

ASSEMBLY, No. 1145

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman COHEN

1 AN ACT concerning child support payments and amending P.L.1981,
2 c.417.

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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. Section 5 of P.L.1981, c.417 (C.2A:17-56.11) is amended to
8 read as follows:

9 5. An income withholding made under this act shall be binding
10 upon the payor and successor payors [14 days] immediately after
11 service upon the payor by the probation department of a copy of the
12 income withholding, by registered or certified mail with return receipt
13 requested until further order. The payor is to pay the [withhold]
14 withheld amount to the probation department or directly to the obligee
15 if the probation department is not involved because a court has
16 ordered direct payment at the same time the obligor is paid. The payor
17 shall implement withholding no later than the first pay period that
18 [occurs 14 days] ends immediately after the date the notice was
19 postmarked. For each payment, other than payment received from the
20 unemployment compensation fund, the payor may receive \$1.00, which
21 shall be deducted from the obligor's income in addition to the amount
22 of the support order.

23 Notice to the payor shall include, but not be limited to, the amount
24 to be withheld from the obligor's income and a statement that the
25 amount actually withheld for support and other purposes may not be
26 in excess of the maximum [amounts] amount permitted under section
27 303 (b) of the federal Consumer Credit Protection Act[,](15
28 U.S.C.§1673 (b)); that the payor shall send the amount to the
29 probation department at the same time the obligor is paid, unless the
30 probation department directs that payment be made to another
31 individual or entity; that the payor may deduct a fee of \$1.00 in
32 addition to the amount of the support order except when the payment

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.

1 is received from the unemployment compensation fund; that
2 withholding is binding on the payor until further notice by the
3 probation department; that the payor is subject to a fine for
4 discharging an obligor from employment, refusing to employ, or taking
5 disciplinary action against an obligor because of the withholding; that
6 if the payor fails to withhold wages in accordance with the provisions
7 of the notice, the payor is liable for any amount up to the accumulated
8 amount the payor should have withheld from the obligor's income; that
9 the withholding shall have priority over any other legal process under
10 State law against the same wages; that the payor may combine
11 withheld amounts from the obligor's wages in a single payment to each
12 appropriate agency requesting withholding and separately identify the
13 portion of the single payment which is attributable to each individual
14 obligor; that if there is more than one support order for withholding
15 against a single obligor, the payor shall withhold the payments on a
16 pro rata basis to fully comply with the support orders, to the extent
17 that the total amount withheld does not exceed the limits imposed
18 under section 303 (b) of the federal Consumer Credit Protection Act
19 (15 U.S.C. §1673 (b)); that the payor shall implement withholding no
20 later than the first [day] pay period that [occurs 14 days] ends
21 immediately after the date the notice was postmarked; and that the
22 payor shall notify the probation department promptly upon the
23 termination of the obligor's employment benefits and provide the
24 obligor's last known address and the name and address of the obligor's
25 new payor, if known.

26 (cf: P.L.1990, c.92, s.3)

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28 2. This act shall take effect on the 90th day after enactment.

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STATEMENT

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33 This bill amends an existing provision of law concerning child
34 support payments to correct a technical insufficiency. Section 5 of
35 P.L.1981, c.417 (C.2A:17-56.11) presently provides that a payor is to
36 pay the withheld support order amount to the probation department at
37 the same time the obligor is paid. However, this provision fails to
38 account for those obligees who are paid directly and not through the
39 probation department.

40 This bill provides for payment to those individuals not paid through
41 probation but paid directly, at the same time that probation is paid.

42 The effective date of this bill is 90 days after the date of enactment
43 to permit payors to make any internal payroll, bookkeeping, or
44 accounting adjustments which may be required.

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3 Ensures prompt payment to certain child support obligees not paid
4 through probation.

WITHDRAWN

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