

ASSEMBLY, No. 1373

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen STEELE and PASCRELL

1 AN ACT concerning the collection of child support payments and
2 supplementing 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. a. The probation department or the State IV-D agency or both
8 may establish procedures to suspend or revoke the professional license
9 of a child support obligor who has accumulated arrearages equal to or
10 greater than the amount of the support payable for six months. The
11 suspension or revocation shall be carried out in full compliance with
12 all procedural due process requirements. The procedures established
13 by the department or the IV-D agency shall include, but not be limited
14 to, a provision that the obligor receive at least 45 days' advance notice
15 of the proposed suspension or revocation and that the obligor may
16 contest the proposed suspension or revocation at a hearing. The 45
17 day period of advance notice shall include a grace period during which
18 the obligor can pay the accrued arrearages or make other payment
19 arrangements satisfactory to the probation department or the IV-D
20 agency, in which case the proposed suspension or registration will be
21 dismissed. The obligor shall be informed of these provisions in writing
22 at the time of the initial notice of proposed suspension or revocation.

23 As used in this section, "professional license" means any license,
24 certification or registration issued by a State department, board,
25 commission or authority, or by the New Jersey Supreme Court, to
26 practice a profession or occupation or to conduct a trade or business.

27 b. Every State department, board, commission or authority which
28 issues any license, certification or registration to practice a profession
29 or occupation or to conduct a trade or business, and the New Jersey
30 Supreme Court, shall provide automated interface access with the
31 Probation department and the State IV-D agency in order to effectuate
32 the purposes of this act.

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34 2. a. The probation department or the State IV-D agency or both,
35 in conjunction with the Division of Motor Vehicles in the Department

1 of Law and Public Safety, may establish procedures to restrict the
2 driver's license of an obligor who:

3 (1) Has been found by the court to be in contempt for failure to
4 make required child support payments, as provided by R.5:7-5 or
5 R.1:10-5 of the Rules Governing the Courts of the State of New
6 Jersey or by other applicable court rule, and

7 (2) Is the subject of a bench warrant issued by the court for failure
8 to appear.

9 b. The restricted driver's license would allow the obligor to drive
10 only to and from his place of employment.

11 c. The proceedings for restricting the obligor's driver's license shall
12 be carried out in full compliance with all procedural due process
13 requirements. The procedures established by the probation department
14 or the State IV-D agency shall include, but not be limited to, a
15 provision that the obligor receive at least 45 days' advance notice of
16 the proposed restriction and that the obligor may contest the proposed
17 restriction at a hearing. The 45 day period of advance notice shall
18 include a grace period during which the obligor can pay the accrued
19 arrearages or make other payment arrangements satisfactory to the
20 probation department or the IV-D agency, in which case the proposed
21 restriction will be suspended.

22 The obligor shall be informed of these provisions in writing at the
23 time of the initial notice of proposed driver's license restriction.

24 d. The probation department or the State IV-D agency or both may
25 also establish procedures to suspend or revoke the driver's license of
26 an obligor who is subject to the proceedings provided in this section
27 on a second or subsequent occasion.

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29 3. The probation department or the State IV-D agency may obtain
30 a lien against a motor vehicle owned by a child support obligor who
31 has accumulated arrearages equal to or greater than the amount of the
32 support payable for six months. The lien shall be discharged by
33 payment of the arrearages.

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35 4. A child support obligor who has been found by the court to be
36 in contempt for failure to make required child support payments, as
37 provided by R.5:7-5 or R.1:10-5 of the Rules Governing the Courts of
38 the State of New Jersey or by other applicable court rule, may be
39 ordered to perform community service under the supervision of the
40 probation department until a fixed sum of arrearages, ordered by the
41 court, is paid.

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43 5. The Supreme Court may adopt Rules of Court appropriate or
44 necessary to effectuate the purposes of this act.

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46 6. This act shall take effect immediately.

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STATEMENT

This bill would expand the enforcement powers of the county probation department and the State IV-D agency in the Department of Human Services in collecting delinquent child support payments. The probation department and the IV-D agency would be allowed to suspend or revoke delinquent obligors' professional licenses; impose restricted driving licenses on obligors who willfully violate child support orders, and obtain liens on delinquent obligors' motor vehicles for past due amounts. The bill also provides that the court may order a delinquent obligor to perform community service under the probation department's supervision until a fixed sum of arrearages is paid.

In imposing these serious sanctions, the probation department and the IV-D agency would be required to fully comply with all due process requirements, including allowing the obligor to contest the proposed sanction at a hearing.

Expands enforcement powers of the county probation department and State IV-D agency in collecting delinquent child support payments.