

2A:17-56.67

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2015 **CHAPTER:** 223

NJSA: 2A:17-56.67 (Concerns alterations in child support obligations in response to changes to status of supported child)

BILL NO: S1046 (Substituted for A2721)

SPONSOR(S) Turner and others

DATE INTRODUCED: January 30, 2014

COMMITTEE: **ASSEMBLY:** ---
SENATE: Judiciary

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 17, 2015
SENATE: January 7, 2016

DATE OF APPROVAL: January 19, 2016

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Third Reprint enacted)

S1046

SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: No
	SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	Yes	12-18-14 12-03-15
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LEGISLATIVE FISCAL ESTIMATE:	No
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A2721

SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: No

FLOOR AMENDMENT STATEMENT:	Yes	1-29-15 12-3-15
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LEGISLATIVE FISCAL ESTIMATE:	No
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(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/KR

P.L.2015, CHAPTER 223, *approved January 19, 2016*
Senate, No. 1046 (*Third Reprint*)

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

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

6
7 1. a. Unless otherwise provided in a court order or judgment,
8 the obligation to pay child support shall terminate by operation of
9 law without order by the court on the date that a child ²[who is less
10 than 19 years of age]² marries, dies, or enters the military service.
11 ²[A] In addition, a² child support obligation shall ²[also]²
12 terminate by operation of law without order by the court when a
13 child reaches 19 years of age unless:

14 (1) another age for the termination of the obligation to pay child
15 support ², which shall not extend beyond the date the child reaches
16 23 years of age,² is specified in a court order;

17 (2) ²[the parents of the child consent and the court approves the
18 continuation of support until another predetermined date; ¹[or]¹

19 (3) ²[a written request seeking the continuation of child support is
20 submitted to² the court ²[extends the obligation to pay child
21 support based on an application]² by a ²custodial² parent ²[or ¹[the
22 child] guardian¹ filed]² prior to the child ²[attaining] reaching² the
23 age of 19 ²in accordance with subsection b. of this section² ¹; or

24 ²[(4)] (3)² the child receiving support is in an out-of-home
25 placement through the Division of Child Protection and
26 Permanency in the Department of Children and Families¹.

27 b. ²[A] (1) In response to a notice of proposed termination of
28 child support issued in accordance with subsection d. of this
29 section, a custodial² parent ²[or ¹[child may petition the court for]²
30 guardian]² may submit a written request ², on a form and within
31 timeframes promulgated by the Administrative Office of the Courts,
32 with supporting documentation² to the court ²[with supporting
33 documentation]² , including a projected future date when support
34 will terminate, ²[if appropriate,]² seeking¹ the continuation of child

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:

¹Senate SJU committee amendments adopted March 24, 2014.

²Senate floor amendments adopted December 18, 2014.

³Assembly floor amendments adopted December 3, 2015.

1 support beyond ²the date the child reaches² 19 years of age in the
2 following circumstances:

3 ²**[(1)] (a)**² the child is still enrolled in high school or other
4 secondary educational program;

5 ²**[(2)] (b)**² the child is ²**[participating full-time]** a student² in a
6 post-secondary education program ²**;**

7 **(3)** and is enrolled for the number of hours or courses the
8 school considers to be full-time attendance during some part of each
9 of any five calendar months of the year; or

10 **(c)**² the child has a physical or mental disability ², as determined
11 by a federal or State government agency,² that existed prior to the
12 child reaching the age of 19 and requires continued ²child² support
13 ²**;** or

14 **(4) other** ²**].**

15 **(2)** A custodial parent may file a motion with the court seeking
16 to extend the obligation to pay child support beyond the date the
17 child reaches 19 years of age due to² exceptional circumstances as
18 may be approved by the court.

19 c. If the court ¹**[grants an order for]** ²**[orders]**¹ the continuation
20 of the obligation to pay child support ¹based on the written request
21 of the parent or guardian¹, it shall include in its order a future date
22 upon which the child support obligation will terminate or a date
23 upon which the court will review the circumstances of the parties
24 and children. ¹Notice of the continuation of the obligation and the
25 future termination date, when ordered, shall be provided to the
26 parties¹ **]** finds that the request form and supporting documentation
27 submitted by the custodial parent establish sufficient proof to
28 continue the child support beyond the date a child reaches 19 years
29 of age pursuant to paragraph (1) of subsection b. of this section, the
30 child support obligation shall not be terminated by operation of law
31 when the child reaches the age of 19, and the court shall issue an
32 order establishing the prospective date of child support termination.
33 A copy of the court order shall be provided to both parents of the
34 child. A parent responsible for paying child support who disagrees
35 with the court's decision to continue child support beyond the date
36 the child reaches 19 years of age or who otherwise desires to
37 modify or terminate the child support obligation may, at any time,
38 file a motion with the court seeking relief from that obligation² .¹

39 d. For ²child² support orders that are ²**[being supervised]**
40 administered² by the Probation Division of the Superior Court, ²**[no**
41 less than 90 days prior to the termination of child support pursuant
42 to this section]² the Probation Division and the State IV-D agency
43 shall cooperatively provide both parents with at least ²**[one notice]**
44 two³ written³ notices² of a proposed termination ²of child support² ,
45 which shall include ²**[instructions for seeking]** information and the
46 request form to facilitate² the continuation of child support ²**[in**

1 appropriate circumstances] ³[for a child]³ beyond the date the
2 child reaches 19 years of age. The first notice shall be sent at least
3 180 days prior to the proposed termination date, and the second
4 notice shall be sent at least 90 days prior to the proposed
5 termination date. The second notice shall not be required whenever
6 a custodial parent's request for continuation is pending or a new
7 date of child support termination has been established. ³To the
8 extent feasible, the Probation Division and the State IV-D agency
9 shall cooperatively provide additional notice to the parents by text
10 message, telephone message, or other electronic means.³ In
11 addition, all orders and judgments that include a child support
12 obligation entered after the effective date of P.L. , c. (C.)
13 (pending before the Legislature as this bill) shall contain
14 information regarding the termination of child support obligations
15 as provided in P.L. , c. (C.) (pending before the
16 Legislature as this bill).

17 e. Notwithstanding the provisions of this section, the obligation
18 to pay child support shall terminate by operation of law when a
19 child reaches 23 years of age. The Probation Division and the State
20 IV-D agency shall cooperatively provide both parents with a
21 ³written³ notice of termination at least 90 days prior to the
22 termination date ³and, to the extent feasible, the Probation Division
23 and the State IV-D agency shall cooperatively provide additional
24 notice to the parents by text message, telephone message, or other
25 electronic means³. Nothing in this section shall be construed to:

26 (1) prevent a child who is beyond 23 years of age from seeking a
27 court order requiring the payment of other forms of financial
28 maintenance or reimbursement from a parent as authorized by law
29 to the extent that such financial maintenance or reimbursement is
30 not payable or enforceable as child support as defined in section 3
31 of P.L.1998, c.1 (C.2A:17-56.52); or

32 (2) prevent the court, upon application of a parent or child, from
33 converting, due to exceptional circumstances including, but not
34 limited to, a mental or physical disability, a child support obligation
35 to another form of financial maintenance for a child who has
36 reached the age of 23².

37
38 2. a. Whenever there is an unallocated child support order for
39 two or more children and the obligation to pay ²child² support for
40 one of the children is terminated by operation of law pursuant to
41 section 1 of P.L. , c. (C.) (pending before the Legislature
42 as this bill), the amount of the child support obligation in effect
43 immediately prior to the date of the termination shall remain in
44 effect for the other children ²[until the court subsequently modifies
45 the child support amount]². Either party may file an application
46 with the court to adjust the remaining child support amount to
47 reflect the reduction in the number of dependent children. For the

1 purposes of this section, “unallocated” means a child support
2 amount for the benefit of multiple children that does not specify the
3 amount of ²child² support for each child.

4 b. Whenever there is an allocated child support order for two or
5 more children and the obligation to pay ²child² support for one of
6 the children is terminated by operation of law pursuant to section 1
7 of P.L. , c. (C.) (pending before the Legislature as this bill),
8 the amount of the child support obligation shall be adjusted to
9 reflect only the amount allotted for the remaining child or children.
10 Either party may file an application with the court to adjust the
11 remaining ²child² support amount to reflect the reduction in the
12 number of dependent children. For the purposes of this section,
13 “allocated” means a child support amount for the benefit of multiple
14 children that specifies the amount of support for each child as
15 ordered by the court.

16

17 3. If a child support obligation is terminated by operation of
18 law pursuant to section 1 of P.L. , c. (C.) (pending before
19 the Legislature as this bill), any arrearages that have accrued prior
20 to the date of the termination shall remain due and enforceable. If
21 the person responsible for paying ²child² support for a child owes
22 child support arrearages at the time a ²child² support obligation is
23 terminated and there are no other children being supported under
24 the same order, the amount to be paid to satisfy the arrearage shall
25 be the sum of the recurring child support obligation in effect
26 immediately prior to the effective date of the termination plus any
27 arrears repayment obligation in effect immediately prior to the
28 effective date of the termination, unless otherwise ordered by the
29 court.

30 For ²child² support orders that are being ²**[supervised]**
31 administered² by the Probation Division of the Superior Court, the
32 Probation Division shall continue to enforce and collect the
33 arrearages until they are paid in full or the court, in accordance with
34 State and federal law and regulations and the Rules of Court, as
35 applicable, terminates the Probation Division's supervision of the
36 support order.

37

38 4. The provisions of P.L. , c. (C.) (pending before
39 the Legislature as this bill) shall not apply to child support
40 provisions contained in orders or judgments entered by a foreign
41 jurisdiction and registered in New Jersey for modification or
42 enforcement pursuant to the “Uniform Interstate Family Support
43 Act,” P.L.1998, c.2 (C.2A:4-30.65 et seq.) ²or any succeeding law
44 that is substantially similar² , or a law or procedure substantially
45 similar to the "Uniform Reciprocal Enforcement of Support Act,"
46 originally adopted in New Jersey as P.L.1952, c.197 (C.2A:4-30.1
47 et seq.) but subsequently repealed, or the "Revised Uniform
48 Reciprocal Enforcement of Support Act," originally adopted in New

1 Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.) but also
2 subsequently repealed.

3

4 5. Nothing in P.L. , c. (C.) (pending before the
5 Legislature as this bill) shall:

6 a. require or relieve a parent from paying support or other costs
7 while a child is enrolled full-time in a post-secondary education
8 program;

9 b. prohibit the State IV-D agency or the Probation Division of
10 the Superior Court from seeking to close a Title IV-D case or
11 terminate its supervision of a child support order in accordance with
12 procedures as provided under State or federal law and regulations or
13 the Rules of Court;

14 c. prohibit any party from filing an application with the court
15 seeking the termination of an order to pay child support for any
16 cause other than those provided under P.L. , c. (C.)
17 (pending before the Legislature as this bill); or

18 d. prohibit the parties from consenting to a specific termination
19 date ²for child support that does not exceed the date a child reaches
20 23 years of age, or to any other financial arrangements for a child
21 that are not designated as child support,² subject to the approval of
22 the court.

23

24 ¹6. Nothing in P.L. , c. (C.) (pending before the
25 Legislature as this bill) shall be construed to prevent a parent ²[or
26 guardian]² ³who is³ responsible for paying child support from
27 petitioning the court for the termination of child support ³[or for
28 emancipation of a child] for good cause³ prior to the ²[age of]
29 child reaching² 19 ²years of age² ³[for good cause]³, or from
30 petitioning the court to contest the extension of child support ²for a
31 child² beyond the ²[age of] ³[the]³ date the child reaches² 19
32 ²years of age² ³,³ as provided in P.L. , c. (C.) (pending
33 before the Legislature as this bill).¹

34

35 ³7. The Administrative Office of the Courts and the State IV-D
36 agency shall cooperatively prepare and make available to the public
37 information regarding the termination of child support obligations
38 pursuant to P.L. , c. (C.) (pending before the Legislature as
39 this bill), including but not limited to: how parents may establish
40 an alternative termination age or event; how support may be
41 extended beyond the age of 19 under certain circumstances; and
42 how parents may contest the continuation or termination of support
43 as provided in P.L. , c. (C.) (pending before the Legislature
44 as this bill).³

45

46 ¹[6.] ³[7.1] ^{8.}³ The Supreme Court may adopt Rules of Court
47 appropriate or necessary to effectuate the purposes of this act.

1 ¹[7.] ³[8.¹] 9.³ The Commissioner of Human Services may
2 adopt rules and regulations pursuant to the “Administrative
3 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate
4 the purposes of this act.

5
6 ¹[8.] ³[9.¹] 10.³ This act shall take effect ²[180 days] on the
7 first day of the 13th month² after enactment and shall be applicable
8 to all child support orders issued prior to, on, or after the effective
9 date. ²The Department of Human Services and the Administrative
10 Office of the Courts shall cooperate to take any appropriate
11 anticipatory administrative action, including action concerning the
12 notice requirements of subsection d. of section 1 of P.L. _____,
13 c. (C. _____) (pending before the Legislature as this bill), in
14 advance of the effective date as shall be necessary for the
15 implementation of this act.²

16
17
18
19

20 Concerns alterations in child support obligations in response to
21 changes to status of supported child.

SENATE, No. 1046

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JANUARY 30, 2014

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Concerns alterations in child support obligations in response to changes to status of supported child.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/18/2014)

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

3

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

6

7 1. a. Unless otherwise provided in a court order or judgment,
8 the obligation to pay child support shall terminate by operation of
9 law without order by the court on the date that a child who is less
10 than 19 years of age marries, dies, or enters the military service. A
11 child support obligation shall also terminate by operation of law
12 without order by the court when a child reaches 19 years of age
13 unless:

14 (1) another age for the termination of the obligation to pay child
15 support is specified in a court order;

16 (2) the parents of the child consent and the court approves the
17 continuation of support until another predetermined date; or

18 (3) the court extends the obligation to pay child support based
19 on an application by a parent or the child filed prior to the child
20 attaining the age of 19.

21 b. A parent or child may petition the court for the continuation
22 of child support beyond 19 years of age in the following
23 circumstances:

24 (1) the child is still enrolled in high school or other secondary
25 educational program;

26 (2) the child is participating full-time in a post-secondary
27 education program;

28 (3) the child has a physical or mental disability that existed prior
29 to the child reaching the age of 19 and requires continued support;
30 or

31 (4) other exceptional circumstances as may be approved by the
32 court.

33 c. If the court grants an order for the continuation of the
34 obligation to pay child support, it shall include in its order a future
35 date upon which the child support obligation will terminate or a
36 date upon which the court will review the circumstances of the
37 parties and children.

38 d. For support orders that are being supervised by the Probation
39 Division of the Superior Court, no less than 90 days prior to the
40 termination of child support pursuant to this section the Probation
41 Division and the State IV-D agency shall cooperatively provide
42 both parents with at least one notice of a proposed termination,
43 which shall include instructions for seeking the continuation of
44 child support in appropriate circumstances.

45

46 2. a. Whenever there is an unallocated child support order for
47 two or more children and the obligation to pay support for one of
48 the children is terminated by operation of law pursuant to section 1

1 of P.L. , c. (C.) (pending before the Legislature as this
2 bill), the amount of the child support obligation in effect
3 immediately prior to the date of the termination shall remain in
4 effect for the other children until the court subsequently modifies
5 the child support amount. Either party may file an application with
6 the court to adjust the remaining child support amount to reflect the
7 reduction in the number of dependent children. For the purposes of
8 this section, “unallocated” means a child support amount for the
9 benefit of multiple children that does not specify the amount of
10 support for each child.

11 b. Whenever there is an allocated child support order for two or
12 more children and the obligation to pay support for one of the
13 children is terminated by operation of law pursuant to section 1 of
14 P.L. , c. (C.) (pending before the Legislature as this bill),
15 the amount of the child support obligation shall be adjusted to
16 reflect only the amount allotted for the remaining child or children.
17 Either party may file an application with the court to adjust the
18 remaining support amount to reflect the reduction in the number of
19 dependent children. For the purposes of this section, “allocated”
20 means a child support amount for the benefit of multiple children
21 that specifies the amount of support for each child as ordered by the
22 court.

23
24 3. If a child support obligation is terminated by operation of
25 law pursuant to section 1 of P.L. , c. (C.) (pending before
26 the Legislature as this bill), any arrearages that have accrued prior
27 to the date of the termination shall remain due and enforceable. If
28 the person responsible for paying support for a child owes child
29 support arrearages at the time a support obligation is terminated and
30 there are no other children being supported under the same order,
31 the amount to be paid to satisfy the arrearage shall be the sum of the
32 recurring child support obligation in effect immediately prior to the
33 effective date of the termination plus any arrears repayment
34 obligation in effect immediately prior to the effective date of the
35 termination, unless otherwise ordered by the court.

36 For support orders that are being supervised by the Probation
37 Division of the Superior Court, the Probation Division shall
38 continue to enforce and collect the arrearages until they are paid in
39 full or the court, in accordance with State and federal law and
40 regulations and the Rules of Court, as applicable, terminates the
41 Probation Division's supervision of the support order.

42
43 4. The provisions of P.L. , c. (C.) (pending before
44 the Legislature as this bill) shall not apply to child support
45 provisions contained in orders or judgments entered by a foreign
46 jurisdiction and registered in New Jersey for modification or
47 enforcement pursuant to the “Uniform Interstate Family Support
48 Act,” P.L.1998, c.2 (C.2A:4-30.65 et seq.), or a law or procedure

1 substantially similar to the "Uniform Reciprocal Enforcement of
2 Support Act," originally adopted in New Jersey as P.L.1952, c.197
3 (C.2A:4-30.1 et seq.) but subsequently repealed, or the "Revised
4 Uniform Reciprocal Enforcement of Support Act," originally
5 adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.)
6 but also subsequently repealed.

7
8 5. Nothing in P.L. , c. (C.) (pending before the
9 Legislature as this bill) shall:

10 a. require or relieve a parent from paying support or other costs
11 while a child is enrolled full-time in a post-secondary education
12 program;

13 b. prohibit the State IV-D agency or the Probation Division of
14 the Superior Court from seeking to close a Title IV-D case or
15 terminate its supervision of a child support order in accordance with
16 procedures as provided under State or federal law and regulations or
17 the Rules of Court;

18 c. prohibit any party from filing an application with the court
19 seeking the termination of an order to pay child support for any
20 cause other than those provided under P.L. , c. (C.)
21 (pending before the Legislature as this bill); or

22 d. prohibit the parties from consenting to a specific termination
23 date subject to the approval of the court.

24
25 6. The Supreme Court may adopt Rules of Court appropriate or
26 necessary to effectuate the purposes of this act.

27
28 7. The Commissioner of Human Services may adopt rules and
29 regulations pursuant to the "Administrative Procedure Act,"
30 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of
31 this act.

32
33 8. This act shall take effect 180 days after enactment and shall
34 be applicable to all child support orders issued prior to, on, or after
35 the effective date.

36
37
38 STATEMENT

39
40 The bill clarifies certain circumstances under which the
41 obligation to pay child support terminates and provides that such
42 termination would occur by operation of law.

43 TERMINATION OF CHILD SUPPORT

44 Specifically, the bill provides that, unless otherwise provided in
45 a court order or judgment, the obligation to pay child support would
46 terminate by operation of law without order by the court on the date
47 that a child *who is less than 19 years of age* marries, dies, or enters
48 the military service. A child support obligation would also

1 terminate by operation of law without order by the court *when a*
2 *child reaches 19 years of age* unless:

3 (1) another age for the termination of the obligation to pay child
4 support is specified in a court order;

5 (2) the parents of the child consent and the court approves the
6 continuation of support until another predetermined date; or

7 (3) the court extends the obligation to pay child support based
8 on an application by a parent or the child filed prior to the child
9 attaining the age of 19.

10 CONTINUATION BEYOND AGE 19

11 The bill provides that a parent or child may petition the court for
12 the continuation of child support beyond age 19 in the following
13 circumstances:

14 (1) the child is still enrolled in high school or other secondary
15 educational program;

16 (2) the child is participating full-time in a post-secondary
17 education program;

18 (3) the child has a physical or mental disability that existed prior
19 to the child reaching the age of 19 and requires continued support;
20 or

21 (4) other exceptional circumstances as may be approved by the
22 court.

23 Under the bill, if the court grants an order for the continuation of
24 the obligation to pay child support, it would include in its order a
25 future date upon which the child support obligation will terminate
26 or a date upon which the court will review the circumstances of the
27 parties and children.

28 ORDERS SUPERVISED BY PROBATION DIVISION

29 Pursuant to the provisions of the bill, for support orders that are
30 being supervised by the Probation Division of the Superior Court no
31 less than 90 days prior to the termination of child support, the
32 Probation Division and the State IV-D agency (Department of
33 Human Services) would be required to cooperatively provide both
34 parents with at least one notice of a proposed termination, which
35 would include instructions for seeking the continuation of child
36 support in appropriate circumstances.

37 UNALLOCATED CHILD SUPPORT ORDERS

38 The bill provides that whenever there is an unallocated child
39 support order for two or more children and the obligation to pay
40 support for one of the children is terminated by operation of law,
41 the amount of the obligation in effect immediately prior to the date
42 of the termination would remain in effect for the other children until
43 the court subsequently modifies the child support amount. Either
44 party may file an application with the court to adjust the remaining
45 child support amount to reflect the reduction in the number of
46 dependent children. As defined in the bill "unallocated" means a
47 child support order amount for the benefit of multiple children that
48 does not specify the amount of support for each child.

1 ALLOCATED CHILD SUPPORT ORDERS

2 Pursuant to the provisions of the bill, whenever there is an
3 allocated child support order for two or more children and the
4 obligation to pay support for one of the children is terminated by
5 operation of law, the amount of the child support obligation would
6 be adjusted to reflect only the amount allotted for the remaining
7 child or children. Either party may file an application with the court
8 to adjust the remaining support amount to reflect the reduction in
9 the number of dependent children.

10 ARREARAGES

11 The bill provides that if a child support obligation is terminated
12 pursuant to its provisions, any arrearages that have accrued prior to
13 the date of the termination would remain due and enforceable. If the
14 person responsible for paying support for a child owes child support
15 arrearages at the time a support obligation is terminated and there
16 are no other children being supported under the same order, the
17 amount to be paid to satisfy the arrearage would be the sum of the
18 recurring child support obligation in effect immediately prior to the
19 effective date of the termination plus any arrears repayment
20 obligation in effect immediately prior to the effective date of the
21 termination, unless otherwise ordered by the court.

22 For support orders that are being supervised by the Probation
23 Division of the Superior Court, the Probation Division would
24 continue to enforce and collect the arrearages until they are paid in
25 full or until the court, in accordance with State and federal law and
26 regulations and the Rules of Court, as applicable, terminates the
27 Probation Division's supervision of the support order.

28 ORDERS ENTERED BY OTHER JURISDICTIONS

29 The bill would not apply to child support provisions contained in
30 orders or judgments entered by a foreign jurisdiction and registered
31 in New Jersey for modification or enforcement pursuant to the
32 "Uniform Interstate Family Support Act," P.L.1998, c.2 (C.2A:4-
33 30.65 et seq.), or a law or procedure substantially similar to the
34 "Uniform Reciprocal Enforcement of Support Act," originally
35 adopted in New Jersey as P.L.1952, c.197 (C.2A:4-30.1 et seq.) but
36 subsequently repealed, or the "Revised Uniform Reciprocal
37 Enforcement of Support Act," originally adopted in New Jersey as
38 P.L.1981, c.243 (C.2A:4-30.24 et seq.) but also subsequently
39 repealed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1046

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 24, 2014

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1046.

This bill, as amended, clarifies certain circumstances under which the obligation to pay child support terminates and provides that such termination would occur by operation of law.

TERMINATION OF CHILD SUPPORT

Specifically, the bill provides that, unless otherwise provided in a court order or judgment, the obligation to pay child support would terminate by operation of law without order by the court on the date that a child *who is less than 19 years of age* marries, dies, or enters the military service. A child support obligation would also terminate by operation of law without order by the court *when a child reaches 19 years of age* unless:

(1) another age for the termination of the obligation to pay child support is specified in a court order;

(2) the parents of the child consent and the court approves the continuation of support until another predetermined date;

(3) the court extends the obligation to pay child support based on an application by a parent or guardian filed prior to the child attaining the age of 19; or

(4) the child receiving support is in an out-of-home placement through the Division of Child Protection and Permanency in the Department of Children and Families.

CONTINUATION BEYOND AGE 19

The bill provides that a parent or guardian may submit a written request to the court with supporting documentation, including a projected future date when support will terminate, if appropriate, seeking the continuation of child support beyond age 19 in the following circumstances:

(1) the child is still enrolled in high school or other secondary educational program;

(2) the child is participating full-time in a post-secondary education program;

(3) the child has a physical or mental disability that existed prior to the child reaching the age of 19 and requires continued support; or

(4) other exceptional circumstances as may be approved by the court.

Under the bill, if the court orders the continuation of the obligation to pay child support based on the written request of the parent or guardian, it would include in its order a future date upon which the child support obligation will terminate or a date upon which the court will review the circumstances of the parties and children. A notice of the continuation of the obligation and the future termination date, when ordered, would be provided to the parties.

ORDERS SUPERVISED BY PROBATION DIVISION

For support orders that are being supervised by the Probation Division of the Superior Court, no less than 90 days prior to the termination of child support, the Probation Division and the State IV-D agency (Department of Human Services) would be required to cooperatively provide both parents with at least one notice of a proposed termination, which would include instructions for seeking the continuation of child support in appropriate circumstances.

UNALLOCATED CHILD SUPPORT ORDERS

The bill provides that whenever there is an unallocated child support order for two or more children and the obligation to pay support for one of the children is terminated by operation of law, the amount of the obligation in effect immediately prior to the date of the termination would remain in effect for the other child or children until the court subsequently modifies the child support amount. Either party may file an application with the court to adjust the remaining child support amount to reflect the reduction in the number of dependent children.

ALLOCATED CHILD SUPPORT ORDERS

Pursuant to the provisions of the bill, whenever there is an allocated child support order for two or more children and the obligation to pay support for one of the children is terminated by operation of law, the amount of the child support obligation would be adjusted to reflect only the amount allotted for the remaining child or children. Either party may file an application with the court to adjust the remaining support amount to reflect the reduction in the number of dependent children.

ARREARAGES

The bill provides that if a child support obligation is terminated pursuant to its provisions, any arrearages that have accrued prior to the date of the termination would remain due and enforceable. If the person responsible for paying support for a child owes child support arrearages at the time a support obligation is terminated and there are no other children being supported under the same order, the amount to be paid to satisfy the arrearage would be the sum of the recurring child support obligation in effect immediately prior to the effective date of the termination plus any arrears repayment obligation in effect

immediately prior to the effective date of the termination, unless otherwise ordered by the court.

For support orders that are being supervised by the Probation Division of the Superior Court, the Probation Division would continue to enforce and collect the arrearages until they are paid in full or until the court, in accordance with State and federal law and regulations and the Rules of Court, as applicable, terminates the Probation Division's supervision of the support order.

ORDERS ENTERED BY OTHER JURISDICTIONS

The bill would not apply to child support provisions contained in orders or judgments entered by a foreign jurisdiction and registered in New Jersey for modification or enforcement pursuant to the “Uniform Interstate Family Support Act,” P.L.1998, c.2 (C.2A:4-30.65 et seq.), or a law or procedure substantially similar to the “Uniform Reciprocal Enforcement of Support Act,” originally adopted in New Jersey as P.L.1952, c.197 (C.2A:4-30.1 et seq.) but subsequently repealed, or the “Revised Uniform Reciprocal Enforcement of Support Act,” originally adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.) but also subsequently repealed.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

- add an additional exception to the bill’s default standard that child support terminates when a child reaches age 19, which provides that child support would not terminate if the child is in an out-of-home placement through the Division of Child Protection and Permanency in the Department of Children and Families;

- remove language stating that a child could file a petition with the court concerning obligations to pay child support;

- provide instead that a parent or guardian may submit a written request to the court with supporting documentation, including a projected future date when support will terminate, if appropriate, seeking the continuation of child support beyond 19 years of age;

- clarify that any order for continuation of the obligation to pay child support beyond age 19 would be based on the written request of the parent or guardian;

- add a provision that a notice of the continuation of the obligation and the future termination date, when ordered, would be provided to the parties; and

- add a provision specifying that nothing in the bill would be construed to prevent a parent or guardian responsible for paying child support from petitioning the court for the termination of child support or for emancipation of a child prior to the age of 19 for good cause, or from petitioning the court to contest the extension of child support beyond the age of 19 as provided in the bill.

STATEMENT TO
[First Reprint]
SENATE, No. 1046

with Senate Floor Amendments
(Proposed by Senator TURNER)

ADOPTED: DECEMBER 18, 2014

These floor amendments make several changes to the provisions of the underlying bill, which clarifies certain circumstances under which the obligation to pay child support would terminate by operation of law, with exceptions for extending support until a child reaches, at a maximum, 23 years of age.

These changes include:

- requiring two notices of proposed termination of child support when a child reaches 19 years of age (the general default for termination), for any support orders administered by the Probation Division of the Superior Court, cooperatively provided to both parents by the Probation Division and the State IV-D agency. The first notice would be sent at least 180 days prior to the proposed termination date, and the second at least 90 days prior thereto;

- clarifying references to “custodial parent” (instead of “parent or guardian”), as being the party responsible for seeking the continuation of child support when such support is scheduled to terminate;

- providing for the continuation of child support beyond a child reaching 19 years of age, based on an application to the court following notice of child support termination, when a child is a student in a post-secondary education program and “enrolled for the number of hours or courses the school considers to be full-time attendance during some part of each of any five calendar months of the year”;

- providing for the continuation of child support beyond a child reaching 19 years of age, based on an application to the court following notice of child support termination, due to the child having a physical or mental disability, as determined by a federal or State governmental agency, that existed prior to the child reaching the age of 19;

- providing for the continuation of child support, based on an application to the court not tied to any termination notice, due to exceptional circumstances as may be approved by the court;

- indicating the court’s authority to continue child support beyond the date a child reaches 19 years of age upon a custodial parent’s application, based upon the parent establishing “sufficient proof” for such continuation using the continuation request form, as promulgated by the Administrative Office of the Courts, and other supporting documentation submitted to the court;

- indicating that a parent responsible for paying child support who disagrees with the court's decision to continue child support may, at any time, file a motion seeking relief from that obligation;

- providing for the termination of child support without court order on the date that a child, regardless of age, marries, dies, or enters the military service;

- providing for the termination of child support on a date after a child reaches 19 years of age, as specified by court order, but which date would not extend beyond the date the child reaches 23 years of age;

- establishing that, notwithstanding the bill's provisions for child support continuation, the obligation to pay child support terminates when a child reaches 23 years of age, but nothing prevents the payment of an alternate form of financial support or reimbursement from a parent for that child;

- clarifying references throughout the bill to "child support" in order to demonstrate that the bill exclusively addresses this and not other alternative forms of financial support; and

- including, in the bill's effective date section, a delayed effective date of the first day of the 13th month following enactment, and indicating that the Administrative Office of the Courts and the Department of Human Services (the State IV-D agency) would cooperate to take any anticipatory administrative action, including with respect to the termination of child support notices provided in the bill, as needed for the bill's implementation.

STATEMENT TO
[Second Reprint]
SENATE, No. 1046

with Assembly Floor Amendments
(Proposed by Assemblyman GUSCIORA)

ADOPTED: DECEMBER 3, 2015

This bill clarifies certain circumstances under which the obligation to pay child support would terminate by operation of law.

Under the bill, the Probation Division and the State IV-D agency would cooperatively provide both parents with at least two notices of a proposed termination of child support, which would include information and the request form to facilitate the continuation of child support beyond the date the child reaches 19 years of age. These floor amendments provide that the two notices would be required to be in writing. In addition, the amendments provide that to the extent feasible the Probation Division and the State IV-D agency would cooperatively provide additional notice to the parents by text message, telephone message, or other electronic means.

The amendments also remove the reference to the term “emancipation” in the bill because the bill’s provisions relate only to the obligation to pay child support, and not to other parental duties, rights, and responsibilities. As amended, nothing in the bill would affect the authority of the court to make judicial determinations regarding the legal emancipation of a child.

In addition, the amendments require the Administrative Office of the Courts and the State IV-D agency to prepare and make available to the public information regarding the termination of child support obligations pursuant to the bill, including but not limited to: how parents may establish an alternative termination age or event; how support may be extended beyond the of age 19 under certain circumstances; and how parents may contest the continuation or termination of support as provided in the bill.

The remaining amendments are technical in nature.

ASSEMBLY, No. 2721

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 24, 2014

Sponsored by:

Assemblyman REED GUSCIORA
District 15 (Hunterdon and Mercer)

SYNOPSIS

Concerns alterations in child support obligations in response to changes to status of supported child.

CURRENT VERSION OF TEXT

As introduced.



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

3

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

6

7 1. a. Unless otherwise provided in a court order or judgment,
8 the obligation to pay child support shall terminate by operation of
9 law without order by the court on the date that a child who is less
10 than 19 years of age marries, dies, or enters the military service. A
11 child support obligation shall also terminate by operation of law
12 without order by the court when a child reaches 19 years of age
13 unless:

14 (1) another age for the termination of the obligation to pay child
15 support is specified in a court order;

16 (2) the parents of the child consent and the court approves the
17 continuation of support until another predetermined date; or

18 (3) the court extends the obligation to pay child support based
19 on an application by a parent or the child filed prior to the child
20 attaining the age of 19.

21 b. A parent or child may petition the court for the continuation
22 of child support beyond 19 years of age in the following
23 circumstances:

24 (1) the child is still enrolled in high school or other secondary
25 educational program;

26 (2) the child is participating full-time in a post-secondary
27 education program;

28 (3) the child has a physical or mental disability that existed prior
29 to the child reaching the age of 19 and requires continued support;
30 or

31 (4) other exceptional circumstances as may be approved by the
32 court.

33 c. If the court grants an order for the continuation of the
34 obligation to pay child support, it shall include in its order a future
35 date upon which the child support obligation will terminate or a
36 date upon which the court will review the circumstances of the
37 parties and children.

38 d. For support orders that are being supervised by the Probation
39 Division of the Superior Court, no less than 90 days prior to the
40 termination of child support pursuant to this section the Probation
41 Division and the State IV-D agency shall cooperatively provide
42 both parents with at least one notice of a proposed termination,
43 which shall include instructions for seeking the continuation of
44 child support in appropriate circumstances.

45

46 2. a. Whenever there is an unallocated child support order for
47 two or more children and the obligation to pay support for one of
48 the children is terminated by operation of law pursuant to section 1

1 of P.L. , c. (C.) (pending before the Legislature as this
2 bill), the amount of the child support obligation in effect
3 immediately prior to the date of the termination shall remain in
4 effect for the other children until the court subsequently modifies
5 the child support amount. Either party may file an application with
6 the court to adjust the remaining child support amount to reflect the
7 reduction in the number of dependent children. For the purposes of
8 this section, “unallocated” means a child support amount for the
9 benefit of multiple children that does not specify the amount of
10 support for each child.

11 b. Whenever there is an allocated child support order for two or
12 more children and the obligation to pay support for one of the
13 children is terminated by operation of law pursuant to section 1 of
14 P.L. , c. (C.) (pending before the Legislature as this bill),
15 the amount of the child support obligation shall be adjusted to
16 reflect only the amount allotted for the remaining child or children.
17 Either party may file an application with the court to adjust the
18 remaining support amount to reflect the reduction in the number of
19 dependent children. For the purposes of this section, “allocated”
20 means a child support amount for the benefit of multiple children
21 that specifies the amount of support for each child as ordered by the
22 court.

23
24 3. If a child support obligation is terminated by operation of
25 law pursuant to section 1 of P.L. , c. (C.) (pending before
26 the Legislature as this bill), any arrearages that have accrued prior
27 to the date of the termination shall remain due and enforceable. If
28 the person responsible for paying support for a child owes child
29 support arrearages at the time a support obligation is terminated and
30 there are no other children being supported under the same order,
31 the amount to be paid to satisfy the arrearage shall be the sum of the
32 recurring child support obligation in effect immediately prior to the
33 effective date of the termination plus any arrears repayment
34 obligation in effect immediately prior to the effective date of the
35 termination, unless otherwise ordered by the court.

36 For support orders that are being supervised by the Probation
37 Division of the Superior Court, the Probation Division shall
38 continue to enforce and collect the arrearages until they are paid in
39 full or the court, in accordance with State and federal law and
40 regulations and the Rules of Court, as applicable, terminates the
41 Probation Division's supervision of the support order.

42
43 4. The provisions of P.L. , c. (C.) (pending before
44 the Legislature as this bill) shall not apply to child support
45 provisions contained in orders or judgments entered by a foreign
46 jurisdiction and registered in New Jersey for modification or
47 enforcement pursuant to the “Uniform Interstate Family Support
48 Act,” P.L.1998, c.2 (C.2A:4-30.65 et seq.), or a law or procedure

1 substantially similar to the "Uniform Reciprocal Enforcement of
2 Support Act," originally adopted in New Jersey as P.L.1952, c.197
3 (C.2A:4-30.1 et seq.) but subsequently repealed, or the "Revised
4 Uniform Reciprocal Enforcement of Support Act," originally
5 adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.)
6 but also subsequently repealed.

7

8 5. Nothing in P.L. , c. (C.) (pending before the
9 Legislature as this bill) shall:

10 a. require or relieve a parent from paying support or other costs
11 while a child is enrolled full-time in a post-secondary education
12 program;

13 b. prohibit the State IV-D agency or the Probation Division of
14 the Superior Court from seeking to close a Title IV-D case or
15 terminate its supervision of a child support order in accordance with
16 procedures as provided under State or federal law and regulations or
17 the Rules of Court;

18 c. prohibit any party from filing an application with the court
19 seeking the termination of an order to pay child support for any
20 cause other than those provided under P.L. , c. (C.)
21 (pending before the Legislature as this bill); or

22 d. prohibit the parties from consenting to a specific termination
23 date subject to the approval of the court.

24

25 6. The Supreme Court may adopt Rules of Court appropriate or
26 necessary to effectuate the purposes of this act.

27

28 7. The Commissioner of Human Services may adopt rules and
29 regulations pursuant to the "Administrative Procedure Act,"
30 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of
31 this act.

32

33 8. This act shall take effect 180 days after enactment and shall
34 be applicable to all child support orders issued prior to, on, or after
35 the effective date.

36

37

38

STATEMENT

39

40 The bill clarifies certain circumstances under which the
41 obligation to pay child support terminates and provides that such
42 termination would occur by operation of law.

TERMINATION OF CHILD SUPPORT

43 Specifically, the bill provides that, unless otherwise provided in
44 a court order or judgment, the obligation to pay child support would
45 terminate by operation of law without order by the court on the date
46 that a child *who is less than 19 years of age* marries, dies, or enters
47 the military service. A child support obligation would also
48

1 terminate by operation of law without order by the court *when a*
2 *child reaches 19 years of age* unless:

3 (1) another age for the termination of the obligation to pay child
4 support is specified in a court order;

5 (2) the parents of the child consent and the court approves the
6 continuation of support until another predetermined date; or

7 (3) the court extends the obligation to pay child support based
8 on an application by a parent or the child filed prior to the child
9 attaining the age of 19.

10 CONTINUATION BEYOND AGE 19

11 The bill provides that a parent or child may petition the court for
12 the continuation of child support beyond age 19 in the following
13 circumstances:

14 (1) the child is still enrolled in high school or other secondary
15 educational program;

16 (2) the child is participating full-time in a post-secondary
17 education program;

18 (3) the child has a physical or mental disability that existed prior
19 to the child reaching the age of 19 and requires continued support;
20 or

21 (4) other exceptional circumstances as may be approved by the
22 court.

23 Under the bill, if the court grants an order for the continuation of
24 the obligation to pay child support, it would include in its order a
25 future date upon which the child support obligation will terminate
26 or a date upon which the court will review the circumstances of the
27 parties and children.

28 ORDERS SUPERVISED BY PROBATION DIVISION

29 Pursuant to the provisions of the bill, for support orders that are
30 being supervised by the Probation Division of the Superior Court no
31 less than 90 days prior to the termination of child support, the
32 Probation Division and the State IV-D agency (Department of
33 Human Services) would be required to cooperatively provide both
34 parents with at least one notice of a proposed termination, which
35 would include instructions for seeking the continuation of child
36 support in appropriate circumstances.

37 UNALLOCATED CHILD SUPPORT ORDERS

38 The bill provides that whenever there is an unallocated child
39 support order for two or more children and the obligation to pay
40 support for one of the children is terminated by operation of law,
41 the amount of the obligation in effect immediately prior to the date
42 of the termination would remain in effect for the other children until
43 the court subsequently modifies the child support amount. Either
44 party may file an application with the court to adjust the remaining
45 child support amount to reflect the reduction in the number of
46 dependent children. As defined in the bill "unallocated" means a
47 child support order amount for the benefit of multiple children that
48 does not specify the amount of support for each child.

1 ALLOCATED CHILD SUPPORT ORDERS

2 Pursuant to the provisions of the bill, whenever there is an
3 allocated child support order for two or more children and the
4 obligation to pay support for one of the children is terminated by
5 operation of law, the amount of the child support obligation would
6 be adjusted to reflect only the amount allotted for the remaining
7 child or children. Either party may file an application with the court
8 to adjust the remaining support amount to reflect the reduction in
9 the number of dependent children.

10 ARREARAGES

11 The bill provides that if a child support obligation is terminated
12 pursuant to its provisions, any arrearages that have accrued prior to
13 the date of the termination would remain due and enforceable. If the
14 person responsible for paying support for a child owes child support
15 arrearages at the time a support obligation is terminated and there
16 are no other children being supported under the same order, the
17 amount to be paid to satisfy the arrearage would be the sum of the
18 recurring child support obligation in effect immediately prior to the
19 effective date of the termination plus any arrears repayment
20 obligation in effect immediately prior to the effective date of the
21 termination, unless otherwise ordered by the court.

22 For support orders that are being supervised by the Probation
23 Division of the Superior Court, the Probation Division would
24 continue to enforce and collect the arrearages until they are paid in
25 full or until the court, in accordance with State and federal law and
26 regulations and the Rules of Court, as applicable, terminates the
27 Probation Division's supervision of the support order.

28 ORDERS ENTERED BY OTHER JURISDICTIONS

29 The bill would not apply to child support provisions contained in
30 orders or judgments entered by a foreign jurisdiction and registered
31 in New Jersey for modification or enforcement pursuant to the
32 "Uniform Interstate Family Support Act," P.L.1998, c.2 (C.2A:4-
33 30.65 et seq.), or a law or procedure substantially similar to the
34 "Uniform Reciprocal Enforcement of Support Act," originally
35 adopted in New Jersey as P.L.1952, c.197 (C.2A:4-30.1 et seq.) but
36 subsequently repealed, or the "Revised Uniform Reciprocal
37 Enforcement of Support Act," originally adopted in New Jersey as
38 P.L.1981, c.243 (C.2A:4-30.24 et seq.) but also subsequently
39 repealed.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2721

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 10, 2014

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2721.

The bill clarifies certain circumstances under which the obligation to pay child support terminates and provides that such termination would occur by operation of law.

TERMINATION OF CHILD SUPPORT

Specifically, the bill provides that, unless otherwise provided in a court order or judgment, the obligation to pay child support would terminate by operation of law without order by the court on the date that a child *who is less than 19 years of age* marries, dies, or enters the military service. As amended, the bill provides that a child support obligation would also terminate by operation of law without order by the court *when a child reaches 19 years of age* unless:

(1) another age for the termination of the obligation to pay child support is specified in a court order;

(2) the parents of the child consent and the court approves the continuation of support until another predetermined date;

(3) the court extends the obligation to pay child support based on an application by a parent or the child filed prior to the child attaining the age of 19; or

(4) the child receiving support is in an out-of-home placement through the Division of Child Protection and Permanency in the Department of Children and Families.

CONTINUATION BEYOND AGE 19

The bill provides that a parent or child may petition the court for the continuation of child support beyond age 19 in the following circumstances:

(1) the child is still enrolled in high school or other secondary educational program;

(2) the child is participating full-time in a post-secondary education program;

(3) the child has a physical or mental disability that existed prior to the child reaching the age of 19 and requires continued support; or

(4) other exceptional circumstances as may be approved by the court.

Under the bill, if the court grants an order for the continuation of the obligation to pay child support, it would include in its order a future date upon which the child support obligation will terminate or a date upon which the court will review the circumstances of the parties and children.

ORDERS SUPERVISED BY PROBATION DIVISION

Pursuant to the provisions of the bill, for support orders that are being supervised by the Probation Division of the Superior Court no less than 90 days prior to the termination of child support, the Probation Division and the State IV-D agency (Department of Human Services) would be required to cooperatively provide both parents with at least one notice of a proposed termination, which would include instructions for seeking the continuation of child support in appropriate circumstances.

UNALLOCATED CHILD SUPPORT ORDERS

The bill provides that whenever there is an unallocated child support order for two or more children and the obligation to pay support for one of the children is terminated by operation of law, the amount of the obligation in effect immediately prior to the date of the termination would remain in effect for the other children until the court subsequently modifies the child support amount. Either party may file an application with the court to adjust the remaining child support amount to reflect the reduction in the number of dependent children. As defined in the bill "unallocated" means a child support order amount for the benefit of multiple children that does not specify the amount of support for each child.

ALLOCATED CHILD SUPPORT ORDERS

Pursuant to the provisions of the bill, whenever there is an allocated child support order for two or more children and the obligation to pay support for one of the children is terminated by operation of law, the amount of the child support obligation would be adjusted to reflect only the amount allotted for the remaining child or children. Either party may file an application with the court to adjust the remaining support amount to reflect the reduction in the number of dependent children.

ARREARAGES

The bill provides that if a child support obligation is terminated pursuant to its provisions, any arrearages that have accrued prior to the date of the termination would remain due and enforceable. If the person responsible for paying support for a child owes child support arrearages at the time a support obligation is terminated and there are no other children being supported under the same order, the amount to be paid to satisfy the arrearage would be the sum of the recurring child support obligation in effect immediately prior to the effective date of the termination plus any arrears repayment obligation in effect immediately prior to the effective date of the termination, unless otherwise ordered by the court.

For support orders that are being supervised by the Probation Division of the Superior Court, the Probation Division would continue to enforce and collect the arrearages until they are paid in full or until the court, in accordance with State and federal law and regulations and the Rules of Court, as applicable, terminates the Probation Division's supervision of the support order.

ORDERS ENTERED BY OTHER JURISDICTIONS

The bill would not apply to child support provisions contained in orders or judgments entered by a foreign jurisdiction and registered in New Jersey for modification or enforcement pursuant to the "Uniform Interstate Family Support Act," P.L.1998, c.2 (C.2A:4-30.65 et seq.), or a law or procedure substantially similar to the "Uniform Reciprocal Enforcement of Support Act," originally adopted in New Jersey as P.L.1952, c.197 (C.2A:4-30.1 et seq.) but subsequently repealed, or the "Revised Uniform Reciprocal Enforcement of Support Act," originally adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.) but also subsequently repealed.

COMMITTEE AMENDMENTS

As introduced, the bill had provided three exceptions to the bill's requirement that child support would terminate by operation of law when the child reaches age 19. Under these three circumstances, child support would *not* so terminate if: (1) another age for the termination of the obligation to pay child support is specified in a court order; (2) the parents of the child consent and the court approves the continuation of support until another predetermined date; or (3) the court extends the obligation to pay child support based on an application by a parent or the child filed prior to the child attaining the age of 19. The committee added a fourth exception. Under the committee amendments, child support would not terminate by operation of law at age 19 if the child is in an out-of-home placement through the Division of Child Protection and Permanency in the Department of Children and Families. It is the committee's understanding that the amendment is intended to assure that the State would continue to receive reimbursement through child support payments for services provided to children in out-of-home foster care placements beyond the child reaching the age of 19.

COMMITTEE AMENDMENTS

Add a new paragraph (4) to subsection a. of section 1 of the bill to provide that child support would not terminate by operation of law when the child reaches age 19 if the child is in an out-of-home placement through the Division of Child Protection and Permanency in the Department of Children and Families.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2721

with Assembly Floor Amendments
(Proposed by Assemblyman GUSCIORA)

ADOPTED: JANUARY 29, 2015

These floor amendments make several changes to the provisions of the underlying bill, which clarifies certain circumstances under which the obligation to pay child support would terminate by operation of law, with exceptions for extending support until a child reaches, at a maximum, 23 years of age.

These changes include:

- requiring two notices of proposed termination of child support when a child reaches 19 years of age (the general default for termination), for any support orders administered by the Probation Division of the Superior Court, cooperatively provided to both parents by the Probation Division and the State IV-D agency. The first notice would be sent at least 180 days prior to the proposed termination date, and the second at least 90 days prior thereto;

- clarifying references to “custodial parent” (instead of “parent or guardian”), as being the party responsible for seeking the continuation of child support when such support is scheduled to terminate;

- providing for the continuation of child support beyond a child reaching 19 years of age, based on an application to the court following notice of child support termination, when a child is a student in a post-secondary education program and “enrolled for the number of hours or courses the school considers to be full-time attendance during some part of each of any five calendar months of the year”;

- providing for the continuation of child support beyond a child reaching 19 years of age, based on an application to the court following notice of child support termination, due to the child having a physical or mental disability, as determined by a federal or State governmental agency, that existed prior to the child reaching the age of 19;

- providing for the continuation of child support, based on an application to the court not tied to any termination notice, due to exceptional circumstances as may be approved by the court;

- indicating the court’s authority to continue child support beyond the date a child reaches 19 years of age upon a custodial parent’s application, based upon the parent establishing “sufficient proof” for such continuation using the continuation request form, as promulgated by the Administrative Office of the Courts, and other supporting documentation submitted to the court;

- indicating that a parent responsible for paying child support who disagrees with the court's decision to continue child support may, at any time, file a motion seeking relief from that obligation;

- providing for the termination of child support without court order on the date that a child, regardless of age, marries, dies, or enters the military service;

- providing for the termination of child support on a date after a child reaches 19 years of age, as specified by court order, but which date would not extend beyond the date the child reaches 23 years of age;

- establishing that, notwithstanding the bill's provisions for child support continuation, the obligation to pay child support terminates when a child reaches 23 years of age, but nothing prevents the payment of an alternate form of financial support or reimbursement from a parent for that child;

- clarifying references throughout the bill to "child support" in order to demonstrate that the bill exclusively addresses this and not other alternative forms of financial support; and

- including, in the bill's effective date section, a delayed effective date of the first day of the 13th month following enactment, and indicating that the Administrative Office of the Courts and the Department of Human Services (the State IV-D agency) would cooperate to take any anticipatory administrative action, including with respect to the termination of child support notices provided in the bill, as needed for the bill's implementation.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 2721

with Assembly Floor Amendments
(Proposed by Assemblyman GUSCIORA)

ADOPTED: DECEMBER 3, 2015

This bill clarifies certain circumstances under which the obligation to pay child support would terminate by operation of law.

Under the bill, the Probation Division and the State IV-D agency would cooperatively provide both parents with at least two notices of a proposed termination of child support, which would include information and the request form to facilitate the continuation of child support beyond the date the child reaches 19 years of age. These floor amendments provide that the two notices would be required to be in writing. In addition, the amendments provide that to the extent feasible the Probation Division and the State IV-D agency would cooperatively provide additional notice to the parents by text message, telephone message, or other electronic means.

The amendments also remove the reference to the term “emancipation” in the bill because the bill’s provisions relate only to the obligation to pay child support, and not to other parental duties, rights, and responsibilities. As amended, nothing in the bill would affect the authority of the court to make judicial determinations regarding the legal emancipation of a child.

In addition, the amendments require the Administrative Office of the Courts and the State IV-D agency to prepare and make available to the public information regarding the termination of child support obligations pursuant to the bill, including but not limited to: how parents may establish an alternative termination age or event; how support may be extended beyond the of age 19 under certain circumstances; and how parents may contest the continuation or termination of support as provided in the bill.

The remaining amendments are technical in nature.