

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:

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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.

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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.

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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.

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

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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.

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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.

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STATEMENT

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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.