

[First Reprint]
ASSEMBLY, No. 78

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman KAVANAUGH, Assemblywoman CRECCO
and Assemblyman Corodemus

1 AN ACT concerning alimony and supplementing chapter 17 of Title 2A
2 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. Every complaint, notice or pleading for the entry or modification
8 of an order of a court entered or modified for alimony or maintenance
9 shall include a written notice to the obligor stating that the order shall
10 be enforced by an income withholding upon the current or future
11 income due from the obligor's employer or successor employers and
12 against debts, income, trust funds, profits or income from any other
13 source due the obligor except as provided in section 2 of this act.

14 The court shall ensure that in the case of each obligor against whom
15 an alimony or maintenance order is or has been issued or modified, the
16 obligor's income shall be withheld to comply with the order. An
17 amount shall be withheld to pay the alimony or maintenance obligation
18 and it shall include an amount to be applied toward liquidation of
19 arrearages reduced to judgments. The income withholding provisions
20 shall also be applicable to all orders issued on or before the effective
21 date of this act.

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23 2. The income withholding shall be initiated by the ¹[probation
24 department of the county in which the obligor resides] Probation
25 Division of the Superior Court¹, immediately after the court order has
26 been issued; except that immediate withholding shall not apply in those
27 cases in which the obligor and obligee agree in writing to an
28 alternative arrangement or the obligor or obligee demonstrates, and
29 the court finds, good cause for establishing an alternative arrangement.
30 If an immediate withholding is not ordered due to the above

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SWF committee amendments adopted October 7, 1996 .

1 exceptions, the income withholding shall be initiated when the obligor
2 has failed to make a required alimony or maintenance payment that has
3 arrearages accrued equal to the amount payable for 14 days. Subject
4 to the provisions of this act, the income withholding shall take effect
5 without amendment to the alimony or maintenance order or further
6 court or quasi-judicial action and without regard to any alternative
7 arrangements entered into by the parties.

8 The total amount of income to be withheld shall not exceed the
9 maximum amount permitted under section 303(b) of the federal
10 Consumer Credit Protection Act (15 U.S.C. § 1673(b)). The income
11 withholding shall be carried out in full compliance with all procedural
12 due process requirements. The Administrative Office of the Courts
13 shall establish procedures for promptly terminating the withholding
14 when necessary and for promptly refunding amounts which have been
15 improperly withheld.

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17 3. This act shall take effect immediately.

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22 Provides for payment of alimony by income withholding.