

2A:34-23C

LEGISLATIVE HISTORY CHECKLIST
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(Child support orders--health insurance coverage)

NJSA: 2A:34-23C
LAWS OF: 1995 **CHAPTER:** 58
BILL NO: S1308
SPONSOR(S): Matheussen and Sinagra
DATE INTRODUCED: June 30, 1994
COMMITTEE: **ASSEMBLY:** ---
SENATE: Health
AMENDED DURING PASSAGE: No
DATE OF PASSAGE: **ASSEMBLY:** March 13, 1995
SENATE: October 20, 1994
DATE OF APPROVAL: March 31, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes
COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: Yes
FISCAL NOTE: No
VETO MESSAGE: No
MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No
HEARINGS: No

KBG:pp

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P.L.1995, CHAPTER 58, approved March 31, 1995
1994 Senate No. 1308

1 **AN ACT** concerning health insurance coverage pursuant to a child
2 support order amending and supplementing Title 2A of the New
3 Jersey Statutes.

4

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

7 1. (New section) Any order for child support issued pursuant to
8 the provisions of N.J.S.2A:34-23 shall include provisions
9 indicating the party responsible for maintaining medical support
10 coverage for the child and the terms and conditions by which that
11 coverage is to be maintained.

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

14 2. Every complaint, notice or pleading for the entry or
15 modification of an order of a court entered or modified which
16 includes child support shall include a written notice to the obligor
17 stating that the child support provision of the order shall, and the
18 medical support provision may, as appropriate, be enforced by an
19 income withholding upon the current or future income due from
20 the obligor's employer or successor employers and upon the
21 unemployment compensation benefits due the obligor and against
22 debts, income, trust funds, profits or income from any other
23 source due the obligor except as provided in section 3 of
24 P.L.1981, c.417 (C.2A:17-56.9). The written notice shall also
25 state that the amount of a IV-D child support order and the
26 provisions for medical support coverage shall be reviewed and
27 updated, as necessary, at least every three years.

28 The court shall ensure that in the case of each obligor against
29 whom a support order is or has been issued or modified, the
30 obligor's income shall be withheld to comply with the order. An
31 amount shall be withheld to pay the support obligation and it shall
32 include an amount to be applied toward liquidation of arrearages
33 reduced to judgments [and], payments for paternity testing
34 procedures and provisions for medical support coverage when
35 applicable. The income withholding provisions shall also be
36 applicable to all orders issued on or before the effective date of
37 this act.

38 (cf: P.L.1990, c.92, s.1)

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

41 5. An income withholding made under this act and provisions
42 for medical support coverage shall be binding upon the payor and

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 successor payors immediately after service upon the payor by the
2 probation department of a copy of the income withholding and an
3 order for the provision of medical support coverage, by registered
4 or certified mail with return receipt requested until further
5 order. The payor is to pay the withheld amount to the probation
6 department at the same time the obligor is paid. The payor shall
7 implement withholding and the provisions for medical support
8 coverage no later than the first pay period that ends immediately
9 after the date the notice was postmarked. For each payment,
10 other than payment received from the unemployment
11 compensation fund, the payor may receive \$1.00, which shall be
12 deducted from the obligor's income in addition to the amount of
13 the support order.

14 Notice to the payor shall include, but not be limited to,
15 instructions for the provisions for medical support coverage, the
16 amount to be withheld from the obligor's income and a statement
17 that the amount actually withheld for support and other purposes
18 may not be in excess of the maximum amount permitted under
19 section 303 (b) of the federal Consumer Credit Protection Act (15
20 U.S.C.§1673 (b)); that the payor shall send the amount to the
21 probation department at the same time the obligor is paid, unless
22 the probation department directs that payment be made to
23 another individual or entity; that the payor may deduct a fee of
24 \$1.00 in addition to the amount of the support order except when
25 the payment is received from the unemployment compensation
26 fund; that withholding is binding on the payor until further notice
27 by the probation department; that the payor is subject to a fine
28 for discharging an obligor from employment, refusing to employ,
29 or taking disciplinary action against an obligor because of the
30 withholding; that if the payor fails to take appropriate action
31 with regard to the provisions for medical support coverage or
32 withhold wages in accordance with the provisions of the notice,
33 the payor is liable for any medical expenses incurred by the
34 children subject to the provisions for medical support coverage
35 and any amount up to the accumulated amount the payor should
36 have withheld from the obligor's income; that the withholding
37 shall have priority over any other legal process under State law
38 against the same wages; that the payor may combine withheld
39 amounts from the obligor's wages in a single payment to each
40 appropriate agency requesting withholding and separately identify
41 the portion of the single payment which is attributable to each
42 individual obligor; that if there is more than one support order for
43 withholding against a single obligor, the payor shall withhold the
44 payments on a pro rata basis to fully comply with the support
45 orders, to the extent that the total amount withheld does not
46 exceed the limits imposed under section 303 (b) of the federal
47 Consumer Credit Protection Act (15 U.S.C.§1673 (b)); that the
48 payor shall implement withholding no later than the first pay
49 period that ends immediately after the date the notice was
50 postmarked; and that the payor shall notify the probation
51 department promptly upon the termination of the obligor's
52 employment benefits and provide the obligor's last known address
53 and the name and address of the obligor's new payor, if known.
54 (cf: P.L. 1990, c.92, s.3)

1 4. This act shall take effect immediately.

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STATEMENT

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6 This bill would require every child support order to specifically
7 include a provision indicating how health insurance is to be
8 maintained for the child. This proposal also sets up mechanisms
9 for notifying employers of employees' health insurance
10 obligations and for enforcing those insurance obligations.

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15 _____
16 Requires child support orders to include provisions for medical
insurance coverage.

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 1308

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 1994

The Senate Health Committee favorably reports Senate Bill No. 1308.

This bill would require every child support order to specifically include a provision indicating how medical support coverage (health insurance) is to be maintained for the child. The bill also amends the "New Jersey Support Enforcement Act," P.L.1981, c.417 (C.2A:17-56.7 et seq.) to establish a mechanism for notifying employers of their employees' medical support obligations and for enforcing those obligations.