directed
39 against the appropriate party to the proceeding concerning the duty of
40 support, the custody and guardianship of the child, visitation privileges
41 with the child, the furnishing of bond or other security for the payment
42 of the judgment, the repayment of any public assistance grant, or any
43 other matter in the best interests of the child. The judgment or order
44 may direct the father to pay the reasonable expenses of the mother's
45 pregnancy and postpartum disability, including repayment to an agency
46 which provided public assistance funds for those expenses. Bills for

1 pregnancy, childbirth and blood or genetic testing are admissable as
2 evidence without requiring third party foundation testimony, and shall
3 constitute prima facie evidence of the amounts incurred for these
4 services or for testing on behalf of the child.

5 d. Support judgments or orders ordinarily shall be for periodic
6 payments, which may vary in amount. In the best interests of the
7 child, the purchase of an annuity may be ordered in lieu of periodic
8 payments of support. The court may limit a parent's liability for past
9 support of the child to the proportion of the expenses already incurred
10 that the court deems just.

11 e. In determining the amount to be paid by a parent for support of
12 the child and the period during which the duty of support is owed, [a]
13 the court [enforcing the obligation of support] shall apply the child
14 support guidelines as defined in section 3 of P.L. , c. (C.)(pending
15 before the Legislature as this act). In cases in which the court finds
16 that a deviation from these guidelines is appropriate, the court shall
17 consider all relevant facts when determining the amount of support,
18 including the:

- 19 (1) needs of the child;
- 20 (2) standard of living and economic circumstances of each parent;
- 21 (3) income and assets of each parent, including any public
22 assistance grant received by a parent;
- 23 (4) Earning ability of each parent, including educational
24 background, training, employment skills, work experience, custodial
25 responsibility for children and the length of time and cost for each
26 parent to obtain training or experience for appropriate employment;
- 27 (5) Need and capacity of the child for education, including higher
28 education;
- 29 (6) age and health of the child and each parent;
- 30 (7) Income, assets and earning ability of the child;
- 31 (8) Responsibility of the parents for the support of others; and
- 32 (9) Debts and liabilities of each child and parent.

33 The factors set forth herein are not intended to be exhaustive. The
34 court may consider such other factors as may be appropriate under the
35 circumstances.

36 f. Upon a motion by a party, the court shall enter a temporary
37 support order pending a judicial determination of parentage if there is
38 clear and convincing evidence of paternity supported by blood or
39 genetic test results or other evidence.

40 (cf: P.L.1983, c.17, s.16)

41
42 42. R.S.26:8-28 is amended to read as follows:

43 26:8-28. a. Within five days after each birth, there shall be filed
44 with the local registrar of the district in which the birth occurred a
45 certificate of the birth filled out with durable black or blue ink in a
46 legible manner. The name of the father shall be included on the record

1 of birth of the child of unmarried parents only if the father and mother
2 have signed a voluntary acknowledgment of paternity; or a court or an
3 administrative agency of competent jurisdiction has issued an
4 adjudication of paternity.

5 Nothing in this section shall preclude the State IV-D agency from
6 obtaining an admission of paternity from the father for submission in
7 a judicial or administrative proceeding, or prohibit the issuance of an
8 order in a judicial or administrative proceeding which bases a legal
9 finding of paternity on an admission of paternity by the father and any
10 other additional showing required by State law.

11 b. [In accordance with the provisions of the federal "Family
12 Support Act of 1988," Pub.L.100-485, and section 13721 of
13 Pub.L.103-66 (42 U.S.C. s.666), as] As part of the birth record, all
14 information required by the State IV-D agency pursuant to section 7
15 of P.L.1994, c.164 (C.26:8-28.1) shall be recorded on a separate form
16 provided or approved by the State registrar pursuant to subsection c.
17 of R.S.26:8-24, and filed with the State IV-D agency pursuant to
18 R.S.26:8-30 and R.S.26:8-31 for the establishment and enforcement
19 of child support matters in the State. For the purposes of this
20 subsection, "State IV-D agency" means the agency in the Department
21 of Human Services designated to administer the Title IV-D Child
22 Support Program.

23 c. The State registrar shall require each parent to provide his Social
24 Security number in accordance with procedures established by the
25 State registrar. The Social Security numbers furnished pursuant to this
26 section shall be used exclusively for child support enforcement
27 purposes.

28 d. The certificate of birth shall include the blood type of the child.
29 (cf: P.L.1994, c.164, s.3)

30
31 43. Section 7 of P.L.1994, c.164 (C.26:8-28.1) is amended to read
32 as follows:

33 7. A Certificate of Parentage may serve to satisfy the method of
34 collection of Social Security numbers as required pursuant to
35 subsection c. of R.S.26:8-28 and shall serve as the voluntary
36 acknowledgement of paternity by a father. The Certificate of
37 Parentage shall contain, at a minimum, the following information:

38 a. a sworn statement by the father that he is the natural father of
39 the child;

40 b. the Social Security numbers, except in those cases in which a
41 person is ineligible to apply for one, and addresses of the father and
42 mother;

43 c. the signature of the mother and father authenticated by a witness
44 or notary; and

45 d. instructions for filing the Certificate of Parentage with the
46 agency designated by the State IV-D agency.

1 In addition, the State IV-D agency, in cooperation with birthing
2 centers and hospitals providing maternity services and social services
3 or health care providers as designated by the Commissioner of Human
4 Services that may provide voluntary acknowledgment or paternity
5 services, shall provide [written] information orally, or through the use
6 of video or audio equipment, and in writing to the father and mother
7 of the child explaining the implications of signing a Certificate of
8 Parentage, including the parental rights, responsibilities and financial
9 obligations, as well as the availability of paternity establishment
10 services and child support enforcement services.

11 (cf: P.L.1994, c.164, s.7)

12

13 44. R.S.26:8-30 is amended to read as follows:

14 26:8-30. The attending physician, midwife or person acting as the
15 agent of the physician or midwife, who was in attendance upon the
16 birth shall be responsible for the proper execution and return of a
17 certificate of birth, which certificate shall be upon the form provided
18 or approved by the State department, and for making available to the
19 mother and natural father a Certificate of Parentage along with related
20 information as required by the State IV-D agency and pursuant to
21 section 452(a)(F) of the federal Social Security Act
22 (42 U.S.C.652(a)(F)). It shall be the responsibility of personnel at the
23 hospital or birthing facility to offer an opportunity to the child's natural
24 father to execute a Certificate of Parentage. Failure of the natural
25 father or mother to execute the Certificate of Parentage and the date
26 of the request shall be noted on the Certificate of Parentage. The
27 Certificate of Parentage shall be filed with the State IV-D agency or
28 its designee. The provision of services related to paternity
29 acknowledgment shall not be required when a legal action is pending
30 in the case, such as adoption, or State law prohibits such intervention.

31 For the purposes of this section, "State IV-D agency" means the
32 agency in the Department of Human Services designated to administer
33 the Title IV-D Child Support Program.

34 A signed voluntary acknowledgment of paternity may be challenged
35 in court within 60 days from the date of the signing of the Certificate
36 of Parentage or by the date of the establishment of a support order to
37 which the signatory is a party, whichever date is earlier. The challenge
38 may be made only on the basis of fraud, duress, or material mistake of
39 fact, with the burden of proof upon the challenger, and the legal
40 responsibilities of any signatory arising from the acknowledgment may
41 not be suspended during the challenge, except for good cause shown.
42 A signed voluntary acknowledgment of paternity shall be considered
43 a legal finding of paternity with the same force and effect as a court
44 order or judgment establishing paternity. No judicial or administrative

1 proceedings are required to ratify an unchallenged acknowledgment of
2 paternity.

3 (cf: P.L.1994, c.164, s.4)

4

5 45. R.S.37:1-17 is amended to read as follows:

6 37:1-17. On the marriage license shall be the form for the certificate
7 of marriage in quadruplicate, to which the licensing officer shall have
8 set forth particularly therein the name, age, parentage, race,
9 birthplace, residence, Social Security number and condition (whether
10 single, widowed or divorced) of each of the married persons, and the
11 names and county of birth of their parents. The Social Security number
12 shall be kept confidential and may only be released for child support
13 enforcement purposes, and shall not be considered a public record
14 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). The person by whom
15 or the religious society, institution, or organization by or before which,
16 the marriage was solemnized, shall personally or by legally authorized
17 agent subscribe where indicated on the form the date and place of the
18 marriage. Each certificate of marriage shall also contain the signature
19 and residence of at least two witnesses who were present at the
20 marriage ceremony.

21 (cf: P.L.1980, c. 128, s.1)

22

23 46. Section 12 of P.L.1983, c.17 (C.9:17-49) is amended to read
24 as follows:

25 12. a. An action under this act is a civil action governed by the
26 **[rules of court]** Rules Governing the Courts of the State of New
27 Jersey.

28 b. The trial shall be by the court without a jury**[**, unless a party to
29 the action shall file with the court a written request for a trial by jury
30 within 10 days after service of the complaint. The complaint shall
31 contain a notice to all parties that they may request a jury trial within
32 10 days of the service of the complaint**].**

33 (cf: P.L.1983, c.17, s.12)

34

35 47. The following are repealed:

36 Section 1 of P.L.1981, c.417 (C.2A:17-56.7);

37 Sections 1 and 14 of P.L.1985, c.278 (C.2A:17-56.26 and 2A:17-
38 56.17); and

39 Section 2 of P.L.1996, c.7 (C.2A:17-56.40).

40

41 48. This act shall take effect immediately.

42

43 STATEMENT

44

45 This bill is designated the "New Jersey Child Support Program
46 Improvement Act."

1 The provisions of the bill are intended to implement requirements
2 which the State must adopt under the federal "Personal Responsibility
3 and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193.
4 Specifically, the bill:

5 • With respect to the establishment and enforcement of child support
6 orders, provides that subject to safeguards on privacy and
7 information security and appropriate procedural due process
8 requirements including, as appropriate, notice, the opportunity to
9 contest and notice of the right to appeal to the court, the
10 Department of Human Services is authorized to take the following
11 actions without the necessity of obtaining an order from the court,
12 and to recognize and enforce the authority of state agencies of
13 other states to take the following actions:

14 - Require genetic testing for the purpose of paternity establishment;
15 - Subpoena any financial or other information needed for the
16 establishment, modification or enforcement of a support order; and
17 impose a civil penalty for failure to respond to a subpoena;

18 - Request that any entity including for-profit, nonprofit and
19 government employers, respond promptly to a request by the
20 Department of Human Services or any out-of-State IV-D agency for
21 information on the employment, compensation and benefits of any
22 individual employed by the entity as an employee or contractor, and
23 impose a civil penalty for failure to respond to any request;

24 - Subject to the nonliability of entities that afford access, to obtain
25 access, including automated access when feasible, to information
26 contained in the following records:

27 (1) records of other State and local government agencies which
28 include, but are not limited to, records of: the Bureau of Vital
29 Statistics, the Division of Taxation and local tax and revenue records,
30 real and titled personal property, occupational, professional,
31 recreational and sporting licenses and records concerning the
32 ownership and control of corporations, partnerships and other business
33 entities, the Department of Labor, including wage, unemployment,
34 disability and workers compensation records, agencies administering
35 public assistance programs, the Division of Motor Vehicles and the
36 Department of Corrections, including records related to State-
37 sentenced inmates and parolees.

38 (2) records held by private entities with respect to individuals who
39 owe or are owed support, or against or with respect to whom a
40 support obligation is sought, including information on the assets and
41 liabilities of individuals held by financial institutions and the names and
42 addresses of the individuals and the names and addresses of the
43 employers of the individuals appearing in customer records of public
44 utilities and cable television companies;

45 - Order income withholding in accordance with the provisions of
46 State and federal law;

- 1 - Direct an obligor or payor to change the payee to the department
2 in cases where support is subject to an assignment or an application
3 for Title IV-D services has been filed;
- 4 - Secure assets to satisfy arrearages by: (1) intercepting or seizing
5 periodic or lump sum payments from: State or local agencies,
6 including unemployment compensation, workers' compensation or
7 other benefits; judgments, settlements and awards; and lotteries; (2)
8 developing a bank information matching program and attaching and
9 seizing assets of the obligor held in financial institutions located in
10 this State; (3) attaching public and private retirement funds as
11 permitted under State law; and (4) imposing a lien and initiating an
12 execution or levy to force the sale of property and distribution of
13 proceeds in accordance with State law and applicable court rules;
- 14 - Require each party subject to a paternity or child support
15 proceeding to provide information, including, but not limited to: Social
16 Security number, telephone number, driver's license number,
17 residential and mailing addresses, and the name, address, and
18 telephone number of the party's employer; and
- 19 - Unless otherwise ordered by the court, increase the amount of
20 monthly support payments to include amounts for arrearages to the
21 extent that the total amount withheld does not exceed the limits
22 imposed under section 303(b) of the federal Consumer Credit
23 Protection Act (15 U.S.C. s.1673 (b)).
- 24 • Directs the department to determine if a recipient of public
25 assistance is cooperating in good faith in establishing the paternity
26 of, or in establishing, modifying or enforcing a support order for,
27 any child of the recipient;
- 28 • Authorizes the department, in any case in which an obligor owes
29 past-due child support with respect to a child receiving assistance
30 under a State program funded under TANF, to petition the court to
31 issue an order that requires the obligor: to pay the support in
32 accordance with a plan approved by the court; or to participate in
33 work activities as ordered by the court, if the obligor is subject to
34 such a plan and is not incapacitated;
- 35 • Establishes a State case registry which is an automated information
36 system that will track, monitor and record all child support orders
37 and services provided under the State Title IV-D plan and record
38 all other child support orders issued in the State after October 1,
39 1998;
- 40 • Authorizes all federal and State agencies conducting Title IV-D
41 activities to have access directly or through the department, to any
42 system used by the Division of Motor Vehicles and law
43 enforcement agencies in the State to locate an individual;
- 44 • Requires that subject to safeguards on privacy and information
45 security, the Social Security number of an applicant for a
46 professional or occupational license, recreational or sporting

- 1 license, driver's license or marriage license shall be recorded on the
2 application. Also, the Social Security number shall be placed in the
3 record relating to a divorce decree, support order, paternity
4 determination and on a death certificate. The Social Security
5 number shall be made available to the department;
- 6 • Requires employers and labor organizations to report information
7 about newly hired employees to the department;
 - 8 • Authorizes the department to seek to void certain fraudulent
9 transfers of assets by child support obligors;
 - 10 • Requires the State to cooperate with other states in interstate child
11 support cases;
 - 12 • Provides for the denial, suspension or revocation of child support
13 obligors' professional or occupational licenses, driver's licenses and
14 recreational or sporting licenses (e.g., power vessel licenses and
15 hunting or fishing licenses) for obligors who have failed to make a
16 required, current obligation of child support payment for six
17 months;
 - 18 • Requires the State Lottery Director and the Commissioner of
19 Human Services to exchange data before a State lottery prize in
20 excess of \$600 is awarded, and prohibits a delinquent Title IV-D
21 obligor who wins an annuity award, from assigning the annuity
22 award to another person; and
 - 23 • Repeals various sections of law in chapter 17 of Title 2A of the
24 New Jersey Statutes, including the short titles and definition
25 sections of various laws, which are no longer applicable. The bill
26 repeals:
 - 27 - N.J.S.A. 2A:17-56.7 (short title);
 - 28 - N.J.S.A. 2A:17-56.26 and 2A:17-56.17 (short title, definitions);
 - 29 and
 - 30 - N.J.S.A.2A:17-56.40 (definitions).

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1645

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1998

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1645.

This bill is designated the "New Jersey Child Support Program Improvement Act."

The provisions of the bill are intended to implement requirements which the State must adopt under the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193. Specifically, the bill:

- With respect to the establishment and enforcement of child support orders, provides that subject to safeguards on privacy and information security, as prescribed in the bill, and appropriate procedural due process requirements including, as appropriate, notice, the opportunity to contest and notice of the right to appeal to the court, the Department of Human Services is authorized to take the following actions without the necessity of obtaining an order from the court, and to recognize and enforce the authority of state agencies of other states to take the following actions:
 - Require genetic testing for the purpose of paternity establishment;
 - Subpoena any financial or other information needed for the establishment, modification or enforcement of a support order; and impose a civil penalty for failure to respond to a subpoena;
 - Request that any entity including for-profit, nonprofit and government employers, respond promptly to a request by the Department of Human Services or any out-of-State IV-D agency for information on the employment, compensation and benefits of any individual employed by the entity as an employee or contractor, and impose a civil penalty for failure to respond to any request;
 - Subject to the nonliability of entities that afford access, to obtain access, including automated access when feasible, to information contained in the following records:
 - (1) records of other State and local government agencies which include, but are not limited to, records of: the Bureau of Vital Statistics, the Division of Taxation and local tax and revenue records, real and titled personal property, occupational, professional,

recreational and sporting licenses and records concerning the ownership and control of corporations, partnerships and other business entities, the Department of Labor, including wage, unemployment, disability and workers compensation records, agencies administering public assistance programs, the Division of Motor Vehicles and the Department of Corrections, including records related to State-sentenced inmates and parolees.

(2) records held by private entities with respect to individuals who owe or are owed support, or against or with respect to whom a support obligation is sought, including information on the assets and liabilities of individuals held by financial institutions and the names and addresses of the individuals and the names and addresses of the employers of the individuals appearing in customer records of public utilities and cable television companies;

- Order income withholding in accordance with the provisions of State and federal law;

- Direct an obligor or payor to change the payee to the department in cases where support is subject to an assignment or an application for Title IV-D services has been filed;

- Secure assets to satisfy arrearages by: (1) intercepting or seizing periodic or lump sum payments from: State or local agencies, including unemployment compensation, workers' compensation or other benefits; judgments, settlements and awards; inheritances; and lotteries; (2) developing a bank information matching program and attaching and seizing assets of the obligor held in financial institutions located in this State; (3) attaching public and private retirement funds as permitted under State law; and (4) imposing a lien and initiating an execution or levy to force the sale of property and distribution of proceeds in accordance with State law and applicable court rules;

- Require each party subject to a paternity or child support proceeding to provide information, including, but not limited to: Social Security number, telephone number, driver's license number, residential and mailing addresses, and the name, address, and telephone number of the party's employer; and

- Unless otherwise ordered by the court in individual cases, increase the amount of monthly support payments to include amounts for arrearages in accordance with schedules approved by the court.

- Directs the department to determine if a recipient of public assistance is cooperating in good faith in establishing the paternity of, or in establishing, modifying or enforcing a support order for, any child of the recipient;
- Authorizes the department, in any case in which an obligor owes past-due child support with respect to a child receiving assistance under a State program funded under TANF, to petition the court to issue an order that requires the obligor: to pay the support in accordance with a plan approved by the court; or to participate in work activities as ordered by the court, if the obligor is subject to such a plan and is not incapacitated;

- Establishes a State case registry which is an automated information system that will track, monitor and record all child support orders and services provided under the State Title IV-D plan and record all other child support orders issued in the State after October 1, 1998;
- Authorizes all federal and State agencies conducting Title IV-D activities to have access directly or through the department, to any system used by the Division of Motor Vehicles and law enforcement agencies in the State to locate an individual;
- Requires that subject to safeguards on privacy and information security, as prescribed in the bill, the Social Security number of an applicant for a professional or occupational license, recreational or sporting license, driver's license or marriage license shall be recorded on the application. Also, the Social Security number shall be placed in the record relating to a divorce decree, support order, paternity determination and on a death certificate. The Social Security number shall be made available to the department;
- Requires employers and labor organizations to report information about newly hired employees to the department;
- Authorizes the department to seek to void certain fraudulent transfers of assets by child support obligors;
- Requires the State to cooperate with other states in interstate child support cases;
- Provides for the denial, suspension or revocation of child support obligors' professional or occupational licenses, driver's licenses and recreational or sporting licenses (e.g., power vessel licenses and hunting or fishing licenses) for obligors who have failed to make a required, current obligation of child support payment for six months;
- Requires the State Lottery Director and the Commissioner of Human Services to exchange data before a State lottery prize in excess of \$600 is awarded, and prohibits a delinquent Title IV-D obligor who wins an annuity award, from assigning the annuity award to another person; and
- Repeals various sections of law in chapter 17 of Title 2A of the New Jersey Statutes, including the short titles and definition sections of various laws, which are no longer applicable. The bill repeals:
 - N.J.S.A. 2A:17-56.7 (short title);
 - N.J.S.A. 2A:17-56.26 and 2A:17-56.17 (short title, definitions);
 - and
 - N.J.S.A.2A:17-56.40 (definitions).

The committee adopted a number of technical and clarifying amendmnets. These amendments would:

1. Clarify that in addition to other governmental records, records of the Division of Taxation can be used to satisfy the requirement to use diligent efforts to locate a party.

2. Provide that a financial institution must provide information on delinquent obligors to the Department of Human Services if the due child support equals or exceeds three months of support and no regular payments are being made.

3. Provide that if the Department of Human Services seeks to levy against assets held by a financial institution, the obligor be given notice and thirty days to contest the levy.

4. Provide that the willful, unauthorized release of financial information by a Department of Human Services employee would be cause for termination.

5. Add provisions limiting the use or disclosure of information concerning applicants or recipients of child support services.

6. Provides that the Department of Human Services be required to establish a child support disbursement unit by October 1, 1999.

7. Provide that an obligor or obligee shall be given at least 30 days notice of any proposed adjustment in child support obligations.

8. Provide that, once docketed, judgments for child support shall be enforced in the same manner as other civil money judgments.

9. Provide that if a license is suspended for failure to meet a child support obligation, that suspension shall continue until a certified court order restoring the license is filed with the licensing authority.

10. Add language to reflect recently enacted P.L. 1997, c. 376, concerning the use of blood and genetic tests in establishing paternity.

SENATE, No. 460

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 10, 1998

Sponsored by:

Senator WILLIAM L. GORMLEY

District 2 (Atlantic)

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

Co-Sponsored by:

Senators Zane, Girgenti and Robertson

SYNOPSIS

"New Jersey Child Support Program Improvement Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/11/1998)

S460 GORMLEY, BRYANT

2

1 AN ACT concerning child support reform and revising parts of the
2 statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) This act shall be known and may be cited as the
8 "New Jersey Child Support Program Improvement Act."

9

10 2. (New section) The Legislature finds and declares that:

11 a. Title III of the federal "Personal Responsibility and Work
12 Opportunity Reconciliation Act of 1996," Pub.L.104-193, provides
13 New Jersey with the authority and guidance to structure and
14 administer an effective and efficient child support program that is
15 accessible to all the citizens of this State needing its services;

16 b. Work and the timely payment of child support promote the best
17 interests of all families with children;

18 c. The expeditious establishment of paternity and child support
19 obligations is integral to the development of a safety net for
20 participants in the Work First New Jersey program established
21 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) and their children.
22 With the implementation of the Work First New Jersey program and
23 its time-limited benefits, the establishment of child support orders and
24 the collection of child support are essential to the ability of families to
25 achieve and maintain self-sufficiency;

26 d. The early establishment of paternity and child support orders
27 creates a basis for individual security and family stability, and fosters
28 an understanding of personal responsibility in children and teenagers;

29 e. The efficient establishment of paternity and support obligations,
30 and the effective enforcement and collection of child support
31 obligations pursuant to the provisions of Pub.L.104-193, will
32 maximize the federal funding available to New Jersey for these
33 services; and

34 f. The provisions of this act incorporate and expand the
35 fundamental concepts of P.L.1981, c.417 (C.2A:17-56.7 et al.) and
36 comply with the federal initiatives embodied in Pub.L.104-193;

37

38 3. (New section) As used in P.L. , c. (C.)(pending before the
39 Legislature as this bill), P.L.1981, c.417 (C.2A:17-56.7 et al.),
40 P.L.1988, c.111 (C.2A:17-56.23a), sections 13, 17 through 20 and 22
41 of P.L.1985, c.278 (C.2A:17-56.16, 2A:17-56.20 through 2A:17-
42 56.23, and 2A:17-56.25), P.L.1990, c.53 (C.2A:17-56.13a), sections
43 5 and 6 of P.L.1990, c.92 (C.2A:17-56.9a and 2A:17-56.9b),

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 P.L.1995, c.287 (C.2A:17-56.11a), P.L.1995, c.290 (C.2A:17-
2 56.11b), P.L.1995, c.322 (C.2A:17-56.34 et seq.) and P.L.1996, c.7
3 (C.2A:17-56.40 et al.):

4 "Account" means a demand deposit account, checking or negotiable
5 order of withdrawal account, savings account, time deposit account,
6 equity securities account or money market mutual fund account.

7 "Administrative enforcement" means the use of high volume
8 automated data processing to search various State data bases,
9 including, but not limited to, license records, employment service data
10 and State new hire registries, to determine whether information is
11 available in response to a request made by another jurisdiction to
12 enforce a support order.

13 "Appropriate enforcement methods" means mechanisms such as
14 income withholding, withholding of civil lawsuits, and execution of the
15 assets of the obligor which can result in immediate payment of the
16 child support arrearage when available. In appropriate cases, the
17 license revocation process may be used as an alternative to Rule 5:7-5
18 of the court rules.

19 "Arrearage" means the amount of unpaid support as determined by
20 a court order or an administrative order from a state for support of a
21 child or of a child and the custodial parent.

22 "Child" means a person, whether over or under the age of majority,
23 who is or is alleged to be owed a duty of child support by that person's
24 parent or who is or is alleged to be the beneficiary of a support order
25 directed to the parent.

26 "Child support" means the amount required to be paid under a
27 judgment, decree, or order, whether temporary, final or subject to
28 modification, issued by the Superior Court, Chancery Division, Family
29 Part or a court or administrative agency of competent jurisdiction of
30 another state, for the support and maintenance of a child, or the
31 support and maintenance of a child and the parent with whom the child
32 is living, which provides monetary support, health care coverage, any
33 arrearage or reimbursement, and which may include other related costs
34 and fees, interest and penalties, income withholding, attorney's fees
35 and other relief.

36 "Child support related warrant" means an outstanding warrant for
37 the arrest of a child support obligor or putative father issued by the
38 court for failure to pay child support as ordered, failure to appear at
39 a hearing to establish paternity or child support, or failure to appear
40 at a hearing to enforce a child support order.

41 "Commissioner" means the Commissioner of Human Services.

42 "Court" means the Superior Court, Chancery Division, Family Part.

43 "Court order" means an order of the court or an order from an
44 administrative or judicial tribunal in another state that is competent to
45 enter or modify orders for paternity or child support.

46 "Court rules" means the Rules Governing the Courts of the State of

1 New Jersey.

2 "Credit reporting agency" means a nationally recognized credit
3 reporting agency as approved by the commissioner and defined in the
4 federal Fair Credit Reporting Act (15 U.S.C. s. 1681a(f)) as any entity
5 which, for monetary fees, dues, or on a cooperative nonprofit basis,
6 regularly engages in whole or in part in the practice of assembling or
7 evaluating consumer credit information or other information on
8 consumers for the purpose of furnishing reports to third parties and
9 which uses any means or facility of interstate commerce for the
10 purpose of preparing or furnishing consumer reports.

11 "Custodial parent" means the parent or other person who has legal
12 and physical custody of a child for the majority of the time. The
13 custodial parent is responsible for the day-to-day decisions related to
14 the child and for providing the basic needs of the child on a daily basis.
15 The custodial parent is the person to whom child support is payable.
16 In shared parenting situations, the custodial parent is known as the
17 Parent of Primary Residence.

18 "Default order" means a court order entered due to a party's failure
19 to answer a complaint or motion or to appear at a court proceeding as
20 required, after being properly served with notice.

21 "Department" means the Department of Human Services.

22 "Employee" means an individual who is an employee within the
23 meaning of chapter 24 of the Internal Revenue Code of 1986.
24 Employee does not include an employee of a federal or state agency
25 performing intelligence or counter-intelligence functions, if the head
26 of such agency has determined that reporting could endanger the
27 safety of the employee or compromise an ongoing investigation or
28 intelligence mission.

29 "Employer" has the meaning given the term in section 3401(d) of
30 the Internal Revenue Code of 1986 and includes any governmental
31 entity and labor organization.

32 "Financial institution" means: a depository institution as defined in
33 12 U.S.C.s.1813(c); an institution affiliated party as defined in 12
34 U.S.C.s.1813(u); a federal or State credit union as defined in 12
35 U.S.C.s.1752, including an institution affiliated party of a credit union
36 as defined in 12 U.S.C.s.1786(r); a benefit association, insurance
37 company, safe deposit company, money market mutual fund,
38 investment and loan corporation or similar entity authorized to do
39 business in this State.

40 "Health care coverage" means cash medical support, health
41 insurance, dental insurance, eye care, pharmaceutical assistance and
42 other types of medical support which are ordered by the court to
43 maintain the health coverage of a child.

44 "Income" for the purposes of enforcing a support order, means, but
45 is not limited to, commissions, salaries, earnings, wages, rent monies,
46 unemployment compensation, workers' compensation, any legal or

1 equitable interest or entitlement owed that was acquired by a cause of
2 action, suit, claim or counterclaim, insurance benefits, claims,
3 accounts, assets of estates, inheritances, trusts, federal or State income
4 tax refunds, homestead rebates, State lottery prizes, casino and
5 racetrack winnings, annuities, retirement benefits, veteran's benefits,
6 union benefits, or any other source that may be defined as income or
7 other property subject to withholding for child support pursuant to
8 State law.

9 For the purposes of establishing a support order, income is defined
10 pursuant to the child support guidelines in Appendix IX of the court
11 rules.

12 "Labor organization" means a labor organization as defined in
13 paragraph (5) of section 2 of the federal "National Labor Relations
14 Act" (29 U.S.C. s.152) and includes any entity used by the
15 organization and an employer to carry out the requirements of
16 paragraph (3) of subsection (f) of section 8 of that act (29 U.S.C.
17 s.158(f)(3)) or an agreement between the organization and the
18 employer.

19 "License" means any license, registration or certificate issued by the
20 State or its agencies or boards that is directly necessary to provide a
21 product or service for compensation, to operate a motor vehicle, or for
22 recreational or sporting purposes.

23 "Licensing authority" means any department, division, board,
24 agency or other instrumentality of State government that issues a
25 license, registration, certificate or other authorization to provide
26 goods or services for compensation, to operate a motor vehicle, or for
27 recreational or sporting purposes.

28 "Non-custodial parent" means the parent who does not have
29 physical custody of the child on a day-to-day basis. In shared parenting
30 situations, the non-custodial parent is known as the Parent of Alternate
31 Residence.

32 "Obligee" means an individual to whom a duty of support is or is
33 alleged to be owed or in whose favor a support order has been issued
34 or a judgment determining parentage has been rendered; a state or
35 political subdivision to which the rights under a duty of support or
36 support order have been assigned or which has independent claims
37 based on financial assistance provided to an individual obligee; or an
38 individual seeking a judgment determining parentage of the individual's
39 child or providing for the support of a child.

40 "Obligor" means an individual, or the estate of a decedent, who
41 owes or is alleged to owe a duty of support, who is alleged but has not
42 been adjudicated to be a parent of a child, or who is liable under a
43 support order.

44 "Payor" means an employer or individual or entity that disburses
45 or is in possession of income or assets payable to an obligor.

46 "Probation Division" means the Probation Division of the Superior

1 Court, Chancery Division, Family Part.

2 "RURESA" means the "Revised Uniform Reciprocal Enforcement
3 of Support Act (1968)," adopted in New Jersey as P.L.1981, c.243
4 (C.2A:4-30.24 et seq.).

5 "Spousal support" means a legally enforceable obligation assessed
6 against a person for the support of a spouse or former spouse who is
7 the custodial parent of a child to whom the person owes child support.

8 "State case registry" means the automated system maintained by the
9 State IV-D agency that contains federally required information on
10 child support cases.

11 "State IV-D agency" means the Department of Human Services.

12 "Support guidelines" means the set of presumptive standards for
13 determining the amount of child support as established by the court in
14 court rules.

15 "Support order" means a judgment, decree or order, whether
16 temporary, final or subject to modification, for the benefit of a child,
17 a spouse or a former spouse, issued by the court or a court or
18 administrative agency of another state, which provides for monetary
19 support, health care coverage, arrearages or reimbursement, and may
20 include related costs and fees, interest, income withholding, attorney's
21 fees and other relief.

22 "TANF" means the "Temporary Assistance to Needy Families"
23 program established pursuant to Title IV-A of the federal Social
24 Security Act (42 U.S.C. s.601 et seq.). TANF includes the Work First
25 New Jersey program for dependent children and their parents
26 established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

27 "Title IV-D" means Title IV-D of the federal Social Security Act
28 (42 U.S.C. s.651 et seq.).

29 "Title IV-D case" means a case under Title IV-A of the federal
30 Social Security Act (42 U.S.C. s.601 et seq.) that involves an
31 assignment of support rights, an appropriate referral under Title IV-E
32 of the federal Social Security Act (42 U.S.C. s.670 et seq.), a non-
33 public assistance case or a Medicaid only case, in which an application
34 for Title IV-D services has been filed and a fee paid, as appropriate,
35 with the department, or an interstate case referred to the department
36 by another jurisdiction.

37 "UIFSA" means the "Uniform Interstate Family Support Act" to be
38 adopted by each state to replace RURESA pursuant to Pub.L.104-193.

39

40 4. (New section) Subject to safeguards on privacy and information
41 security and appropriate procedural due process requirements
42 including, as appropriate, notice, the opportunity to contest and notice
43 of the right to appeal to the court, the department is authorized to take
44 the following actions relating to the establishment of paternity or to
45 the establishment, modification or enforcement of support orders,
46 without the necessity of obtaining an order from the court, and to

1 recognize and enforce the authority of state agencies of other states to
2 take the following actions:

3 a. Require genetic testing for the purpose of paternity
4 establishment;

5 b. (1) Subpoena any financial or other information needed for the
6 establishment, modification or enforcement of a support order; and

7 (2) impose a civil penalty for failure to respond to a subpoena
8 which shall not exceed: \$25 per violation, or, if the failure to respond
9 is the result of a conspiracy between the entity and the non-custodial
10 parent not to supply the required information or to supply inaccurate
11 or incomplete information, \$500. Payment of the penalty may not be
12 required, however, if in response to the imposition of the penalty, the
13 person or entity complies immediately with the subpoena. All
14 penalties assessed under this section shall be payable to the State
15 Treasurer and may be recovered in a summary proceeding pursuant to
16 "the penalty enforcement law," N.J.S.2A:58-1 et seq.;

17 c. (1) Request that any entity including for-profit, nonprofit and
18 government employers, respond promptly to a request by the
19 department or any out-of-State IV-D agency for information on the
20 employment, compensation and benefits of any individual employed by
21 the entity as an employee or contractor; and

22 (2) impose a civil penalty for failure to respond to any request
23 which shall not exceed: \$25 per violation, or, if failure to respond is
24 the result of a conspiracy between the entity and the non-custodial
25 parent not to supply the required information or to supply inaccurate
26 or incomplete information, \$500. Payment of the penalty may not be
27 required, however, if in response to the imposition of the penalty, the
28 person or entity complies immediately with the subpoena. All
29 penalties assessed under this section shall be paid to the State
30 Treasurer and may be recovered in a summary proceeding pursuant to
31 "the penalty enforcement law," N.J.S.2A:58-1 et seq.;

32 d. Subject to the nonliability of entities that afford access, to obtain
33 access, including automated access when feasible, to information
34 contained in the following records:

35 (1) records of other State and local government agencies which
36 include, but are not limited to:

37 (a) records of the Bureau of Vital Statistics in the Department of
38 Health and Senior Services, and other agencies that collect vital
39 statistics, including marriage, death and birth records;

40 (b) records of the Division of Taxation in the Department of the
41 Treasury, and local tax and revenue records including address,
42 employer, income and assets;

43 (c) records concerning real and titled personal property;

44 (d) records of occupational, professional, recreational and sporting
45 licenses and records concerning the ownership and control of
46 corporations, partnerships and other business entities;

- 1 (e) records of the Department of Labor, including wage,
2 unemployment, disability and workers compensation records;
- 3 (f) records of agencies administering public assistance programs;
- 4 (g) records of the Division of Motor Vehicles in the Department of
5 Transportation, including, but not limited to, motor vehicle and
6 commercial license and registration records; and
- 7 (h) records of the Department of Corrections, including records
8 related to State-sentenced inmates and parolees; and
- 9 (2) records held by private entities with respect to individuals who
10 owe or are owed support, or against or with respect to whom a
11 support obligation is sought, including information on the assets and
12 liabilities of individuals held by financial institutions and the names and
13 addresses of the individuals and the names and addresses of the
14 employers of the individuals appearing in customer records of public
15 utilities and cable television companies, pursuant to a subpoena
16 authorized under subsection b. of this section;
- 17 e. Order income withholding in accordance with the provisions of
18 State and federal law;
- 19 f. Direct the obligor or payor to change the payee pursuant to
20 section 7 of P.L.1981, c.417 (C.2A:17-56.13) in cases where support
21 is subject to an assignment or an application for Title IV-D services
22 has been filed;
- 23 g. Secure assets to satisfy arrearages by:
 - 24 (1) intercepting or seizing periodic or lump sum payments from:
25 State or local agencies, including unemployment compensation,
26 workers' compensation or other benefits; judgments, settlements and
27 awards; and lotteries;
 - 28 (2) developing a bank information matching program and attaching
29 and seizing assets of the obligor held in financial institutions located
30 in this State in accordance with the provisions of P.L. , c,
31 (C.)(pending before the Legislature as this bill);
 - 32 (3) attaching public and private retirement funds as permitted
33 under State law; and
 - 34 (4) imposing a lien and initiating an execution or levy to force the
35 sale of property and distribution of proceeds in accordance with
36 N.J.S.2A:17-1 through N.J.S.2A:17-4, N.J.S.2A:17-57 through
37 N.J.S.2A:17-76 and applicable court rules;
- 38 h. Require each party subject to a paternity or child support
39 proceeding to file with the court and the State case registry upon the
40 entry of an order and to update, as appropriate, information on the
41 location and the identity of the party, including, but not limited to:
42 Social Security number, telephone number, driver's license number,
43 residential and mailing addresses, and the name, address, and
44 telephone number of the party's employer; and
- 45 i. Unless otherwise ordered by the court, increase the amount of
46 monthly support payments to include amounts for arrearages.

1 5. (New section) For the purposes of enforcing a support provision
2 in an order or judgment, procedural due process requirements may be
3 deemed to have been met with respect to the party upon delivery of
4 written notice to that party's most recent residential or employer
5 address on file with the department, if there is a sufficient showing that
6 diligent efforts have been made to locate the party by making inquiries
7 that may include, but are not limited to, the United States Postal
8 Service, Division of Motor Vehicles in the Department of
9 Transportation, the Department of Labor, and the Department of
10 Corrections. A certification documenting unsuccessful efforts to
11 locate a party shall be provided to the court before any adverse action
12 is taken based on failure of the party to respond to a notice. For the
13 purposes of establishing or modifying the child support provision of a
14 court order or judgment, service of process shall be consistent with
15 court rules or applicable statutes.

16

17 6. (New section) In accordance with regulations adopted by the
18 commissioner, the department shall make the determination as to
19 whether an individual who has applied for or is receiving public
20 assistance or assistance under the State Medicaid program pursuant to
21 P.L.1968, c.413 (C.30:4D-1 et seq.) or the Title IV-E program is
22 cooperating in good faith in establishing the paternity of, or in
23 establishing, modifying or enforcing a support order for any child of
24 the individual by providing the name of the non-custodial parent and
25 such other information as may be required for this purpose. The
26 determination shall be made subject to good cause and other
27 exemptions as specified by the commissioner, by regulation.

28 The department shall notify the individual and appropriate State or
29 county entities administering TANF and appropriate State or county
30 entities administering the State Medicaid program of each
31 determination, and if noncooperation is determined, the basis therefor.

32

33 7. (New section) In any case in which an obligor owes past-due
34 child support with respect to a child receiving assistance under a State
35 program funded under TANF, the department is authorized to petition
36 the court to issue an order that requires the obligor: to pay the support
37 in accordance with a plan approved by the court; or to participate in
38 work activities as ordered by the court, if the obligor is subject to such
39 a plan and is not incapacitated.

40

41 8. (New section) a. Each financial institution doing business in the
42 State shall provide information to the department on all non-custodial
43 parents who maintain an account at the financial institution and who
44 owe past due support.

45 b. In order to provide the information required pursuant to
46 subsection a. of this section, a financial institution shall enter into an

1 agreement and, at its option:

2 (1) identify non-custodial parents by comparing records maintained
3 by the financial institution with records provided by the department by
4 name, address of record and either Social Security number, tax
5 identification number or other identifying information;

6 (2) submit to the department a report that includes the name,
7 address of record and either Social Security number, tax identification
8 number or other identifying information of each individual maintaining
9 an account at the financial institution as shown on its records of that
10 account; or

11 (3) enter into an agreement with the department to provide the
12 name, address of record and either Social Security number, tax
13 identification number or other identifying information in a form and by
14 a method mutually agreeable to the financial institution and the
15 department.

16 c. The department shall enter into a cooperative agreement with
17 financial institutions doing business in this State to provide the
18 information required pursuant to subsection a. of this section on a
19 quarterly basis, by electronic or magnetic media, mail, facsimile or any
20 automated data exchange method or other means authorized by the
21 department. The department shall establish, by regulation, and pay a
22 reasonable fee for the data match provided for in this subsection. To
23 the extent consistent with federal law, the department shall reimburse
24 a financial institution for actual costs that are reasonably and
25 efficiently incurred in conducting the data match provided for in this
26 section.

27 d. In response to a notice of lien or levy, a financial institution shall
28 encumber or surrender, as the case may be, assets held by the financial
29 institution on behalf of any noncustodial parent who is subject to a
30 child support lien pursuant to 42 U.S.C.s.666(a)(4). To the extent
31 consistent with federal law, the encumbrance or surrender shall be
32 subject to any right to any fees and penalties or set-off the financial
33 institution may have against the assets under State law.

34 e. Notwithstanding any other law to the contrary, a financial
35 institution that is directed to levy upon, block, freeze or encumber an
36 account pursuant to the provisions of this section, is entitled to: (1)
37 collect or deduct from the account its reasonable and normally
38 scheduled processing fee for a levy; and (2) collect or deduct its
39 normally scheduled account activity fee to maintain the account for
40 any period the account is blocked, frozen or encumbered. The
41 provisions of this section shall not be construed to preclude a financial
42 institution from exercising its right to charge back or recoup a deposit
43 to an account.

44 f. Notwithstanding any other provision of federal or State law to
45 the contrary, a financial institution shall not be liable under any federal
46 or State law to any person for any disclosure of information to the

1 department for the purpose of establishing, modifying or enforcing a
2 child support obligation of an individual, or for encumbering, holding,
3 refusing to release to the obligor or surrendering any assets held by the
4 financial institution, in response to a notice of lien or levy issued by
5 the department, or for any other action taken in good faith to comply
6 with the requirements of this section, regardless of whether the action
7 was authorized or described pursuant to this section. A financial
8 institution shall not be required to give notice to an account holder or
9 customer that the financial institution has provided information or
10 taken any action pursuant to the provisions of this section. The
11 financial institution shall not be liable for failure to provide the notice.

12 g. In obtaining a financial record of an individual from a financial
13 institution, the department may only disclose the financial information
14 for the purpose of, and to the extent necessary to establish, modify or
15 enforce a child support obligation of the individual.

16 h. If any officer or employee of the department knowingly, or by
17 reason of negligence, discloses a financial record of an individual in
18 violation of subsection g. of this section, the injured individual may
19 bring a civil action for damages against the officer or employee.
20 Unauthorized release of information shall also be cause for
21 administrative discipline of any employee who engages in an
22 unauthorized release.

23 i. No liability shall arise under this section with respect to any
24 disclosure which results from a good faith but erroneous
25 interpretation.

26 j. No financial institution-affiliated party shall be required to
27 provide information required by this section if the financial institution
28 with which the party is affiliated has otherwise provided the required
29 information.

30

31 9. (New section) a. The department shall establish and maintain a
32 State case registry. The department shall regularly monitor cases in
33 the registry with respect to which services are being provided under
34 the State Title IV-D plan. The registry shall include information on:

35 (1) the amount and frequency of support owed and other amounts
36 due or overdue under the support order, including arrearages, interest
37 or late payment penalties and fees;

38 (2) any amounts described in paragraph (1) of this subsection that
39 have been collected;

40 (3) the distribution of collected amounts;

41 (4) the date of birth of any child for whom the support order
42 requires support;

43 (5) the amount of any lien imposed;

44 (6) information on administrative actions and administrative and
45 judicial proceedings and court orders relating to paternity and support;

46 (7) information obtained from comparison with federal, State, or

1 local sources of information; and

2 (8) any other relevant information.

3 b. Beginning October 1, 1998, the court shall transmit to the State
4 case registry a copy of every judgment or order that includes a
5 provision for child support.

6

7 10. (New section) All federal and state agencies conducting
8 activities pursuant to the requirements of Title IV-D, shall have access
9 directly or through the department to any system used by the Division
10 of Motor Vehicles in the Department of Transportation and law
11 enforcement agencies in the State to locate an individual. The
12 information shall be made available to the department through
13 electronic means when feasible.

14

15 11. (New section) Subject to safeguards on privacy and
16 information security:

17 a. The Social Security number of an applicant for any professional
18 or occupational license, recreational or sporting license, driver's
19 license, or marriage license shall be recorded on the application;

20 b. The Social Security number shall be placed in the record relating
21 to: a divorce decree; support order in a divorce decree; support order
22 and paternity determination or acknowledgment; and on a death
23 certificate; and

24 c. The Social Security number shall be made available to the
25 department through electronic means when feasible.

26

27 12. (New section) a. All employers and labor organizations doing
28 business in the State shall report to the department:

29 (1) the hiring of, or contracting with, any person who works in this
30 State and to whom the employer anticipates paying earnings; and

31 (2) the re-hiring or return to work of any employee who is laid off,
32 furloughed, separated, granted a leave without pay, or terminated from
33 employment in this State.

34 b. An employer shall submit the information required in this
35 subsection within 20 days of the hiring, re-hiring, or return to work of
36 the employee, except that an employer who transmits reports
37 magnetically or electronically shall report every 15 days in accordance
38 with rules adopted by the commissioner. The report shall contain:

39 (1) the employee's name, address, date of birth and Social Security
40 number; and

41 (2) the employer's name, address, and federal tax identification
42 number.

43 c. An employer who fails to report, as required in this section, shall
44 be given a written warning by the department for the first violation and
45 shall be subject to a civil penalty which shall not exceed: \$25 per
46 violation, or, if the failure to report is the result of a conspiracy

1 between the employer and the employee to not supply the required
2 report or to supply a false or incomplete report, \$500.

3 Payment of the penalty may not be required, however, if in response
4 to the imposition of the penalty, the person or entity complies
5 immediately with the new hire reporting requirements. All penalties
6 assessed under this section shall be payable to the State Treasurer and
7 may be recovered in a summary proceeding pursuant to "the penalty
8 enforcement law," N.J.S.2A:58-1 et seq.

9 d. The information provided pursuant to this section may be shared
10 with any federal or State agency as deemed appropriate by the
11 commissioner.

12

13 13. (New section) In any case in which the department knows of
14 a transfer by a child support judgment debtor pursuant to the "Uniform
15 Fraudulent Transfer Act," R.S.25:2-20 et seq., with respect to which
16 a prima facie case is established, the department shall seek to void the
17 transfer or obtain a settlement in the best interest of the child support
18 creditor.

19

20 14. (New section) a. The department shall be responsible for the
21 establishment of a State disbursement unit for the collection and
22 disbursement of payments under support orders in all Title IV-D cases,
23 and in all non-Title IV-D cases in which the support order was initially
24 issued in the State on or after January 1, 1994, and in which the
25 income of the non-custodial parent is subject to income withholding.

26 b. The department shall provide employers with one location to
27 which income withholding shall be sent.

28 c. The department shall use automated procedures, electronic
29 processes and computer driven technology to the maximum extent
30 feasible, for efficient and economical collection and disbursement of
31 support payments. All payments shall be disbursed in accordance with
32 federal requirements.

33

34 15. (New section) a. The department shall use administrative
35 enforcement, to the same extent as used for intrastate cases, in
36 response to a request made by another state to enforce a support
37 order, and shall promptly report the results of the enforcement
38 procedure to the requesting state. The department shall respond to a
39 request made by another state to enforce a support order through
40 electronic means, when feasible.

41 b. The department may, by electronic or other means, transmit to
42 another state a request for assistance in enforcing support orders
43 through administrative enforcement.

44 c. The requesting state's request shall:

45 (1) include such information as will enable the state to which the
46 request is transmitted to compare the information about the case to the

1 information in the databases of the state; and

2 (2) constitute a certification by the requesting state:

3 (a) of the amount of support under an order that the payment of
4 which is in arrears; and

5 (b) that the requesting state has complied with all procedural due
6 process requirements applicable to each case.

7 d. If the department provides assistance to another state pursuant
8 to this section with respect to a case, neither state shall consider the
9 case to be transferred to the caseload of the other state.

10 e. The department shall maintain records of: the number of requests
11 for assistance received by the State; the number of cases for which the
12 State collected support in response to the request; and the amount of
13 support collected.

14

15 16. (New section) The State IV-D agency and the court may
16 transfer a case between local county welfare agency and Probation
17 Division offices, respectively, without the need for additional filing by
18 the petitioner or service of process upon the respondent to retain
19 jurisdiction over the parties. Notice shall be provided to the parties
20 advising of the transfer.

21

22 17. a. The commissioner, pursuant to the "Administrative
23 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
24 regulations to effectuate the purposes of this act and to comply with
25 the requirements of Pub.L.104-193; except that, notwithstanding any
26 provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the
27 commissioner may adopt, immediately upon filing with the Office of
28 Administrative Law, such regulations as the commissioner deems
29 necessary to implement the provisions of this act, which regulations
30 shall be effective for a period not to exceed six months and may,
31 thereafter, be amended, adopted or readopted by the commissioner in
32 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et
33 seq.).

34 b. The Attorney General and the Commissioners of Environmental
35 Protection, Labor, Banking and Insurance, Health and Senior Services,
36 Corrections, Transportation and Community Affairs may, pursuant to
37 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
38 seq.), adopt regulations, as appropriate, to effectuate the purposes of
39 this act and to comply with the requirements of Pub.L.104-193; except
40 that, notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1
41 et seq.) to the contrary, the Attorney General and the respective
42 commissioners may adopt, immediately upon filing with the Office of
43 Administrative Law such regulations as the Attorney General or the
44 respective commissioners deem necessary to implement the provisions
45 of this act, which regulations shall be effective for a period not to
46 exceed six months and may thereafter, be amended, adopted or

1 readopted by the Attorney General or respective commissioners in
2 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et
3 seq.).

4
5 18. Section 2 of P.L.1981, c.417 (C.2A:17-56.8) is amended to
6 read as follows:

7 2. Every complaint, notice or pleading for the entry or
8 modification of **[an] a support order [of a] and every court order**
9 which includes child support shall include a written notice to the
10 obligor stating that the child support provision of the order shall, and
11 the **[medical support] health care coverage** provision may, as
12 appropriate, be enforced by an income withholding upon the current
13 or future income due from the obligor's employer or successor
14 employers and upon the unemployment compensation benefits due the
15 obligor and against debts, income, trust funds, profits or income from
16 any other source due the obligor except as provided in section 3 of
17 P.L.1981, c.417 (C.2A:17-56.9). The written notice shall also state
18 that the driver's license and professional or occupational licenses, or
19 recreational or sporting license in accordance with P.L.1996, c.7
20 (C.2A:17-56.40 et seq.), held or applied for by the obligor may be
21 denied, suspended or revoked if: the child support arrearage is equal
22 to or exceeds the amount of child support payable for six months; the
23 obligor fails to provide health **[insurance] care coverage** for the
24 children as ordered by the court for six months; or the obligor fails to
25 respond to a subpoena relating to a paternity or child support
26 proceeding; or a warrant for the obligor's arrest has been issued by the
27 court due to failure to pay child support as ordered, failure to appear
28 at a hearing to establish paternity or child support, or failure to appear
29 at a hearing to enforce a child support order and said warrant remains
30 outstanding. The written notice shall also state that the amount of a
31 Title IV-D child support order and the provisions for [medical
32 support] health care coverage shall be reviewed and updated, as
33 necessary, at least every three years.

34 The court shall ensure that in the case of each obligor against whom
35 a support order is or has been issued or modified, the obligor's income
36 shall be withheld to comply with the order. An amount shall be
37 withheld to pay the support obligation and it shall include an amount
38 to be applied toward liquidation of arrearages reduced to judgments,
39 payments for paternity testing procedures and provisions for **[medical**
40 **support] health care coverage** when applicable. These provisions shall
41 also be applicable to all orders issued on or before the effective date
42 of **[this act] P.L.1985, c.278 (C.2A:17-56.16 et seq.)**.

43 A support provision contained in an order or judgment issued by
44 the court shall be paid by income withholding unless the order or
45 judgment specifically provides for an alternative payment arrangement
46 to which the parties agree in writing or the obligor or obligee

1 demonstrates and the court finds good cause for establishing an
2 alternative arrangement.

3 (cf: P.L.1996, c.7, s.1)

4

5 19. Section 3 of P.L.1981, c.417 (C.2A:17-56.9) is amended to
6 read as follows:

7 3. **【**The income withholding shall be initiated by the probation
8 department of the county in which the obligor resides immediately
9 after the court order has been issued; except that immediate
10 withholding shall not apply in those cases in which the obligor and
11 obligee agree in writing to an alternative arrangement or the obligor
12 or obligee demonstrates and the court finds good cause for
13 establishing an alternative arrangement. **】** For support obligations that
14 are payable through the Probation Division, the Probation Division
15 shall mail the notice of immediate withholding to the obligor's payor
16 if the payor is known. If the obligor's source of income is unknown at
17 the time the Probation Division receives the support order, the
18 Probation Division shall mail the notice to the payor within the time
19 frame required pursuant to federal law. If an 【immediate withholding
20 is not ordered, due to the above exception】 alternative payment
21 arrangement has been ordered as provided in section 2 of P.L.1981,
22 c.417 (C.2A:17-56.8) or 【an】 a support order entered prior to 【the
23 effective date of this act】 October 1, 1996, the income withholding
24 shall be initiated by the Probation Division when the obligor has failed
25 to make 【a】 the required child support payment 【allocated or
26 unallocated that】 and has arrearages accrued equal to the amount of
27 the support payable for 14 days . or without regard to an arrearage or
28 an alternative agreement if the obligee, for good cause, or the obligor
29 requests that withholding be initiated. Subject to the provisions of
30 【this act, the】 P.L.1981, c.417 (C.2A:17-56.8 et seq.), an income
31 withholding shall be initiated by the Probation Division and shall take
32 effect without amendment to the support order or further court or
33 quasi-judicial action and without regard to any alternative
34 arrangements entered into by the parties or ordered by the court.

35 The total amount of income to be withheld shall not exceed the
36 maximum amount permitted under section 303 (b) of the federal
37 Consumer Credit Protection Act (15 U.S.C. s. 1673 (b)). The income
38 withholding shall be carried out in full compliance with all procedural
39 due process requirements. The Administrative Office of the Courts
40 shall establish procedures for promptly terminating the withholding
41 when necessary and for promptly refunding amounts which have been
42 improperly withheld.

43 The Probation Division shall extend the income withholding system
44 to include withholding from income derived within the State in cases
45 where the applicable support order was issued in another state.

1 When an income withholding order has been issued in this State, it
2 shall promptly be forwarded to the obligor's principal place of
3 employment pursuant to P.L. c. (C.)(pending before the
4 Legislature as Senate Bill No. 461 of 1998) or to the appropriate child
5 support agency in the payor's state in the form prescribed by the
6 federal Office of Child Support Enforcement. All procedural due
7 process requirements of the state Title IV-D agency where the obligor
8 has income shall apply to the income withholding.

9 (cf: P.L.1990, c.92, s.2)

10
11 20. Section 5 of P.L.1990, c.92 (C. 2A:17-56.9a) is amended to
12 read as follows:

13 5. At least once every three years **【all IV-D orders for child**
14 **support payments shall be subject to】** , unless the State has developed
15 an automated cost-of-living adjustment program for child support
16 payments, the parties subject to a Title IV-D support order shall be
17 provided notice of their right to request a review, which shall be
18 conducted in accordance with the rules promulgated by the **【IV-D**
19 **Agency】** State IV-D agency in consultation with the Supreme Court.
20 Such review shall take into account any changes in the financial
21 situation or related circumstances of both parties and whether the
22 order of child support is in full compliance with the **【Child Support**
23 **Guidelines set forth in the Rules Governing the Courts of the State of**
24 **New Jersey, R.5:6A】** child support guidelines.

25 Upon completing the review and if a change in the amount of child
26 support is recommended, the State IV-D agency or designee shall so
27 notify the obligor and obligee in writing of the child support amount
28 that is recommended. The obligor and obligee shall be afforded not
29 less than 30 days after such notification to file with the State IV-D
30 agency and the court a challenge to such proposed adjustment or
31 determination. 【The】 If proof exists that the obligor and obligee have
32 been provided with notice of the proposed adjustment, the court shall
33 adjust the child support amount 【will be adjusted accordingly by the
34 court】 as proposed by the department if either party does not
35 challenge the recommended award within the prescribed time or fails
36 to show good cause why the adjustment should not occur.

37 In accordance with section 351 of Pub.L.104-193, a proof or
38 showing of a change in circumstances shall not be required prior to
39 initiation of a review or for the adjustment of an order under the three-
40 year review process; however, a proof or showing of a substantial
41 change in circumstances shall be required prior to the initiation of a
42 review or for the adjustment of an order outside the three-year review
43 process.

44 (cf: P.L.1990, c.92, s.5)

1 21. Section 4 of P.L.1981, c.417 (C.2A:17-56.10) is amended to
2 read as follows:

3 4. a. **【The probation department】** If an income withholding
4 initiated by the Probation Division is required pursuant to section 3 of
5 P.L.1981, c.417 (C.2A:17-56.9), the Probation Division shall notify
6 the obligor of the income withholding by 【certified or registered】
7 regular mail 【with return receipt requested】 to the obligor's last
8 known address. The notice to the obligor shall be 【postmarked no
9 later than 10 days after the date on which the application was filed】
10 mailed at the same time as the notice to the payor, and shall inform the
11 obligor that the withholding 【shall take effect 10 days after the
12 postmark date of the notice unless the obligor contests the
13 withholding】 has commenced in accordance with section 314 of
14 Pub.L.104-193. The notice to the obligor shall also include all of the
15 information regarding the withholding that is included in the notice to
16 the payor. An obligor may contest a withholding only on the basis of
17 mistake of fact. The notice to the obligor shall include but need not
18 be limited to: the amount to be withheld, including an amount to be
19 applied toward liquidation of arrearages; a statement that the
20 withholding applies to current and subsequent sources of income; the
21 methods available for contesting the withholding on the grounds that
22 the withholding is not proper because of mistake of fact; the period
23 within which the 【probation department shall】 Probation Division may
24 be contacted in order to contest the withholding 【and that failure to
25 do so will result in notifying the payor to begin withholding; and the
26 actions the probation department will take if the individual contests the
27 withholding】 ; and the procedures to follow if the obligor desires to
28 contest the withholding on the grounds that the withholding or the
29 amount thereof is improper due to a mistake of fact.

30 If an obligor contests the proposed withholding, the **【probation**
31 **department】** Probation Division shall schedule a hearing or review
32 within 20 days after receiving notice of contest of the withholding. If
33 it is determined that the withholding is to 【occur】 continue, the
34 **【probation department】** Probation Division shall provide notice to the
35 obligor. 【Notice to the obligor shall include the time within which the
36 withholding is to begin.】Notice to the obligor shall 【also】 include all
37 of the information that is included in the notice to the payor in section
38 5 of 【this act】 P.L.1981, c.417 (C.2A:17-56.11). The Probation
39 Division shall notify the obligor 【shall be notified by the probation
40 department】 of the results of the hearing or review within five days of
41 the 【determination made at the hearing】 date of the hearing or review.

42 b. **【The probation department shall prepare the income**
43 **withholding notice when the obligor does not contest the withholding**
44 **or has exhausted all procedures established by the Administrative**
45 **Office of the Courts for contesting the withholding. The income**

1 withholding shall include requirements that a payor withhold the
2 amount specified in the notice and shall include a statement that the
3 amount actually withheld for support and for other purposes may not
4 be in excess of the amount allowed under section 303(b) of the federal
5 Consumer Credit Protection Act (15 U.S.C.s.1673(b)). On any **]** If the
6 court enters an order modifying alimony, maintenance or child support
7 **]** based upon changed circumstances, the Probation Division shall
8 amend the income withholding amount **]** shall also be changed
9 accordingly. This income withholding shall have priority over any
10 other withholdings and garnishments without regard to the dates **]**
11 that the other income withholdings or garnishments were issued.

12 c. An income withholding made under **]** P.L.1981, c.417
13 (C.2A:17-56.8 et seq.) shall continue **]** in full force and effect until
14 such time as a court order to the contrary is entered upon the
15 liquidation of all arrearages **]** until terminated by a court.

16 d. Where there is more than one support order for withholding
17 against a single obligor, the payor shall withhold the payments to fully
18 comply with the court orders on a pro rata basis to the extent that the
19 total amount withheld from the obligor's **]** wages income does not
20 exceed the limits allowed under section 303(b) of the federal
21 Consumer Credit Protection Act (15 U.S.C.s.1673(b)). Payors may
22 combine withheld amounts in a single payment for each appropriate
23 probation department requesting withholding and separately identify
24 the portion of the payment which is attributable to each **]** individual
25 obligor unless submitted pursuant to section 7 of P.L.1981, c.417
26 (C.2A:17-56.13) or through the use of electronic funds transfer.
27 (cf: P.L.1985, c.278, s.4)

28

29 22. Section 5 of P.L.1981, c.417 (C.2A:17-56.11) is amended to
30 read as follows:

31 5. a. An income withholding made under **]** P.L.1981,
32 c.417 (C.2A:17-56.8 et seq.) and provisions for **]** medical support
33 health care coverage shall be binding upon the payor and successor
34 payors immediately after service upon the payor by the **]** probation
35 department Probation Division of a copy of the income withholding
36 and an order for the provision of **]** medical support health care
37 coverage, by **]** registered or certified mail with return receipt requested
38 until further order regular mail. The payor is to pay the withheld
39 amount to the **]** probation department Probation Division at the same
40 time the obligor is paid. The payor shall implement withholding and
41 the provisions for **]** medical support health care coverage no later
42 than the first pay period that ends immediately after the date the notice
43 was postmarked, except that the payor is not required to alter regular
44 pay cycles to comply with the withholding. For each payment, other
45 than payment received from the unemployment compensation fund, the

1 payor may receive \$1.00, which shall be deducted from the obligor's
2 income in addition to the amount of the support order to compensate
3 the payor for the administrative expense of processing the withholding.
4 Notice to the payor shall include, but not be limited to, instructions
5 for the provisions for **【medical support】** health care coverage, the
6 amount to be withheld from the obligor's income and a statement that
7 the total amount **【actually】** withheld for support and other purposes
8 may not be in excess of the maximum amount permitted under section
9 303 (b) of the federal Consumer Credit Protection Act (15 U.S.C.
10 s.1673 (b)); that the payor shall send the amount to the **【probation**
11 **department】** Probation Division at the same time the obligor is paid,
12 unless the **【probation department】** Probation Division directs that
13 payment be made to another individual or entity; that the payor may
14 deduct and retain a fee of \$1.00 in addition to the amount of the
15 support order except when the payment is received from the
16 unemployment compensation fund; that withholding is binding on the
17 payor until further notice by the **【probation department】** Probation
18 Division; that, in accordance with section 6 of P.L.1981, c.417
19 (C.2A:17-56.12), the payor is subject to a fine and civil damages as
20 determined by the court for discharging an obligor from employment,
21 refusing to employ, or taking disciplinary action against an obligor
22 subject to an income withholding because of the withholding or any
23 obligation which it imposes upon the payor; that the payor is subject
24 to a fine as determined by the court for failure to withhold support
25 from the obligor's income or pay the withheld amount to the Probation
26 Division; that if the payor fails to take appropriate action with regard
27 to the provisions for **【medical support】** health care coverage or
28 withhold wages in accordance with the provisions of the notice, the
29 payor is liable for any medical expenses incurred by the children
30 subject to the provisions for **【medical support】** health care coverage
31 and any amount up to the accumulated amount the payor should have
32 withheld from the obligor's income; that the withholding shall have
33 priority over any other legal process under State law against the same
34 **【wages】** income; that the payor may combine withheld amounts from
35 the obligor's **【wages】** income in a single payment to **【each appropriate**
36 **agency requesting withholding】** the Probation Division and separately
37 identify the portion of the single payment which is attributable to each
38 **【individual】** obligor unless submitted pursuant to section 7 of
39 P.L.1981, c.417 (C.2A:17-56.13) or through electronic funds transfer;
40 that if there is more than one support order for withholding against a
41 single obligor, the payor shall withhold the payments on a pro rata
42 basis to fully comply with the support orders, to the extent that the
43 total amount withheld does not exceed the limits imposed under
44 section 303 (b) of the federal Consumer Credit Protection Act (15
45 U.S.C. s.1673 (b)); that the payor shall implement withholding no later

1 than the first pay period that ends immediately after the date the notice
2 was postmarked, except that the payor is not required to alter regular
3 pay cycles to comply with the withholding; and that the payor shall
4 notify the **【probation department】** Probation Division promptly upon
5 the termination of the obligor's employment benefits and provide the
6 obligor's last known address and the name and address of the obligor's
7 new payor, if known.

8 A payor served with an income withholding notice shall be liable to
9 the obligee for failure to deduct the amounts specified. The obligee or
10 the Probation Division may commence a proceeding against the payor
11 for accrued deductions, together with interest and reasonable
12 attorney's fees.

13 In accordance with section 314 of Pub.L.104-193, a payor who
14 complies with an income withholding notice that is regular on its face
15 shall be immune from civil liability for conduct in compliance with the
16 notice.

17 b. When a payor receives an income withholding notice issued by
18 another state, the payor shall apply the income withholding law of the
19 state in which the obligor's principal place of employment is located in
20 determining:

21 (1) the payor's fee for processing the income withholding;

22 (2) the maximum amount permitted to be withheld from the
23 obligor's income;

24 (3) the time periods within which the payor must implement the
25 income withholding order and forward the child support payment;

26 (4) the priorities for withholding and allocating income withheld for
27 multiple obligees; and

28 (5) any withholding terms or conditions not specified in the support
29 order or notice.

30 (cf: P.L.1995, c.58, s.3)

31
32 23. Section 7 of P.L.1981, c.417 (C.2A:17-56.13) is amended to
33 read as follows:

34 7. **【In】** Until such time as a State disbursement unit is established
35 pursuant to section 15 of P.L. , c. (C.)(pending before the
36 Legislature as this bill), in every award for alimony, maintenance or
37 child support payments the judgment or order shall provide that
38 payments be made through the 【probation department】 Probation
39 Division of the county in which the obligor resides, unless the court,
40 for good cause shown, otherwise orders. Upon entry of the judgment
41 or order, the parties shall provide the court and the Probation Division
42 with their Social Security numbers, residential and mailing addresses,
43 telephone numbers, driver's license numbers, and the name, address
44 and telephone number of their employers. Each judgment or order
45 **【for alimony, maintenance or child support】** shall **【include an order】**
46 require that the obligor and obligee notify the 【appropriate probation

1 department] Probation Division of any change of payor or change of
2 address within 10 days of the change. Failure to provide this
3 information shall be considered a violation of this order.

4 The order shall also inform the obligor that the address provided to
5 the Probation Division shall be the address of record for subsequent
6 support enforcement actions and that service of legal documents at
7 that address shall be effective for the purpose of meeting due process
8 requirements.

9 [Service at the address of record of all summonses, pleadings, or
10 notices shall be effective for all purposes.]For the purposes of
11 enforcing a support provision, the court may deem procedural due
12 process requirements for notice and service of process to be met with
13 respect to a party thereto upon delivery of written notice to the most
14 recent residential or employer address filed with the Probation
15 Division for that party. If a party fails to respond to a notice and no
16 proof is available that the party received the notice, the Probation
17 Division shall document to the court that it has made a diligent effort
18 to locate the party by making inquiries that may include, but are not
19 limited to: the United States Postal Service, the Division of Motor
20 Vehicles in the Department of Transportation, and the Departments of
21 Labor and Corrections. The Probation Division shall provide an
22 affidavit to the court presenting such documentation of its diligent
23 effort, which certifies its inability to locate the party, before any
24 adverse action is taken based upon the party's failure to respond to the
25 notice. When an obligor changes employment within the State while
26 income withholding is in effect, the [probation department] Probation
27 Division shall notify the new payor that the withholding is binding on
28 the new payor. When [a probation department] the Probation
29 Division is unable to locate the obligor's current payor in order to
30 effectuate an income withholding under [this act] P.L.1981, c.417
31 (C.2A:17-56.8 et seq.), the [probation department] Probation
32 Division is authorized to utilize any other procedure authorized by law
33 to obtain this information.

34 (cf: P.L.1985, c.278, s.7)

35

36 24. Section 18 of P.L.1985, c.278 (C.2A:17-56.21) is amended to
37 read as follows:

38 18. a. The State IV-D agency shall have the authority to make
39 available [information on] the name of any delinquent obligor and the
40 amount of overdue support owed by [obligors] the obligor to
41 [consumer] credit reporting agencies [upon their request], subject to
42 the conditions set forth in this section and privacy safeguards
43 established by the commissioner. This information shall be provided
44 only to an entity that has demonstrated to the satisfaction of the State
45 IV-D agency that the entity is a credit reporting agency.

1 b. In all **[State]** Title IV-D **[agency]** cases where the obligor is
2 **[more than \$1,000.00]** in arrears, the information shall be made
3 available **[upon the consumer]** to credit reporting **[agency's request**
4 **and may be made available in all other cases]** agencies.

5 c. The State IV-D agency may establish a fee for all requests
6 which will be uniformly applied in all Title IV-D cases. Any fee
7 charged shall be limited to the actual cost of providing the information.

8 d. **[The obligor shall receive written notice that the information**
9 **will be made available to the credit reporting agency. The obligor**
10 **shall have an opportunity to contest the accuracy of the information.]**
11 Information with respect to a delinquent obligor shall be reported to
12 credit reporting agencies only after the obligor has been afforded all
13 procedural due process required under State law including notice and
14 a reasonable opportunity to contest the accuracy of the information.

15 e. The State IV-D agency shall comply with all applicable
16 procedural due process requirements before releasing information and
17 may request information on an obligor from a credit reporting agency
18 only after noticing the obligor of the State IV-D agency's intent to
19 request the information.

20 (cf: P.L.1985, c.278, s.18)

21
22 25. Section 1 of P.L.1988, c.111 (C.2A:17-56.23a) is amended to
23 read as follows:

24 1. Any payment or installment of an order for child support, or
25 those portions of an order which are allocated for child support,
26 whether ordered in this State or in another state, shall be fully
27 enforceable and entitled as a judgment to full faith and credit and shall
28 be a judgment by operation of law on and after the date it is due. For
29 obligors who reside or own property in this State, such judgments
30 shall have the same force and effect as a civil money judgment entered
31 by the court, shall be subject to the same enforcement methods as civil
32 money judgments, and shall be a lien against the obligor's real and
33 personal property, subject to prior perfected liens of financial
34 institutions and other legitimate lien holders under State and federal
35 law. The State shall accord full faith and credit to child support
36 judgments or liens of other states, whether arising by operation of law
37 or having been entered by a court or administrative agency, when a
38 Title IV-D agency, a party, or other entity seeking to enforce such a
39 judgment or lien in this State files a Notice of Interstate Lien, in the
40 form prescribed by the federal Office of Child Support Enforcement,
41 and supporting documents with the Clerk of the Superior Court. An
42 action to domesticate a foreign child support judgment or lien shall be
43 consistent with the "Uniform Enforcement of Foreign Judgments Act,"
44 P.L.1997, c.204 (C.2A:49A-25 et seq.). Liens against real and
45 personal property shall be subject to the same enforcement procedures
46 as other civil money judgments except that no judicial notice or

1 hearing shall be required to enforce the lien. No payment or
2 installment of an order for child support, or those portions of an order
3 which are allocated for child support established prior to or
4 subsequent to the effective date of P.L.1993, c.45 (C.2A:17-56.23a),
5 shall be retroactively modified by the court except with respect to the
6 period during which there is a pending application for modification,
7 but only from the date the notice of motion was mailed either directly
8 or through the appropriate agent. The written notice will state that a
9 change of circumstances has occurred and a motion for modification
10 of the order will be filed within 45 days. In the event a motion is not
11 filed within the 45-day period, modification shall be permitted only
12 from the date the motion is filed with the court.

13 The non-modification provision of this section is intended to be
14 curative and shall apply to all orders entered before, on and after the
15 effective date of **[this act]** P.L.1993, c.45 (C.2A:17-56.23a).
16 (cf: P.L.1993, c.45, s.1)

17
18 26. Section 1 of P.L.1995, c.322 (C.2A:17-56.34) is amended to
19 read as follows:

20 1. The county probation department, the State IV-D agency and its
21 designees, subject to privacy safeguards, shall be authorized to receive
22 information concerning putative fathers and child support obligors
23 from the following sources through electronic or other appropriate
24 means:

25 a. To the extent permitted by R.S.54:50-9, records of the Division
26 of Taxation in the Department of the Treasury containing information
27 concerning an obligor's income or assets;

28 b. Direct, on-line access to the Division of Motor Vehicles'
29 records, including, where possible, interface between automated
30 systems;

31 c. Any record, paper, document or entity deemed by the
32 **[probation department]** Probation Division, the State IV-D agency or
33 its designee to be a potential source of information concerning an
34 obligor's income or assets. In order to obtain information pursuant to
35 this subsection, the **[probation department]** Probation Division and
36 the State IV-D agency shall have the authority, as designated by the
37 Commissioner of the Department of Human Services, to compel the
38 production of books, papers, accounts, records and documents by
39 subpoena. The subpoena shall be served by certified and regular mail
40 in accordance with court rules on the person or entity in possession of
41 the information or record that is sought and such service shall be
42 considered consistent with procedural due process requirements. In
43 all other respects, a subpoena issued under this section shall be subject
44 to the same procedures as a subpoena issued by other agencies of this
45 State. Actions relating to a subpoena issued under this section shall
46 be heard in the court;

1 d. State lottery prize payments in excess of \$600 made by the
2 Department of the Treasury;

3 e. Record of a judgment or settlement of any civil action where
4 a party is entitled to receive a monetary award made by the court; and

5 f. Record of an out-of-court settlement.

6 (cf: P.L.1995, c.322, s.1)

7

8 27. Section 2 of P.L.1995, c.322 (C.2A:17-56.35) is amended to
9 read as follows:

10 2. a. If the State IV-D agency and its designees are unable to
11 obtain information pursuant to section 1 of **[this act] P.L.1995, c.322**
12 **(C.2A:17-56.34)**, then the agency and its designees may seek verifying
13 information from public utility **[records]** and cable television
14 companies as required by Pub.L.104-193. Such information shall be
15 limited to identifying information necessary to establish the name and
16 address, or residency, if different from the address, of putative fathers
17 and child support obligors.

18 b. A public utility or cable television company shall not be liable
19 for damages for any civil action which may result from complying with
20 the provisions of **[this act] P.L.1995, c.322 (C.2A:17-56.34 et seq.)**.

21 c. A long distance carrier shall be exempt from the provisions of
22 **[this act] P.L.1995, c.322 (C.2A:17-56.34 et seq.)**.

23 (cf: P.L.1995, c.322, s.2)

24

25 28. Section 3 of P.L.1996, c.7 (C.2A:17-56.41) is amended to read
26 as follows:

27 3. a. If the child support arrearage equals or exceeds the amount
28 of child support payable for six months or court-ordered health
29 **[insurance] care coverage** for the child is not provided for six months,
30 or the obligor fails to respond to a subpoena relating to a paternity or
31 child support action, or a child support-related warrant exists, and the
32 obligor is found to possess a license in the State and all appropriate
33 enforcement methods to collect the child support arrearage**[, as**
34 **defined in section 2 of P.L.1996, c.7 (C.2A:17-56.40)]** have been
35 exhausted, the Probation Division shall send a written notice to the
36 obligor, by certified and regular mail, return receipt requested, at the
37 obligor's last-known address or place of business or employment,
38 advising the obligor that the obligor's license **[shall] may** be revoked
39 or suspended unless, within 30 days of the postmark date of the notice,
40 the obligor pays the full amount of the child support arrearage, or
41 provides proof that health **[insurance] care coverage** for the child has
42 been obtained, or responds to a subpoena, or makes a written request
43 for a court hearing to the Probation Division. The obligor's driver's
44 license shall be suspended by operation of law upon the issuance of a
45 child support-related warrant. If a child support- related warrant for

1 the obligor exists, the professional, occupational, recreational or
2 sporting license revocation or suspension **【process】** shall be
3 terminated if the obligor pays the full amount of the child support
4 arrearage, provides proof that health **【insurance】**care coverage for the
5 child has been obtained as required by the court order, or surrenders
6 to the county sheriff or the Probation Division.

7 b. If the obligor fails to take one of the actions in subsection a. of
8 this section within 30 days of the postmark date of the notice and there
9 is proof that service on the obligor was effective, the Probation
10 Division shall file a certification with the court setting forth the
11 obligor's non-compliance with the support order and the obligor's
12 failure to respond to the written notice of the potential license
13 suspension or revocation. If, based on the papers filed by the
14 Probation Division, the court is satisfied that service on the obligor
15 was effective as set forth in this section, it shall without need for
16 further due process or hearing, enter a court order suspending or
17 revoking all licenses held by the obligor. Upon the entry of the order,
18 the Probation Division shall forward a copy to the obligor and all
19 appropriate licensing authorities.

20 **【Simultaneous certified and regular mailing of the written notice**
21 **shall constitute effective service unless the United States Postal**
22 **Service returns the mail to the Probation Division within the 30-day**
23 **response period marked "moved, unable to forward," "addressee not**
24 **known," "no such number/street," "insufficient address," or**
25 **"forwarding order expired." If the certified mail is returned for any**
26 **other reason without the return of the regular mail, the regular mail**
27 **service shall constitute effective service. If the mail is addressed to the**
28 **obligor at the obligor's place of business or employment, with postal**
29 **instructions to deliver to addressee only, service will be deemed**
30 **effective only if the signature on the return receipt appears to be that**
31 **of the obligor. Acceptance of the certified mail notice signed by the**
32 **obligor, the obligor's attorney, or a competent member of the obligor's**
33 **household above the age of 14 shall be deemed effective service.】**For
34 the purposes of this section, the court may deem procedural due
35 process requirements for notice and service of process to be met with
36 respect to a party thereto upon delivery of written notice to the most
37 recent residential or employer address filed with the Probation
38 Division for that party. If a party fails to respond to a notice and no
39 proof is available that the party received the notice, the Probation
40 Division shall document to the court that it has made a diligent effort
41 to locate the party by making inquiries that may include, but are not
42 limited to: the United States Postal Service, the Division of Motor
43 Vehicles in the Department of Transportation, and the Departments of
44 Labor and Corrections. The Probation Division shall provide an
45 affidavit to the court presenting such documentation of its diligent
46 effort, which certifies its inability to locate the party, before any

1 adverse action is taken based upon the party's failure to respond to the
2 notice.

3 c. If the obligor requests a hearing, the Probation Division shall
4 file a petition for a judicial hearing in accordance with section 5 of
5 P.L.1996, c.7 (C.2A:17-56.43). The hearing shall occur within 45
6 days of the obligor's request. If, at or prior to the hearing, the obligor
7 pays the full amount of the child support arrearage or provides health
8 **[insurance]** care coverage as ordered, or responds to the subpoena or
9 surrenders to the county sheriff or the Probation Division, the license
10 revocation process shall be terminated. No license revocation action
11 shall be initiated if the Probation Division has received notice that the
12 obligor has pending a motion to modify the child support order if that
13 motion was filed prior to the date that the notice of the license
14 suspension or revocation was sent by the Probation Division. The
15 court shall consider the Probation Division's petition to revoke or
16 suspend a license in accordance with section 5 of P.L.1996, c.7
17 (C.2A:17-56.43).
18 (cf: P.L.1996, c.7, s.3)

19

20 29. Section 5 of P.L.1996, c.7 (C.2A:17-56.43) is amended to read
21 as follows:

22 5. The court shall suspend or revoke a license if it finds that: a. all
23 appropriate enforcement methods as defined in section 2 of P.L.1996,
24 c.7 (C. 2A:17-56.40) have been exhausted, b. the obligor is the holder
25 of a license, c. the requisite child support arrearage amount exists
26 **[or],** health **[insurance]** care coverage has not been provided as
27 ordered pursuant to section 3 of P.L.1996, c.7 (C.2A:17-56.41), or
28 there has been no response to a subpoena, d. no motion to modify the
29 child support order, filed prior to the date that the notice of the license
30 suspension or revocation was sent by the Probation Division, is
31 pending before the court, and e. there is no equitable reason, such as
32 involuntary unemployment, disability, or compliance with a
33 court-ordered plan for the periodic payment of the child support
34 arrearage amount, for the obligor's non-compliance with the child
35 support order.

36 If the court is satisfied that these conditions exist, it shall first
37 consider suspending or revoking a driver's license prior to a
38 professional license. If the obligor fails to appear at the hearing after
39 being properly served with notice, the court shall order the suspension
40 or revocation of all licenses held by the obligor. In the case of a
41 driver's license, if the court finds that the license revocation or
42 suspension will result in a significant hardship to the obligor, to the
43 obligor's legal dependents under 18 years of age living in the obligor's
44 household, to the obligor's employees, or to persons, businesses or
45 entities to whom the obligor provides goods or services, the court may
46 allow the obligor to pay 25% of the past-due child support amount

1 within three working days of the hearing, establish a payment schedule
2 to satisfy the remainder of the arrearages within one year, and require
3 that the obligor comply with any current child support obligation. If
4 the obligor agrees to this arrangement, no suspension or revocation of
5 any licenses shall be ordered. Compliance with the payment agreement
6 shall be monitored by the Probation Division. If the obligor has good
7 cause for not complying with the payment agreement within the time
8 permitted, the obligor shall immediately file a motion with the court
9 and the Probation Division requesting an extension of the payment
10 plan. The court may extend the payment plan if it is satisfied that the
11 obligor has made a good faith effort to comply with the plan and is
12 unable to satisfy the full amount of past-due support within the time
13 permitted due to circumstances beyond the obligor's control. In no
14 case shall a payment plan extend beyond the date the dependent child
15 reaches the age of 18. If the obligor fails to comply with the
16 court-ordered payment schedule, the court shall, upon receipt of a
17 certification of non-compliance from the obligee or Probation
18 Division, and without further hearing, order the immediate revocation
19 or suspension of all licenses held by the obligor. If required by
20 existing law or regulation, the court shall order that the obligor
21 surrender the license to the issuing authority within 30 days of the date
22 of the order.

23 (cf: P.L.1996, c.7, s.5)

24

25 30. Section 6 of P.L.1996, c.7 (C.2A:17-56.44) is amended to read
26 as follows:

27 6. a. The Probation Division shall provide the licensing authority
28 with a copy of the order requiring the suspension or revocation of a
29 license. Upon receipt of an order requiring the suspension or
30 revocation of a license **【for non-payment of child support】**, the
31 licensing authority shall immediately notify the licensee of the effective
32 date of the suspension or revocation, which shall be 20 days after the
33 postmark of the notice, direct the licensee to refrain from engaging in
34 the activity associated with the license, surrender any license as
35 required by law, and inform the licensee that the license shall not be
36 reinstated until the court or Probation Division certifies that **【all child**
37 **support arrearage is】** the conditions which resulted in the suspension
38 or revocation are satisfied. The Probation Division and the State IV-D
39 agency in association with the affected licensing authorities may
40 develop electronic or magnetic tape data transfers to notify licensing
41 authorities of restrictions, suspensions, revocations and reinstatements.
42 No liability shall be imposed on a licensing authority for suspending or
43 revoking a license if the action is in response to a court order issued
44 in accordance with P.L.1996, c.7 (C.2A:17-56.40 et al.). Licensing
45 authorities shall not have jurisdiction to modify, remand, reverse,
46 vacate or stay a court order to restrict, suspend or revoke a license for

1 non-payment of child support.

2 b. If a licensee, upon receipt of the notice of suspension or
3 revocation from the licensing authority, disputes that he is an obligor,
4 the licensee shall notify the licensing authority and the Probation
5 Division by registered mail within 20 days of the postmark of the
6 notice and request a hearing. Upon receipt of the licensee's request for
7 a hearing, the Probation Division shall determine if the licensee is an
8 obligor. If the Probation Division determines that the licensee is an
9 obligor, the Probation Division shall file a petition for a judicial
10 hearing on the issue of whether the licensee is an obligor. The hearing
11 shall occur within 30 days. If the Probation Division determines that
12 the licensee is not an obligor, the Probation Division shall so notify the
13 licensee and the licensing authority. The licensing authority shall not
14 suspend or revoke a person's license, if the licensing authority received
15 proper notice of the licensee's request for a hearing pursuant to this
16 subsection, until the court finds that the licensee is an obligor. The
17 Probation Division shall notify the licensing authority of the court's
18 finding. Upon receipt of the court's finding that the licensee is an
19 obligor, the licensing authority shall immediately suspend or revoke
20 the obligor's license without additional review or hearing.

21 c. The revocation or suspension of a license ordered by the court
22 in accordance with P.L.1996, c.7 (C.2A:17-56.40 et al.) shall continue
23 until the obligor files with the licensing authority either a court order
24 restoring the license or a Probation Division certification attesting to
25 the full satisfaction of the 【child support arrearage】 conditions which
26 resulted in the revocation or suspension.

27 d. Each licensing authority shall require license applicants to certify
28 on the license application form, under penalty of perjury, that the
29 applicant does not have a child support obligation, the applicant does
30 have such an obligation but the arrearage amount does not equal or
31 exceed the amount of child support payable for six months and any
32 court-ordered health care coverage has been provided for the past six
33 months, the applicant has not failed to respond to a subpoena relating
34 to a paternity or child support proceeding, or the applicant is not the
35 subject of a child-support related warrant. A license shall not be
36 granted to an obligor who applies for a license if there is an arrearage
37 equal to or exceeding the amount of child support payable for six
38 months, the applicant has not provided court-ordered health care
39 coverage during the past six months or 【who】 the applicant has failed
40 to respond to a subpoena relating to a paternity or child support
41 proceeding or is the subject of a child support-related warrant. The
42 application form shall state that making a false statement may subject
43 the applicant to contempt of court. It shall also state that if the
44 applicant's certification is found to be false, the licensing authority
45 shall take disciplinary action including, but not limited to, immediate
46 revocation or suspension of the license.

1 e. For all licenses issued or renewed in the State after the effective
2 date of P.L.1996, c.7 (C.2A:17-56.40 et al.), the licensing authority
3 shall record the full name, mailing address, Social Security number and
4 date of birth of the applicant or licensee. All affected licensing
5 authorities shall cooperate and enter into agreements with the
6 Probation Division and the State IV-D agency to exchange information
7 to effectuate the purposes of P.L.1996, c.7 (C.2A:17-56.40 et al.).
8 The Division of Motor Vehicles in the Department of Transportation
9 and other appropriate licensing agencies shall amend their regulations
10 and public notices to permit Social Security numbers collected by
11 those agencies to be used for child support enforcement purposes.
12 License information obtained through data matches with licensing
13 authorities shall be maintained on the **Automated Child Support**
14 **Enforcement System** State case registry in the Department of Human
15 Services for future use.

16 (cf: P.L.1996, c.7, s.6)

17

18 31. Section 11 of P.L.1996, c.7 (C.2A:17-56.49) is amended to
19 read as follows:

20 11. The license revocation provisions of P.L.1996, c.7
21 (C.2A:17-56.40 et al.) apply to all orders issued before or after the
22 effective date of P.L.1996, c.7 (C.2A:17-56.40 et al.). All child
23 support arrearage and health **insurance** care coverage provisions in
24 existence on or before the effective date of P.L.1996, c.7
25 (C.2A:17-56.40 et al.) shall be included in determining whether a case
26 is eligible for enforcement in accordance with P.L.1996, c.7
27 (C.2A:17-56.40 et al.). **This act** P.L.1996, c.7 (C.2A:17-56.40 et
28 al.) applies to all child support obligations ordered by any state,
29 territory or district of the United States that are being enforced by the
30 Probation Division, that are payable directly to the obligee, or have
31 been registered in this State in accordance with **P.L.1981, c.243**
32 **(C.2A:4-30.24 et seq.)** the "Uniform Interstate Family Support Act,"
33 P.L. , c. (C.)(pending before the Legislature as Senate Bill
34 No.).

35 (cf: P.L.1996, c.7, s.11)

36

37 32. Section 1 of P.L.1991, c.384 (C.5:9-13.1) is amended to read
38 as follows:

39 1. a. The Director of the Division of the State Lottery in the
40 Department of the Treasury and the Director of the Division of Family
41 Development in the Department of Human Services shall initiate an
42 ongoing data exchange in the Office of Telecommunications and
43 Information Systems in the Department of the Treasury before a
44 payment is made of a State lottery prize in excess of **[\$1,000]** \$600.

45 b. A delinquent Title IV-D obligor who is an annuity award winner

1 shall be prohibited from assigning the annuity award.

2 (cf: P.L.1995, c.333, s.1)

3

4 33. Section 2 of P.L.1991, c.384 (C.5:9-13.2) is amended to read
5 as follows:

6 2. The **【Director of the Division of Economic Assistance】**
7 Commissioner of Human Services shall periodically supply the Office
8 of Telecommunications and Information Systems with a list of:

9 a. those individuals in arrears of a court ordered child support
10 obligation; and

11 b. those former recipients of Aid to Families with Dependent
12 Children, pursuant to P.L.1959, c.86 (C.44:10-1 et seq.) or Work First
13 New Jersey, pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), food
14 stamp benefits issued pursuant to Pub.L. 95-113, Title XIII (7 U.S.C.
15 s.2011 et seq.), or low-income home energy assistance benefits issued
16 pursuant to Pub.L.97-35, Title XXVI (42 U.S.C.s.8621 et seq.) who
17 incurred an overpayment which has not been repaid.

18 (cf: P.L.1991, c.384, s.2)

19

20 34. Section 4 of P.L.1991, c.384 (C.5:9-13.4) is amended to read
21 as follows:

22 4. The Office of Telecommunications and Information Systems
23 shall cross check the lottery list with the data supplied by the
24 **【Director of the Division of Economic Assistance】** Commissioner of
25 Human Services for a social security number match. If a match is
26 made, the Office of Telecommunications and Information Systems
27 shall notify the **【Division of Economic Assistance】** Commissioner of
28 Human Services.

29 (cf: P.L.1991, c.384, s.4)

30

31 35. Section 5 of P.L.1991, c.384 (C.5:9-13.5) is amended to read
32 as follows:

33 5. If a lottery prize claimant is in arrears of a child support order,
34 or is a former recipient of Aid to Families with Dependent Children
35 or Work First New Jersey, food stamp benefits or low-income home
36 energy assistance benefits who has incurred an overpayment which has
37 not been repaid, the **【Division of Economic Assistance】** Department
38 of Human Services shall promptly notify the Department of the
39 Treasury and the Division of the State Lottery of the claimant's name,
40 address, social security number and amount due on an arrears child
41 support order or the amount due on an overpayment. The Department
42 of the Treasury shall withhold this amount from the pending lottery
43 payment and transmit same to the Department of Human Services or
44 **【appropriate county probation department】** Probation Division, as the

1 case may be, in accordance with regulations promulgated by the State
2 Treasurer.

3 (cf: P.L.1991, c.384, s.5)

4

5 36. Section 6 of P.L.1991, c.384 (C.5:9-13.6) is amended to read
6 as follows:

7 6. The county welfare agency which provided the public assistance
8 benefits or the **【county probation office】** Probation Division, acting as
9 agent for the child support payee, shall have a lien on the proceeds of
10 the State lottery prize in an amount equal to the amount of child
11 support arrearage or the amount of overpayment incurred.

12 The lien imposed by this act shall be enforceable in the Superior
13 Court.

14 (cf: P.L.1991, c.384, s.6)

15

16 37. Section 9 of P.L.1991, c.384 (C.5:9-13.9) is amended to read
17 as follows:

18 9. The costs associated with or necessary for the implementation
19 of P.L.1991, c.384 (C.5:9-13.1 et seq.) shall be borne by the **【Division**
20 **of Economic Assistance in the】**Department of Human Services.

21 (cf: P.L.1991, c.384, s.9)

22

23 38. Section 4 of P.L.1983, c.17 (C.9:17-41) is amended to read as
24 follows:

25 4. The parent and child relationship between a child and:

26 a. The natural mother, may be established by proof of her having
27 given birth to the child, or under **【this act】** P.L.1983, c.17 (C.9:17-38
28 et seq.);

29 b. The natural father, may be established by proof that his
30 paternity has been adjudicated under prior law; under the laws
31 governing probate; by giving full faith and credit to a determination of
32 paternity made by any other state or jurisdiction, whether established
33 through voluntary acknowledgment or through judicial or
34 administrative processes; by a Certificate of Parentage as provided in
35 section 7 of P.L.1994, c.164 (C.26:8-28.1) that is executed by the
36 father, including an unemancipated minor, prior to or after the birth
37 of a child, and filed with the appropriate State agency; by a default
38 judgment or order of the court; or by an order of the court based on
39 a blood test or genetic test that meets or exceeds the specific threshold
40 probability as set by the **【State】** Commissioner of Human Services,
41 creating a conclusive presumption of paternity; **【or under this act】**

42 In accordance with section 331 of Pub.L.104-193, a signed
43 voluntary acknowledgment of paternity shall be considered a legal
44 finding of paternity subject to the right of the signatory to rescind the
45 acknowledgment within 60 days of the date of signing, or by the date
46 of establishment of a support order to which the signatory is a party.

1 whichever is earlier.

2 The adjudication of paternity shall only be voided upon a finding
3 that there exists clear and convincing evidence of: fraud, duress or a
4 material mistake of fact, with the burden of proof upon the challenger;

5 c. An adoptive parent, may be established by proof of adoption;

6 d. The natural mother or the natural father, may be terminated by
7 an order of a court of competent jurisdiction in granting a judgment of
8 adoption or as the result of an action to terminate parental rights.

9 e. The establishment of the parent and child relationship pursuant
10 to subsections a., b., and c. of this section shall be the basis upon
11 which an action for child support may be brought by a party and acted
12 upon by the court without further evidentiary proceedings.

13 f. In any case in which the parties execute a Certificate of
14 Parentage or a conclusive presumption of paternity is created through
15 genetic testing, the presumptions of paternity under section 6 of
16 P.L.1981, c.417 (C.9:17-43) shall not apply.

17 g. Pursuant to the provisions of section 331 of Pub.L.104-193, the
18 child and other parties in a contested paternity case shall submit to a
19 genetic test upon the request of one of the parties, unless that person
20 has good cause for refusal, if the request is supported by a sworn
21 statement by the requesting party:

22 (1) alleging paternity and setting forth the facts establishing a
23 reasonable possibility of the requisite sexual contact between the
24 parties; or

25 (2) denying paternity and setting forth the facts establishing a
26 reasonable possibility of the nonexistence of sexual contact between
27 the parties.

28 h. In a contested paternity case in which the State IV-D agency
29 requires genetic testing, the State IV-D agency shall:

30 (1) pay the costs of the genetic test and may recoup payment from
31 the alleged father whose paternity is established; and

32 (2) obtain additional testing if the initial test results are contested,
33 and upon the request and advance payment for the additional test by
34 the contestant.

35 (cf: P.L.1994, c.164, s.1)

36

37 39. Section 8 of P.L.1983, c.17 (C.9:17-45) is amended to read as
38 follows:

39 8. a. A child, a legal representative of the child, the natural
40 mother, the estate or legal representative of the mother, if the mother
41 has died or is a minor, a man alleged or alleging himself to be the
42 father, the estate or legal representative of the alleged father, if the
43 alleged father has died or is a minor, the Division of **[Public Welfare]**
44 Family Development in the Department of Human Services, or the
45 county welfare agency, or any person with an interest recognized as
46 justiciable by the court may bring or defend an action or be made a

1 party to an action at any time for the purpose of determining the
2 existence or nonexistence of the parent and child relationship.

3 b. No action shall be brought under **[this act]** P.L.1983, c.17
4 (C.9:17-38 et seq.) more than 5 years after the child attains the age of
5 majority.

6 c. The death of the alleged father shall not cause abatement of any
7 action to establish paternity, and an action to determine the existence
8 or nonexistence of the parent and child relationship may be instituted
9 or continued against the estate or the legal representative of the
10 alleged father.

11 d. Regardless of its terms, an agreement, other than an agreement
12 approved by the court in accordance with subsection **[11c.]c. of**
13 section 11 of P.L.1983, c.17 (C.9:17-48) between an alleged or
14 presumed father and the mother of the child, shall not bar an action
15 under this section.

16 e. If an action under this section is brought before the birth of the
17 child, all proceedings shall be stayed until after the birth, except
18 service of process and the taking of depositions to perpetuate
19 testimony. The court may consider the issue of medical expenses and
20 may order the alleged father to pay the reasonable expenses of the
21 mother's pregnancy and postpartum disability. Bills for pregnancy,
22 childbirth and genetic testing are admissible as evidence without
23 requiring third party foundation testimony, and shall constitute prima
24 facie evidence of the amounts incurred for such services or for testing
25 on behalf of the child.

26 f. This section does not extend the time within which a right of
27 inheritance or a right to succession may be asserted beyond the time
28 provided by law relating to distribution and closing of decedents'
29 estates or to the determination of heirship, or otherwise.

30 (cf: P.L.1983, c.17, s.8)

31

32 40. Section 11 of P.L.1983, c.17 (C.9:17-48) is amended to read
33 as follows:

34 11. a. As soon as practicable after an action to declare the
35 existence or nonexistence of the father and child relationship has been
36 brought, a consent conference shall be held by the Superior Court,
37 Chancery Division, Family Part intake service, the **[county probation**
38 **department]** Probation Division or the county welfare agency. At the
39 request of either party, the determination of paternity may be referred
40 directly to the court in lieu of the consent process. A court appearance
41 shall be scheduled in the event that a consent agreement cannot be
42 reached.

43 b. On the basis of the information produced at the conference, an
44 appropriate recommendation for settlement shall be made to the
45 parties, which may include any of the following:

46 (1) That the action be dismissed with or without prejudice; or

1 (2) That the alleged father voluntarily acknowledge his paternity
2 of the child.

3 c. If the parties accept a recommendation made in accordance with
4 subsection b. of this section, which has been approved by the court,
5 judgment shall be entered or a Certificate of Parentage shall be
6 executed accordingly.

7 d. If a party refuses to accept a recommendation made under
8 subsection b. of this section or the consent conference is terminated
9 because it is unlikely that all parties would accept a recommendation
10 pursuant to subsection b. of this section, and blood tests or genetic
11 tests have not been taken, the county welfare agency shall require or
12 the court shall [require] order the child and the parties to submit to
13 blood tests or genetic tests [if the court determines that there is an
14 articulable reason for suspecting that the alleged father is the natural
15 father. The tests shall be scheduled within 10 days and shall be
16 performed by qualified experts. Thereafter the Family Part intake
17 service, with the approval of the court, shall make an appropriate final
18 recommendation] unless a party claims, and the county welfare agency
19 or the court finds, good cause for not ordering the tests. The court
20 may hear and decide motions to challenge a directive issued by the
21 county welfare agency requiring a party to submit to blood or genetic
22 tests. A genetic test shall be ordered upon the request of either party,
23 if the request is supported by a sworn statement by the requesting
24 party which alleges paternity and sets forth the facts establishing a
25 reasonable possibility of the requisite sexual contact between the
26 parties or denies paternity and sets forth the facts establishing a
27 reasonable possibility of the nonexistence of sexual contact between
28 the parties. If a party refuses to [accept the final recommendation]
29 acknowledge paternity based upon the blood or genetic test results,
30 the action shall be set for [trial] a hearing, except when the results of
31 the blood test or genetic test indicate that the specific threshold
32 probability as set by the State to establish paternity has been met or
33 exceeded.

34 If the results of the blood test or genetic test indicate that the
35 specific threshold probability, as [set by the State] adopted by
36 regulation by the commissioner, to establish paternity has been met or
37 exceeded, the results shall be received in evidence as a conclusive
38 presumption of paternity [and no] without requiring any additional
39 foundation testimony or proof of authenticity or accuracy [shall be
40 required to establish paternity] of the paternity testing or results. In
41 actions based on allegations of fraud or inaccurate analysis, the court
42 or the county welfare agency shall require that [the] additional blood
43 [test] or genetic [test] tests be scheduled within 10 days of the
44 request and be performed by qualified experts. [The test] Additional
45 blood or genetic tests shall be paid for in advance by the [moving]

1 requesting party.

2 If a party objects to the results of the blood [test] or genetic [test]
3 tests, the party shall make the objection to the appropriate agency, in
4 writing, within 10 days of [receipt of the results] the consent
5 conference or hearing.

6 e. The guardian ad litem may accept or refuse to accept a
7 recommendation under this section.

8 f. (Deleted by amendment, P.L.1994, c.164).

9 g. No evidence, testimony or other disclosure from the consent
10 conference shall be admitted as evidence in a civil action except by
11 consent of the parties. However, blood tests or genetic tests ordered
12 pursuant to subsection d. of this section [may] shall be admitted as
13 evidence.

14 h. The refusal to submit to a blood test or genetic test required
15 pursuant to subsection d. of this section, or both, shall be admitted
16 into evidence and shall give rise to the presumption that the results of
17 the test would have been unfavorable to the interests of the party who
18 refused to submit to the test. Refusal to submit to a blood test or
19 genetic test, or both, is also subject to the contempt power of the
20 court.

21 i. If a party refuses to acknowledge paternity or does not appear
22 at a consent conference conducted by the county welfare agency, the
23 county welfare agency shall refer the matter to the court for
24 adjudication. For purposes of establishing paternity, the blood or
25 genetic test results shall be admitted into evidence at the hearing
26 without the need for foundation testimony or other proof of
27 authenticity or accuracy, unless an objection is made.

28 (cf: P.L.1994, c.164, s.2)

29

30 41. Section 16 of P.L.1983, c.17 (C.9:17-53) is amended to read
31 as follows:

32 16. a. The judgment or order of the court or a Certificate of
33 Parentage determining the existence or nonexistence of the parent and
34 child relationship is determinative for all purposes.

35 b. If the judgment or order of the court is at variance with the
36 child's birth certificate, the court shall order that an amendment to the
37 original birth record be made under section 22 of P.L.1983, c.17
38 (C.9:17-59).

39 c. The judgment or order may contain any other provision directed
40 against the appropriate party to the proceeding concerning the duty of
41 support, the custody and guardianship of the child, visitation privileges
42 with the child, the furnishing of bond or other security for the payment
43 of the judgment, the repayment of any public assistance grant, or any
44 other matter in the best interests of the child. The judgment or order
45 may direct the father to pay the reasonable expenses of the mother's
46 pregnancy and postpartum disability, including repayment to an agency

1 which provided public assistance funds for those expenses. Bills for
2 pregnancy, childbirth and blood or genetic testing are admissable as
3 evidence without requiring third party foundation testimony, and shall
4 constitute prima facie evidence of the amounts incurred for these
5 services or for testing on behalf of the child.

6 d. Support judgments or orders ordinarily shall be for periodic
7 payments, which may vary in amount. In the best interests of the
8 child, the purchase of an annuity may be ordered in lieu of periodic
9 payments of support. The court may limit a parent's liability for past
10 support of the child to the proportion of the expenses already incurred
11 that the court deems just.

12 e. In determining the amount to be paid by a parent for support of
13 the child and the period during which the duty of support is owed, [a]
14 the court [enforcing the obligation of support] shall apply the child
15 support guidelines as defined in section 3 of P.L. , c. (C.)(pending
16 before the Legislature as this act). In cases in which the court finds
17 that a deviation from these guidelines is appropriate, the court shall
18 consider all relevant facts when determining the amount of support,
19 including the:

20 (1) Needs of the child;

21 (2) Standard of living and economic circumstances of each parent;

22 (3) Income and assets of each parent, including any public
23 assistance grant received by a parent;

24 (4) Earning ability of each parent, including educational
25 background, training, employment skills, work experience, custodial
26 responsibility for children and the length of time and cost for each
27 parent to obtain training or experience for appropriate employment;

28 (5) Need and capacity of the child for education, including higher
29 education;

30 (6) Age and health of the child and each parent;

31 (7) Income, assets and earning ability of the child;

32 (8) Responsibility of the parents for the support of others; and

33 (9) Debts and liabilities of each child and parent.

34 The factors set forth herein are not intended to be exhaustive. The
35 court may consider such other factors as may be appropriate under the
36 circumstances.

37 f. Upon a motion by a party, the court shall enter a temporary
38 support order pending a judicial determination of parentage if there is
39 clear and convincing evidence of paternity supported by blood or
40 genetic test results or other evidence.

41 (cf: P.L.1983, c.17, s.16)

42
43 42. R.S.26:8-28 is amended to read as follows:

44 26:8-28. a. Within five days after each birth, there shall be filed
45 with the local registrar of the district in which the birth occurred a
46 certificate of the birth filled out with durable black or blue ink in a

1 legible manner. The name of the father shall be included on the record
2 of birth of the child of unmarried parents only if the father and mother
3 have signed a voluntary acknowledgment of paternity; or a court or an
4 administrative agency of competent jurisdiction has issued an
5 adjudication of paternity.

6 Nothing in this section shall preclude the State IV-D agency from
7 obtaining an admission of paternity from the father for submission in
8 a judicial or administrative proceeding, or prohibit the issuance of an
9 order in a judicial or administrative proceeding which bases a legal
10 finding of paternity on an admission of paternity by the father and any
11 other additional showing required by State law.

12 b. [In accordance with the provisions of the federal "Family
13 Support Act of 1988," Pub.L.100-485, and section 13721 of
14 Pub.L.103-66 (42 U.S.C. s.666), as] As part of the birth record, all
15 information required by the State IV-D agency pursuant to section 7
16 of P.L.1994, c.164 (C.26:8-28.1) shall be recorded on a separate form
17 provided or approved by the State registrar pursuant to subsection c.
18 of R.S.26:8-24, and filed with the State IV-D agency pursuant to
19 R.S.26:8-30 and R.S.26:8-31 for the establishment and enforcement
20 of child support matters in the State. For the purposes of this
21 subsection, "State IV-D agency" means the agency in the Department
22 of Human Services designated to administer the Title IV-D Child
23 Support Program.

24 c. The State registrar shall require each parent to provide his
25 Social Security number in accordance with procedures established by
26 the State registrar. The Social Security numbers furnished pursuant
27 to this section shall be used exclusively for child support enforcement
28 purposes.

29 d. The certificate of birth shall include the blood type of the child.
30 (cf: P.L.1994, c.164, s.3)

31

32 43. Section 7 of P.L.1994, c.164 (C.26:8-28.1) is amended to read
33 as follows:

34 7. A Certificate of Parentage may serve to satisfy the method of
35 collection of Social Security numbers as required pursuant to
36 subsection c. of R.S.26:8-28 and shall serve as the voluntary
37 acknowledgement of paternity by a father. The Certificate of
38 Parentage shall contain, at a minimum, the following information:

39 a. a sworn statement by the father that he is the natural father of
40 the child;

41 b. the Social Security numbers, except in those cases in which a
42 person is ineligible to apply for one, and addresses of the father and
43 mother;

44 c. the signature of the mother and father authenticated by a
45 witness or notary; and

46 d. instructions for filing the Certificate of Parentage with the

1 agency designated by the State IV-D agency.

2 In addition, the State IV-D agency, in cooperation with birthing
3 centers and hospitals providing maternity services and social services
4 or health care providers as designated by the Commissioner of Human
5 Services that may provide voluntary acknowledgment or paternity
6 services, shall provide [written] information orally, or through the
7 use of video or audio equipment, and in writing to the father and
8 mother of the child explaining the implications of signing a Certificate
9 of Parentage, including the parental rights, responsibilities and
10 financial obligations, as well as the availability of paternity
11 establishment services and child support enforcement services.
12 (cf: P.L.1994, c.164, s.7)

13

14 44. R.S.26:8-30 is amended to read as follows:

15 26:8-30. The attending physician, midwife or person acting as the
16 agent of the physician or midwife, who was in attendance upon the
17 birth shall be responsible for the proper execution and return of a
18 certificate of birth, which certificate shall be upon the form provided
19 or approved by the State department, and for making available to the
20 mother and natural father a Certificate of Parentage along with related
21 information as required by the State IV-D agency and pursuant to
22 section 452(a)(F) of the federal Social Security Act (42
23 U.S.C.652(a)(F)). It shall be the responsibility of personnel at the
24 hospital or birthing facility to offer an opportunity to the child's natural
25 father to execute a Certificate of Parentage. Failure of the natural
26 father or mother to execute the Certificate of Parentage and the date
27 of the request shall be noted on the Certificate of Parentage. The
28 Certificate of Parentage shall be filed with the State IV-D agency or
29 its designee. The provision of services related to paternity
30 acknowledgment shall not be required when a legal action is pending
31 in the case, such as adoption, or State law prohibits such intervention.

32 For the purposes of this section, "State IV-D agency" means the
33 agency in the Department of Human Services designated to administer
34 the Title IV-D Child Support Program.

35 A signed voluntary acknowledgment of paternity may be challenged
36 in court within 60 days from the date of the signing of the Certificate
37 of Parentage or by the date of the establishment of a support order to
38 which the signatory is a party, whichever date is earlier. The challenge
39 may be made only on the basis of fraud, duress, or material mistake of
40 fact, with the burden of proof upon the challenger, and the legal
41 responsibilities of any signatory arising from the acknowledgment may
42 not be suspended during the challenge, except for good cause shown.

43 A signed voluntary acknowledgment of paternity shall be
44 considered a legal finding of paternity with the same force and effect
45 as a court order or judgment establishing paternity. No judicial or
46 administrative proceedings are required to ratify an unchallenged

1 acknowledgment of paternity.

2 (cf: P.L.1994, c.164, s.4)

3

4 45. R.S.37:1-17 is amended to read as follows:

5 37:1-17. On the marriage license shall be the form for the certificate
6 of marriage in quadruplicate, to which the licensing officer shall have
7 set forth particularly therein the name, age, parentage, race,
8 birthplace, residence, Social Security number and condition (whether
9 single, widowed or divorced) of each of the married persons, and the
10 names and county of birth of their parents. The Social Security number
11 shall be kept confidential and may only be released for child support
12 enforcement purposes, and shall not be considered a public record
13 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). The person by whom
14 or the religious society, institution, or organization by or before
15 which, the marriage was solemnized, shall personally or by legally
16 authorized agent subscribe where indicated on the form the date and
17 place of the marriage. Each certificate of marriage shall also contain
18 the signature and residence of at least two witnesses who were
19 present at the marriage ceremony.

20 (cf: P.L.1980, c. 128, s.1)

21

22 46. Section 12 of P.L.1983, c.17 (C.9:17-49) is amended to read
23 as follows:

24 12. a. An action under this act is a civil action governed by the
25 **【rules of court】** Rules Governing the Courts of the State of New
26 Jersey.

27 b. The trial shall be by the court without a jury**【**, unless a party to
28 the action shall file with the court a written request for a trial by jury
29 within 10 days after service of the complaint. The complaint shall
30 contain a notice to all parties that they may request a jury trial within
31 10 days of the service of the complaint**】**.

32 (cf: P.L.1983, c.17, s.12)

33

34 47. The following are repealed:

35 Section 1 of P.L.1981, c.417 (C.2A:17-56.7);

36 Sections 1 and 14 of P.L.1985, c.278 (C.2A:17-56.26 and 2A:17-
37 56.17); and

38 Section 2 of P.L.1996, c.7 (C.2A:17-56.40).

39

40 48. This act shall take effect immediately.

41

42

43

STATEMENT

44

45 This bill is designated the "New Jersey Child Support Program
46 Improvement Act."

1 The provisions of the bill are intended to implement requirements
2 which the State must adopt under the federal "Personal Responsibility
3 and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193.
4 Specifically, the bill:

5 • With respect to the establishment and enforcement of child support
6 orders, provides that subject to safeguards on privacy and
7 information security and appropriate procedural due process
8 requirements including, as appropriate, notice, the opportunity to
9 contest and notice of the right to appeal to the court, the
10 Department of Human Services is authorized to take the following
11 actions without the necessity of obtaining an order from the court,
12 and to recognize and enforce the authority of state agencies of
13 other states to take the following actions:

14 - Require genetic testing for the purpose of paternity establishment;
15 - Subpoena any financial or other information needed for the
16 establishment, modification or enforcement of a support order; and
17 impose a civil penalty for failure to respond to a subpoena;

18 - Request that any entity including for-profit, nonprofit and
19 government employers, respond promptly to a request by the
20 Department of Human Services or any out-of-State IV-D agency for
21 information on the employment, compensation and benefits of any
22 individual employed by the entity as an employee or contractor, and
23 impose a civil penalty for failure to respond to any request;

24 - Subject to the nonliability of entities that afford access, to obtain
25 access, including automated access when feasible, to information
26 contained in the following records:

27 (1) records of other State and local government agencies which
28 include, but are not limited to, records of: the Bureau of Vital
29 Statistics, the Division of Taxation and local tax and revenue records,
30 real and titled personal property, occupational, professional,
31 recreational and sporting licenses and records concerning the
32 ownership and control of corporations, partnerships and other business
33 entities, the Department of Labor, including wage, unemployment,
34 disability and workers compensation records, agencies administering
35 public assistance programs, the Division of Motor Vehicles and the
36 Department of Corrections, including records related to State-
37 sentenced inmates and parolees.

38 (2) records held by private entities with respect to individuals who
39 owe or are owed support, or against or with respect to whom a
40 support obligation is sought, including information on the assets and
41 liabilities of individuals held by financial institutions and the names and
42 addresses of the individuals and the names and addresses of the
43 employers of the individuals appearing in customer records of public
44 utilities and cable television companies;

45 - Order income withholding in accordance with the provisions of
46 State and federal law;

- 1 - Direct an obligor or payor to change the payee to the department
2 in cases where support is subject to an assignment or an application
3 for Title IV-D services has been filed;
- 4 - Secure assets to satisfy arrearages by: (1) intercepting or seizing
5 periodic or lump sum payments from: State or local agencies,
6 including unemployment compensation, workers' compensation or
7 other benefits; judgments, settlements and awards; and lotteries; (2)
8 developing a bank information matching program and attaching and
9 seizing assets of the obligor held in financial institutions located in
10 this State; (3) attaching public and private retirement funds as
11 permitted under State law; and (4) imposing a lien and initiating an
12 execution or levy to force the sale of property and distribution of
13 proceeds in accordance with State law and applicable court rules;
- 14 - Require each party subject to a paternity or child support
15 proceeding to provide information, including, but not limited to: Social
16 Security number, telephone number, driver's license number,
17 residential and mailing addresses, and the name, address, and
18 telephone number of the party's employer; and
- 19 - Unless otherwise ordered by the court, increase the amount of
20 monthly support payments to include amounts for arrearages to the
21 extent that the total amount withheld does not exceed the limits
22 imposed under section 303(b) of the federal Consumer Credit
23 Protection Act (15 U.S.C. s.1673 (b)).
- 24 • Directs the department to determine if a recipient of public
25 assistance is cooperating in good faith in establishing the paternity
26 of, or in establishing, modifying or enforcing a support order for,
27 any child of the recipient;
 - 28 • Authorizes the department, in any case in which an obligor owes
29 past-due child support with respect to a child receiving assistance
30 under a State program funded under TANF, to petition the court to
31 issue an order that requires the obligor: to pay the support in
32 accordance with a plan approved by the court; or to participate in
33 work activities as ordered by the court, if the obligor is subject to
34 such a plan and is not incapacitated;
 - 35 • Establishes a State case registry which is an automated information
36 system that will track, monitor and record all child support orders
37 and services provided under the State Title IV-D plan and record
38 all other child support orders issued in the State after October 1,
39 1998;
 - 40 • Authorizes all federal and State agencies conducting Title IV-D
41 activities to have access directly or through the department, to any
42 system used by the Division of Motor Vehicles and law
43 enforcement agencies in the State to locate an individual;
 - 44 • Requires that subject to safeguards on privacy and information
45 security, the Social Security number of an applicant for a
46 professional or occupational license, recreational or sporting

- 1 license, driver's license or marriage license shall be recorded on the
2 application. Also, the Social Security number shall be placed in the
3 record relating to a divorce decree, support order, paternity
4 determination and on a death certificate. The Social Security
5 number shall be made available to the department;
- 6 • Requires employers and labor organizations to report information
7 about newly hired employees to the department;
 - 8 • Authorizes the department to seek to void certain fraudulent
9 transfers of assets by child support obligors;
 - 10 • Requires the State to cooperate with other states in interstate child
11 support cases;
 - 12 • Provides for the denial, suspension or revocation of child support
13 obligors' professional or occupational licenses, driver's licenses and
14 recreational or sporting licenses (e.g., power vessel licenses and
15 hunting or fishing licenses) for obligors who have failed to make a
16 required, current obligation of child support payment for six
17 months;
 - 18 • Requires the State Lottery Director and the Commissioner of
19 Human Services to exchange data before a State lottery prize in
20 excess of \$600 is awarded, and prohibits a delinquent Title IV-D
21 obligor who wins an annuity award, from assigning the annuity
22 award to another person; and
 - 23 • Repeals various sections of law in chapter 17 of Title 2A of the
24 New Jersey Statutes, including the short titles and definition
25 sections of various laws, which are no longer applicable. The bill
26 repeals:
 - 27 - N.J.S.A. 2A:17-56.7 (short title);
 - 28 - N.J.S.A. 2A:17-56.26 and 2A:17-56.17 (short title, definitions);
 - 29 and
 - 30 - N.J.S.A.2A:17-56.40 (definitions).

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 460

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1998

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 460.

This bill is designated the "New Jersey Child Support Program Improvement Act."

The provisions of the bill are intended to implement requirements which the State must adopt under the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193. Specifically, the bill:

- With respect to the establishment and enforcement of child support orders, provides that subject to safeguards on privacy and information security, as prescribed in the bill, and appropriate procedural due process requirements including, as appropriate, notice, the opportunity to contest and notice of the right to appeal to the court, the Department of Human Services is authorized to take the following actions without the necessity of obtaining an order from the court, and to recognize and enforce the authority of state agencies of other states to take the following actions:
 - Require genetic testing for the purpose of paternity establishment;
 - Subpoena any financial or other information needed for the establishment, modification or enforcement of a support order; and impose a civil penalty for failure to respond to a subpoena;
 - Request that any entity including for-profit, nonprofit and government employers, respond promptly to a request by the Department of Human Services or any out-of-State IV-D agency for information on the employment, compensation and benefits of any individual employed by the entity as an employee or contractor, and impose a civil penalty for failure to respond to any request;
 - Subject to the nonliability of entities that afford access, to obtain access, including automated access when feasible, to information contained in the following records:
 - (1) records of other State and local government agencies which include, but are not limited to, records of: the Bureau of Vital Statistics, the Division of Taxation and local tax and revenue records,

real and titled personal property, occupational, professional, recreational and sporting licenses and records concerning the ownership and control of corporations, partnerships and other business entities, the Department of Labor, including wage, unemployment, disability and workers compensation records, agencies administering public assistance programs, the Division of Motor Vehicles and the Department of Corrections, including records related to State-sentenced inmates and parolees.

(2) records held by private entities with respect to individuals who owe or are owed support, or against or with respect to whom a support obligation is sought, including information on the assets and liabilities of individuals held by financial institutions and the names and addresses of the individuals and the names and addresses of the employers of the individuals appearing in customer records of public utilities and cable television companies;

- Order income withholding in accordance with the provisions of State and federal law;

- Direct an obligor or payor to change the payee to the department in cases where support is subject to an assignment or an application for Title IV-D services has been filed;

- Secure assets to satisfy arrearages by: (1) intercepting or seizing periodic or lump sum payments from: State or local agencies, including unemployment compensation, workers' compensation or other benefits; judgments, settlements and awards; inheritances and lotteries; (2) developing a bank information matching program and attaching and seizing assets of the obligor held in financial institutions located in this State; (3) attaching public and private retirement funds as permitted under State law; and (4) imposing a lien and initiating an execution or levy to force the sale of property and distribution of proceeds in accordance with State law and applicable court rules;

- Require each party subject to a paternity or child support proceeding to provide information, including, but not limited to: Social Security number, telephone number, driver's license number, residential and mailing addresses, and the name, address, and telephone number of the party's employer; and

- Unless otherwise ordered by the court in individual cases, increase the amount of monthly support payments to include amounts for arrearages in accordance with schedules approved by the court.

- Directs the department to determine if a recipient of public assistance is cooperating in good faith in establishing the paternity of, or in establishing, modifying or enforcing a support order for, any child of the recipient;
- Authorizes the department, in any case in which an obligor owes past-due child support with respect to a child receiving assistance under a State program funded under TANF, to petition the court to issue an order that requires the obligor: to pay the support in accordance with a plan approved by the court; or to participate in

work activities as ordered by the court, if the obligor is subject to such a plan and is not incapacitated;

- Establishes a State case registry which is an automated information system that will track, monitor and record all child support orders and services provided under the State Title IV-D plan and record all other child support orders issued in the State after October 1, 1998;
- Authorizes all federal and State agencies conducting Title IV-D activities to have access directly or through the department, to any system used by the Division of Motor Vehicles and law enforcement agencies in the State to locate an individual;
- Requires that subject to safeguards on privacy and information security, as prescribed in the bill, the Social Security number of an applicant for a professional or occupational license, recreational or sporting license, driver's license or marriage license shall be recorded on the application. Also, the Social Security number shall be placed in the record relating to a divorce decree, support order, paternity determination and on a death certificate. The Social Security number shall be made available to the department;
- Requires employers and labor organizations to report information about newly hired employees to the department;
- Authorizes the department to seek to void certain fraudulent transfers of assets by child support obligors;
- Requires the State to cooperate with other states in interstate child support cases;
- Provides for the denial, suspension or revocation of child support obligors' professional or occupational licenses, driver's licenses and recreational or sporting licenses (e.g., power vessel licenses and hunting or fishing licenses) for obligors who have failed to make a required, current obligation of child support payment for six months;
- Requires the State Lottery Director and the Commissioner of Human Services to exchange data before a State lottery prize in excess of \$600 is awarded, and prohibits a delinquent Title IV-D obligor who wins an annuity award, from assigning the annuity award to another person; and
- Repeals various sections of law in chapter 17 of Title 2A of the New Jersey Statutes, including the short titles and definition sections of various laws, which are no longer applicable. The bill repeals:
 - N.J.S.A. 2A:17-56.7 (short title);
 - N.J.S.A. 2A:17-56.26 and 2A:17-56.17 (short title, definitions);
 - and
 - N.J.S.A.2A:17-56.40 (definitions).

The committee adopted a number of technical and clarifying amendmnets. These amendments would:

1. Clarify that in addition to other governmental records, records of the Division of Taxation can be used to satisfy the requirement to use diligent efforts to locate a party.

2. Provide that a financial institution must provide information on delinquent obligors to the Department of Human Services if the due child support equals or exceeds three months of support and no regular payments are being made.

3. Provide that if the Department of Human Services seeks to levy against assets held by financial institution, the obligor be given notice and thirty days to contest the levy.

4. Provide that the willful, unauthorized release of financial information by a Department of Human Services employee would be cause for termination.

5. Add provisions limiting the use or disclosure of information concerning applicants or recipients of child support services.

6. Provides that the Department of Human Services is required to establish a child support disbursement unit by October 1, 1999.

7. Provide that an obligor or obligee shall be given at least 30 days notice of any proposed adjustment in child support obligations.

8. Provide that, once docketed, judgments for child support shall be enforced in the same manner as other civil money judgments.

9. Provide that if a license is suspended for failure to meet a child support obligation, that suspension shall continue until a certified court order restoring the license is filed with the licensing authority.

10. Add language to reflect recently enacted P.L.1997, c.376, concerning the use of blood and genetic tests in establishing paternity.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
Julie Plocinik
609-777-2600

RELEASE: March 5, 1998

Governor Signs Bills Reigning in Child Support Evaders, Ensures Greater Financial Support for New Jersey Kids

Gov. Christie Whitman today underscored the important role that parents must play in supporting their children - both financially and emotionally - when she signed two laws that help rein in child support evaders and provide for more strict enforcement of child support orders. The laws will work in conjunction with federal law to ensure uniform enforcement and collection of child support across state lines.

"The sad fact is that too many parents are walking away from the responsibility they have to financially support their children," said Gov. Whitman. "Today, more than \$1.4 billion in child support payments are outstanding. And in too many cases, the taxpayers end up doing what the parent should be doing."

"With this legislation, parents can run, but they can't hide. These laws make it easier to establish paternity, and they make it easier to track down child support evaders, even those who flee across state lines," said Gov. Whitman. "The new laws will help us collect more child support and collect it more quickly."

A-1646, sponsored by Assembly Members Mel Cottrell (R- Burlington/Monmouth/Ocean) and Rose Heck (R-Bergen) and Senators Wayne Bryant (D-Camden/ Gloucester) and William Gormley (R- Atlantic), implements New Jersey's piece of the Uniform Interstate Family Support Act.

The law is intended to promote more effective collection of child support involving interstate cases, which represent 30 percent of child support cases nationally. Under the bill, New Jersey will have "long arm" jurisdiction over child support evaders, even those living outside state lines.

The law empowers New Jersey, as the state that initiated the court order, to serve as the primary authority on the establishment, enforcement or modification of child support orders. Previous law provided for an interstate process that co-existed with non- interstate filings and resulted in confusion and ineffective enforcement of child support orders.

The new law sets forth guidelines for registration of child support orders in other states and enforcement of collections, including wage withholding orders. The state will now be able to work directly with employers to withhold wages of a

responsible parent in other states, instead of having to work through other state agencies.

The Governor also signed A-1645, sponsored by Assembly Members Mel Cottrell (R-Burlington/ Monmouth/Ocean) and Charlotte Vandervalk (R-Bergen) and Senators Wayne Bryant (D- Camden/Gloucester) and William Gormley (R-Atlantic), which strengthens the state's ability to collect child support.

The provisions of the bill include the following:

Allows child support staff to require genetic testing to establish paternity, without a court order

Creates a system that will enable child support officials to access information from financial institutions to freeze and seize assets of people who are behind in child support. Improves the use of technology and existing data bases to evaders. For example, child support staff will be able to check with cable companies to locate subscribers who are behind on child support payments.

Creates a New Jersey Hire Directory that requires employers to register new employees within 20 days of initial employment. Currently, the information is made available only after five months of the initial hire, often too late to collect child support because the evader has already moved on to a new job.

"These new laws will help to improve the day-to-day lives of New Jersey's children," said Human Services Commissioner William Waldman. "And, more effective child support collection may enable a family in need to shorten its stay on the welfare rolls or avoid turning to the welfare system for help at all."

In 1997, New Jersey distributed \$586 million in child support. The state oversees 484,000 child support cases, of which 205,000 cases are for welfare families. The state oversees cases where families have experienced difficulty in collecting child support. Past due child support for active, as well as inactive cases, is over \$1.4 billion.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
Julie Plocinik
609-777-2600

RELEASE: March 5, 1998

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"The sad fact is that too many parents are walking away from the responsibility they have to financially support their children," said Gov. Whitman. "Today, more than \$1.4 billion in child support payments are outstanding. And in too many cases, the taxpayers end up doing what the parent should be doing."

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The law empowers New Jersey, as the state that initiated the court order, to serve as the primary authority on the establishment, enforcement or modification of child support orders. Previous law provided for an interstate process that co-existed with non- interstate filings and resulted in confusion and ineffective enforcement of child support orders.

The new law sets forth guidelines for registration of child support orders in other states and enforcement of collections, including wage withholding orders. The state will now be able to work directly with employers to withhold wages of a

responsible parent in other states, instead of having to work through other state agencies.

The Governor also signed A-1645, sponsored by Assembly Members Mel Cottrell (R-Burlington/ Monmouth/Ocean) and Charlotte Vandervalk (R-Bergen) and Senators Wayne Bryant (D- Camden/Gloucester) and William Gormley (R-Atlantic), which strengthens the state's ability to collect child support.

The provisions of the bill include the following:

Allows child support staff to require genetic testing to establish paternity, without a court order

Creates a system that will enable child support officials to access information from financial institutions to freeze and seize assets of people who are behind in child support. Improves the use of technology and existing data bases to evaders. For example, child support staff will be able to check with cable companies to locate subscribers who are behind on child support payments.

Creates a New Jersey Hire Directory that requires employers to register new employees within 20 days of initial employment. Currently, the information is made available only after five months of the initial hire, often too late to collect child support because the evader has already moved on to a new job.

"These new laws will help to improve the day-to-day lives of New Jersey's children," said Human Services Commissioner William Waldman. "And, more effective child support collection may enable a family in need to shorten its stay on the welfare rolls or avoid turning to the welfare system for help at all."

In 1997, New Jersey distributed \$586 million in child support. The state oversees 484,000 child support cases, of which 205,000 cases are for welfare families. The state oversees cases where families have experienced difficulty in collecting child support. Past due child support for active, as well as inactive cases, is over \$1.4 billion.