

ASSEMBLY, No. 189

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman WEINBERG

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

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

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7 1. Notwithstanding any provision of law to the contrary, if there is
8 more than one income withholding against the same obligor, the
9 withheld amount shall be allocated among all obligees and the county
10 welfare agency, if applicable, by the Probation Division of the Superior
11 Court, on a prorated basis as follows:

12 a. Current support obligations for all obligees and the county
13 welfare agency, if applicable, shall be paid before withheld amounts
14 are allocated to pay arrearages. Withheld amounts that remain after
15 current support is satisfied shall be allocated among all obligees to pay
16 arrearages.

17 b. If the withheld amount is less than the total amount due as
18 current support for each case, each obligee's share and the share of the
19 county welfare agency, if applicable, of the withheld amount shall be
20 determined by dividing the amount of each party's child support order
21 by the total amount of all orders to obtain each party's support
22 allocation percentage. Each party's share of the collection shall be
23 determined by multiplying the party's child support allocation
24 percentage by the amount collected.

25 c. If the withheld amount is more than the total amount due for
26 each party, each party shall receive its current support and the
27 remainder of the collection shall be allocated to all parties in equal
28 amounts to satisfy arrearages, except in cases involving arrearages due
29 a county welfare agency. In cases involving a county welfare agency,
30 all arrearages due to an obligee who is not receiving public assistance
31 shall be paid to the obligee prior to the county welfare agency
32 receiving any payment towards the arrearages owed.

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34 2. This act shall take effect immediately.

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3 Requires withholding of child support payments to be prorated when
4 more than one withholding order exists.