

2A: 17- 56.34

LEGISLATIVE HISTORY CHECKLIST
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(Child support)

NJSA: 2A:17-56.34

LAWS OF: 1995 **CHAPTER:** 322

BILL NO: S1307

SPONSOR(S): Martin and others

DATE INTRODUCED: June 30, 1994

COMMITTEE: **ASSEMBLY** Senior Citizens

SENATE: Human Services

AMENDED DURING PASSAGE: Yes Amendments during passage
Third reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** November 30, 1995

SENATE: January 19, 1995

DATE OF APPROVAL: January 5, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[THIRD REPRINT]

SENATE, No. 1307

STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1994

By Senators MARTIN, BASSANO,
Matheussen and Assemblywoman Weinberg

1 AN ACT concerning child support enforcement ³amending
2 R.S.54:50-9,³ and supplementing Chapter 17 of Title 2A of the
3 New Jersey Statutes.

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

7 1. ³(New Section)³ The ²county probation department, the²
8 State IV-D agency and its designees shall be authorized to
9 receive information concerning putative fathers and child support
10 obligors from the following sources through electronic ³or other
11 appropriate³ means:

12 a. ¹[Public utility records;

13 b.]¹ ³[Employment and ²[Taxation] taxation² records kept by
14 the Department of ¹the¹ Treasury^{2,2} including W-2 and W-4
15 forms, or any other forms authorized by the Department of the
16 Treasury] To the extent permitted by R.S.54:50-9, records of the
17 Division of Taxation in the Department of the Treasury
18 containing information concerning an obligor's income or assets³ ;

19 ¹[c.] b.¹ Direct, on-line access to the ³[Division of Medical
20 Assistance and Health Services ²[,]² and]³ ¹[Department]
21 Division¹ of Motor Vehicles records, including, where possible,
22 interface between automated systems; ³[and]³

23 ¹[d.] c.¹ Any record, paper, document or entity deemed by the
24 ²probation department, the² IV-D agency or its designee to be a
25 potential source of information concerning an obligor's income or
26 assets. ²[The] In order to obtain information pursuant to this
27 subsection, the probation department and the² IV-D agency shall
28 have the authority, as designated by the Commissioner of the
29 Department of Human Services, to compel the production of
30 books, papers, accounts, records ²and documents² by subpoena ³;

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

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

36 f. Record of an out of court settlement³.

37 ¹2. ³(New Section)³ a. If the State IV-D agency and its
38 designees are unable to obtain information pursuant to section 1
39 of this act, then the agency and its designees may seek verifying
40 information from public utility records. Such information shall
41 be limited to identifying information necessary to establish the
42 name and address, or residency, if different from the address, of
43 putative fathers and child support obligors.

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 Senate SHU committee amendments adopted December 15, 1994.

² Assembly ASC committee amendments adopted May 8, 1995.

³ Assembly floor amendments adopted November 9, 1995.

1 b. A public utility shall not be liable for damages for any civil
2 action which may result from complying with the provisions of
3 this act.

4 c. A long distance carrier shall be exempt from the provisions
5 of this act.¹

6 ³3. R.S.54:50-9 is amended to read as follows:

7 54:50-9 Nothing herein contained shall be construed to prevent:

8 a. The delivery to a taxpayer or his duly authorized
9 representative of a copy of any report or any other paper filed by
10 him pursuant to the provisions of this subtitle or of any such
11 State tax law;

12 b. The publication of statistics so classified as to prevent the
13 identification of a particular report and the items thereof;

14 c. The commissioner, in his discretion and subject to
15 reasonable conditions imposed by him, from disclosing the name
16 and address of any licensee under any State tax law, unless
17 expressly prohibited by such State tax law;

18 d. The inspection by the Attorney-General or other legal
19 representative of this State of the reports or files relating to the
20 claim of any taxpayer who shall bring an action to review or set
21 aside any tax imposed under any State tax law or against whom
22 an action or proceeding has been instituted in accordance with
23 the provisions thereof;

24 e. The examination of said records and files by the
25 Comptroller, State Auditor or State Commissioner of Finance, or
26 by their respective duly authorized agents;

27 f. The furnishing, at the discretion of the commissioner, of any
28 information contained in tax reports or returns or any audit
29 thereof or the report of any investigation made with respect
30 thereto, filed pursuant to the tax laws, to the taxing officials of
31 any other state, the District of Columbia, the United States and
32 the territories thereof, providing said jurisdictions grant like
33 privileges to this State and providing such information is to be
34 used for tax purposes only;

35 g. The furnishing, at the discretion of the commissioner, of
36 any material information disclosed by the records or files to any
37 law enforcing authority of this State who shall be charged with
38 the investigation or prosecution of any violation of the criminal
39 provisions of this subtitle or of any State tax law;

40 h. The furnishing by the Director of the Division of Taxation
41 to the State agency responsible for administering the Child
42 Support Enforcement program pursuant to Title IV-D of the
43 federal Social Security Act, Pub. L.93-647 (42 U.S.C. § 51 et
44 seq.), with the names, home addresses [and], social security
45 numbers and sources of income and assets of all absent parents
46 who are certified by that agency as being required to pay child
47 support, upon request by the State agency and pursuant to
48 procedures and in a form prescribed by the director.

49 i. The furnishing by the Director of the Division of Taxation to
50 the Board of Public Utilities any information contained in tax
51 information statements, reports or returns or any audit thereof or
52 a report of any investigation made with respect thereto, as may
53 be necessary for the administration of P.L.1991, c.184
54 (C.54:30A-18.6 et al.).

1 j. The furnishing by the Director of the Division of Taxation to
2 the Director of the Division of Alcoholic Beverage Control in the
3 Department of Law and Public Safety any information contained
4 in tax information statements, reports or returns or any audit
5 thereof or a report of any investigation made with respect
6 thereto, as may be relevant, in the discretion of the director, in
7 any proceeding conducted for the issuance, suspension or
8 revocation of any license authorized pursuant to Title 33 of the
9 Revised Statutes.³

10 (cf: P.L.1993, c.232, s.2)

11 ¹[2.] ²[3.1 The Commissioner of Human Services shall, in
12 accordance with the "Administrative ¹[Procedures] Procedure¹
13 Act", P.L.1968, c.410 ¹[(52:143-1 et seq.)] (C.52:14B-1 et seq.),
14 and in conjunction with the Supreme Court, adopt and promulgate
15 such rules and regulations as may be necessary for the
16 implementation of this act.]²

17 ³[²3.] 4. (New Section)³ The Commissioner of Human Services
18 shall, in accordance with the "Administrative Procedure Act",
19 P.L.1968, c.410 (C.52:14B-1 et seq.), and in conjunction with the
20 Supreme Court, the Division of Motor Vehicles ³[and],³ the
21 Administrative Office of the Courts ³and the Department of the
22 Treasury³ , adopt and promulgate such rules and regulations as
23 may be necessary for the implementation of this act, including,
24 but not limited to: the protection of the confidential use of the
25 information concerning putative fathers and child support
26 obligors to safeguard against the unauthorized use, disclosure or
27 publication of the information; and, the establishment of
28 penalties for those cases in which the information is improperly
29 used, disclosed or published beyond the purposes of this act.²

30 ¹[3.] ³[^{4.1}] ^{5.}³ This act shall take effect immediately.

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35 _____
36 Allows county probation departments and the State IV-D agency
37 access to new sources of information concerning putative fathers
and child support obligors.

SENATE, No. 1307

STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1994

By Senators MARTIN, BASSANO and Matheussen

1 AN ACT concerning child support enforcement and supplementing
2 Chapter 17 of Title 2A of the New Jersey Statutes.

3
4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 1. The State IV-D agency and its designees shall be authorized
7 to receive information concerning putative fathers and child
8 support obligors from the following sources through electronic
9 means:

10 a. Public utility records;

11 b. Employment and Taxation records kept by the Department
12 of Treasury including W-2 and W-4 forms, or any other forms
13 authorized by the Department of the Treasury;

14 c. Direct, on-line access to the Division of Medical Assistance
15 and Health Services, and Department of Motor Vehicles records,
16 including, where possible, interface between automated systems;
17 and

18 d. Any record, paper, document or entity deemed by the IV-D
19 agency or its designee to be a potential source of information
20 concerning an obligor's income or assets. The IV-D agency shall
21 have the authority, as designated by the Commissioner of the
22 Department of Human Services, to compel the production of
23 books, papers, accounts, records by subpoena.

24 2. The Commissioner of Human Services shall, in accordance
25 with the "Administrative Procedures Act", P.L.1968, c.410
26 (52:143-1 et seq.), and in conjunction with the Supreme Court,
27 adopt and promulgate such rules and regulations as may be
28 necessary for the implementation of this act.

29 3. This act shall take effect immediately.

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STATEMENT

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34 This bill would strengthen the ability of the Department of
35 Human Services as New Jersey's Title IV-D agency to collect
36 child support payments by permitting Human Services and its
37 designees to have access to additional information concerning
38 putative fathers and child support obligors. The bill would allow
39 Human Services to access public utility records; Treasury
40 Department employment and taxation records, including W-2 and
41 W-4 forms; Division of Motor Vehicles records, and upon issuance
42 of a subpoena, any other record, paper, document or entity
43 deemed by the Department of Human Services to be a potential
44 source of information concerning an obligor's income or assets.

ASSEMBLY SENIOR CITIZENS AND
SOCIAL SERVICES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1307

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 8, 1995

The Assembly Senior Citizens and Social Services Committee favorably reports Senate Bill No. 1307(1R) with committee amendments.

As amended, this bill would strengthen the collection of child support payments by permitting the State IV-D agency and its designees and the county probation departments to have access to additional information concerning putative fathers and child support obligors. The bill would allow the department to access Treasury Department employment and taxation records, including W-2 and W-4 forms; Division of Motor Vehicles records; Division of Medical Assistance and Health Services records; and, upon issuance of a subpoena, any other record, paper, document or entity deemed to be a potential source of information concerning a putative father or an obligor's income or assets.

The bill requires the department to seek information from the other sources provided for in the bill prior to seeking information from public utility records. It allows the State IV-D agency to seek verifying information from public utility records which would be limited to identifying information necessary to establish the name and address, or residency, if different from the address, of putative fathers and child support obligors. Additionally, a public utility shall not be liable for damages for any civil action which may result from complying with the provisions of this bill.

The committee adopted amendments which would authorize the probation department to receive information from the sources specified in section 1 of the bill. The amendments also require the Department of Human Services, the Division of Motor Vehicles and the Administrative Office of the Courts to develop rules that protect the confidential use of this information to safeguard against the unauthorized use, disclosure or publication of such information, and to establish penalties for those cases where such information is improperly used, disclosed or published beyond the purposes of this bill.

This bill is identical to Assembly Bill No. 228 which was amended and released by this committee on this date.

SENATE HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1307

with committee amendments

STATE OF NEW JERSEY

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DATED: DECEMBER 15, 1994

The Senate Human Services Committee favorably reports Senate Bill No. 1307 with committee amendments.

This bill, as amended, would strengthen the ability of the Department of Human Services as New Jersey's Title IV-D agency to collect child support payments by permitting the department and its designees to have access to additional information concerning putative fathers and child support obligors. The bill would allow the department to access Treasury Department employment and taxation records, including W-2 and W-4 forms; Division of Motor Vehicles records; and, upon issuance of a subpoena, any other record, paper, document or entity deemed by the department to be a potential source of information concerning an obligor's income or assets.

The committee adopted amendments which require the department to seek information from the other sources provided for in the bill prior to seeking information from public utility records. Instead of providing direct access to public utility records, the committee amendments allow the department to seek verifying information from public utility records which would be limited to identifying information necessary to establish the name and address, or residency, if different from the address, of putative fathers and child support obligors. Additionally, a public utility shall not be liable for damages for any civil action which may result from complying with the provisions of this bill. Also, the committee excluded a long distance carrier from the provisions of this bill.

Lastly, the committee adopted technical amendments to reflect current agency designations.