

# ASSEMBLY RESOLUTION No. 89

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Urges probation system records review prior to use of certain enforcement tools in child support cases.

**CURRENT VERSION OF TEXT**

As introduced.



1    **AN ASSEMBLY RESOLUTION** urging the New Jersey Supreme Court  
2       to establish certain procedures in child support enforcement  
3       cases.

4  
5    **WHEREAS**, The New Jersey Child Support Program processes child  
6       support payments through the centralized Family Support Payment  
7       Center; and

8    **WHEREAS**, According to an annual statistics report published by the  
9       New Jersey Department of Human Services, Division of Family  
10      Development, the total collection for the Child Support Services  
11      Program was about \$312 million for the quarter including October  
12      2016 to December 2016; and

13   **WHEREAS**, Due to the large volume of child support payments  
14      processed annually through the centralized payment system, though  
15      an infrequent occurrence, credit from a variety of sources, such as  
16      from a downward modification of a support order, for a payment or  
17      installment of an order for child support, can, through no failure or  
18      delinquency on the part of the obligor, end up not being recorded as  
19      a timely payment; and

20   **WHEREAS**, The New Jersey Probation Services Division, the  
21      enforcement arm within the New Jersey Court system, monitors and  
22      enforces support orders, including those for child support; and

23   **WHEREAS**, The enforcement tools available to the Probation Division,  
24      include the use of income withholding which can take many forms  
25      including garnishment of wages, unemployment benefits, workers  
26      compensation, commissions, retirement benefits and any other  
27      earning and entitlement to money from any other source; and

28   **WHEREAS**, While the use of any, some or all of the enforcement tools  
29      facilitates the performance of the enforcement function, in instances  
30      where a court ordered obligor payment credit is not integrated into  
31      the child support system, enforcement may not be the appropriate  
32      immediate remedy after a new source of income is identified, and

33   **WHEREAS**, A preliminary manual search of court records for a  
34      payment credit by the Probation Division with certification that the  
35      manual process has been completed, as a matter of process, prior to  
36      systematically engaging automated enforcement tools from a  
37      possible new source of income could locate any existing obligor  
38      payment credit within the child support system and avoid the use of  
39      enforcement resources until the account is balanced; now, therefore,

40  
41        **BE IT RESOLVED** *by the General Assembly of the State of New*  
42        *Jersey:*

43  
44        1. The New Jersey Supreme Court is respectfully urged to  
45        establish a procedure which requires that prior to engaging any  
46        other enforcement tool from a possible new source of income, the  
47        Probation Division shall undertake a preliminary search of internal  
48        records, and certify completion of the search, to discover the

1 existence and availability of an obligor credit to offset a misdirected  
2 or otherwise not credited payment.

3

4 2. Copies of this resolution, as filed with the Secretary of State,  
5 shall be transmitted by the Clerk of the General Assembly to the  
6 Chief Justice of the New Jersey Supreme Court, and the  
7 Administrative Director of the Courts.

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10 STATEMENT

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12 This resolution respectfully urges the New Jersey Supreme Court  
13 in child support enforcement matters to establish a procedure  
14 whereby internal records of the court are searched for an existing  
15 obligor credit prior to engaging any other enforcement tools from a  
16 possible new source of income. Credit from a variety of sources,  
17 such as from a downward modification of a support order, for a  
18 payment or installment of an order for child support, can, through  
19 no failure or delinquency on the part of the obligor, end up being  
20 not recorded as a timely payment in an automated, high volume  
21 child support payment system. If a possible new source of income  
22 is identified the credit may go unrecognized.

23 This resolution seeks to address these rare occurrences by  
24 requesting the Probation Division to take the preliminary step of  
25 examining internal records, and certify completion of the search as  
26 a matter of process, prior to engaging any enforcement tool, in  
27 search of an obligor credit that may satisfy a missed payment or  
28 installment.