

LEGISLATIVE HISTORY CHECKLIST
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(Child support & alimony -- overdue
 --restrict modification)

NJSA: 2A:17-56.23a

LAWS OF: 1993 **CHAPTER:** 45

BILL NO: S752

SPONSOR(S) Lipman

DATE INTRODUCED: May 7, 1992

COMMITTEE: **ASSEMBLY:** Senior Citizens
SENATE: Womens Issues

AMENDED DURING PASSAGE: No Senate committee substitute enacted

DATE OF PASSAGE: **ASSEMBLY:** February 1, 1993
SENATE: July 20, 1992

DATE OF APPROVAL: February 18, 1993

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

See newspaper clippings--attached:
 "Law curbs reductions on 'late' child support," 2-19-93 Star Ledger.

KBG:pp

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 752

STATE OF NEW JERSEY

ADOPTED JUNE 1, 1992

Sponsored by Senator LIPMAN

1 AN ACT concerning support obligations and amending P.L.1988,
2 c. 111.

3

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

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

8 1. Any payment or installment of an order for child support, or
9 those portions of an order which are allocated for child support,
10 whether ordered in this State or in another state, shall be fully
11 enforceable and entitled to full faith and credit and shall be a
12 judgment by operation of law on and after the date it is due. No
13 payment or installment of an order for child support, or those
14 portions of an order which are allocated for child support
15 established prior to or subsequent to the effective date of P.L.
16 , c. (C.) (now pending before the Legislature as this bill),
17 shall be retroactively modified by the court except [for the
18 period during which the party seeking relief has pending an
19 application for modification, but only from the date of mailing
20 the notice of motion to the court or from the date of mailing
21 written notice to the other party] with respect to the period
22 during which there is a pending application for modification, but
23 only from the date the notice of motion was mailed either
24 directly or through the appropriate agent. The written notice
25 will state that a change of circumstances has occurred and a
26 motion for modification of the order will be filed within 45 days.
27 In the event a motion is not filed within the 45 day period,
28 modification shall be permitted only from the date the motion is
29 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
32 the effective date of this act.

33 (cf: P.L.1988, c.111, s.1)

34 2. This act shall take effect immediately.

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39 Provides that no overdue child support shall be modified except in
40 limited circumstances.

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.

SENATE, No. 752

STATE OF NEW JERSEY

INTRODUCED MAY 7, 1992

By Senator LIPMAN

1 AN ACT concerning support obligations and amending P.L.1988,
2 c. 111.

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

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

8 1. Any payment or installment of an order for child support,
9 maintenance or spousal support, or those portions of an order
10 which are allocated for [child] support, whether ordered in this
11 State or in another state, shall be fully enforceable and entitled
12 to full faith and credit and shall be a judgment by operation of
13 law on and after the date it is due. No payment or installment of
14 an order for child support, maintenance or spousal support, or
15 those portions of an order which are allocated for [child] support,
16 shall be retroactively modified by the court except for the period
17 during which the party seeking relief has pending an application
18 for modification, but only from the date of mailing the notice of
19 motion to the court or from the date of mailing written notice to
20 the other party either directly or through the appropriate agent.
21 This provision prohibiting the modification of child support,
22 maintenance or spousal support is intended to be curative, and
23 shall apply to all orders entered before, on and after the
24 effective date of P.L.1988, c.111 (C.2A:17-56.23a). The written
25 notice will state that a change of circumstances has occurred and
26 a motion for modification of the order will be filed within 45
27 days. In the event a motion is not filed within the 45 day period,
28 modification shall be permitted only from the date the motion is
29 filed with the court.

30 (cf: P.L.1988, c.111)

31 2. This act shall take effect immediately, and as to orders for
32 child support or those portions of an order which are allocated to
33 child support, shall be retroactive to November 20, 1988.

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36 STATEMENT

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38 P.L.1988, c.11 (C.2A:17-56.23a) generally bars any retroactive
39 modification of child support obligations. In Ohlhoff v. Ohlhoff,
40 246 N.J. Super. 1 (App. Div., 1991), the court ruled this ban
41 against retroactive modification of child support orders applies
42 only to child support orders which became due after

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 November 21, 1988, the effective date of P.L.1988, c.111. This
2 bill would clarify that the provisions of P.L. 1988, c.111 apply to
3 all orders entered before, on or after its effective date.

4 In addition, the bill broadens the scope of the existing law by
5 including spousal support and maintenance obligations within the
6 prohibition against modification.

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11 Provides that no overdue child support, maintenance or spousal
12 support obligation shall be modified except in limited
13 circumstances.

ASSEMBLY SENIOR CITIZENS
AND SOCIAL SERVICES COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 752

STATE OF NEW JERSEY

DATED: JANUARY 11, 1993

The Assembly Senior Citizens and Social Services Committee favorably reports Senate Bill No. 752 SCS.

The bill would prohibit the modification of child support orders established prior to or subsequent to the effective date of the bill except for orders where there is a pending application for modification, but only from the date the notice of motion was mailed.

The bill's provisions are curative in nature and reflect the New Jersey Superior Court's decision in Ohlhoff v. Ohlhoff, 246 N.J. Super. 1 (App. Div., 1991).

This bill is identical to Assembly Bill No. 105 (Heck) which was released by this committee on this date.

SENATE WOMEN'S ISSUES, CHILDREN
AND FAMILY SERVICES COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 752

STATE OF NEW JERSEY

DATED: JUNE 1, 1992

The Senate Women's Issues, Children and Family Services Committee favorably reports a Senate Committee Substitute for Senate Bill No. 752.

The substitute would prohibit the modification of child support orders established prior to or subsequent to the effective date of the bill except for orders where there is a pending application for modification, but only from the date the notice of motion was mailed.

The substitute's provisions are curative in nature and reflect the New Jersey Superior Court's decision in Ohlhoff v. Ohlhoff, 246 N.J. Super. 1 (App. Div., 1991).