

ASSEMBLY, No. 1628

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1996

By Assemblymen O'TOOLE and KELLY

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, the State  
8 IV-D agency may suspend or revoke and the obligor may be prohibited  
9 from obtaining, in order of priority stated:

10 a. a professional or occupational license pursuant to section 2 of  
11 this act;

12 b. a license to practice law pursuant to section 3 of this act;

13 c. a commercial driver's license pursuant to section 4 of this act; or

14 d. in the case of those individuals who do not hold a professional  
15 or occupational license, a license to practice law, or a commercial  
16 driver's license, a New Jersey driver's license pursuant to section 5 of  
17 this act.

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19 2. a. As used in this section, "professional or occupational license"  
20 means any certificate, registration or license issued by a professional  
21 or occupational board designated in section 2 of P.L.1978, c.2  
22 (C.45:1-15).

23 b. Notwithstanding any provision of law to the contrary, an  
24 obligor's professional or occupational license may be suspended or  
25 revoked and an obligor may be prohibited from obtaining a  
26 professional or occupational license, if the obligor has failed to make  
27 a required, current obligation child support payment for six months,  
28 after due notice in writing of the proposed action and the grounds  
29 thereof, in the manner provided for in section 8 of P.L.1978, c.73  
30 (C.45:1-21).

31 c. The State IV-D agency shall notify the obligor whose license is  
32 subject to denial, suspension or revocation by regular mail to the last  
33 known address. The notice shall be postmarked no later than 10 days  
34 after the date on which the decision was made to deny, suspend or  
35 revoke the professional or occupational license, and shall inform the  
36 obligor that the decision shall take effect 30 days after the postmark  
37 date of the notice unless the obligor contests the denial, suspension or

1 revocation. The notice to the obligor shall include, but not be limited  
2 to: the date on which the last child support payment was made; the  
3 amount of the arrearage; the methods available for contesting the  
4 denial, suspension or revocation; the period within which the obligor  
5 shall contact the State IV-D agency to arrange for satisfaction of the  
6 judgment; the period within which the State IV-D agency shall be  
7 contacted in order to contest the denial, suspension or revocation and  
8 that failure to do so will result in denial, suspension or revocation; the  
9 actions the State IV-D agency will take if the obligor contests the  
10 denial, suspension or revocation; and the actions the State IV-D  
11 agency will take if the obligor defaults on an established payment  
12 schedule.

13 d. If the obligor contests the proposed denial, suspension or  
14 revocation, the State IV-D agency shall schedule an administrative  
15 hearing within 30 days after receiving notice of contest of denial,  
16 suspension or revocation of the license. The agency shall consider  
17 evidence that nonpayment of support is due to a justifiable reason,  
18 including, but not limited to, the obligor's illness or inability to find  
19 employment.

20 If it is determined that the denial, suspension or revocation is to  
21 occur, the State IV-D agency shall provide notice to the obligor.  
22 Notice to the obligor shall include the time within which the denial,  
23 suspension or revocation shall occur. The obligor shall be notified by  
24 the State IV-D agency within 10 days of the determination made at the  
25 hearing.

26 e. A license that has been denied, suspended or revoked due to the  
27 failure to make child support payments shall be issued or restored once  
28 the obligor becomes current on his child support payments or has  
29 made the first payment of an established payment schedule. If the  
30 obligor defaults on the payment schedule, then both the professional  
31 or occupational license and the obligor's driver's license shall  
32 automatically be denied, suspended or revoked, pursuant to the initial  
33 notice of intention to deny, suspend or revoke issued by the State  
34 IV-D agency.

35 f. The State IV-D agency shall develop a procedure to provide for  
36 the notification of the appropriate professional or occupational board  
37 when an obligor has failed to make child support payments. The State  
38 IV-D agency shall also notify the board when the obligor has become  
39 current on his child support payments or has made the first payment  
40 of an established payment schedule, through the use of an electronic  
41 transfer of information, if available.

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43 3. a. Notwithstanding any provision of law to the contrary, an  
44 obligor's license to practice law may be suspended or revoked and an  
45 obligor may be prohibited from obtaining a license to practice law, if  
46 the obligor has failed to make a required, current obligation child

1 support payment for six months, after due notice in writing of the  
2 proposed action and the grounds thereof, in a manner provided for by  
3 the New Jersey Supreme Court.

4 b. The State IV-D agency shall notify the obligor whose license is  
5 subject to denial, suspension or revocation by regular mail to the last  
6 known address. The notice shall be postmarked no later than 10 days  
7 after the date on which the decision was made to deny, suspend or  
8 revoke the license to practice law, and shall inform the obligor that the  
9 decision shall take effect 30 days after the postmark date of the notice  
10 unless the obligor contests the denial, suspension or revocation. The  
11 notice to the obligor shall include, but not be limited to: the date on  
12 which the last child support payment was made; the amount of the  
13 arrearage; the methods available for contesting the denial, suspension  
14 or revocation; the period within which the obligor shall contact the  
15 State IV-D agency to arrange for satisfaction of the judgment; the  
16 period within which the State IV-D agency shall be contacted in order  
17 to contest the denial, suspension or revocation and that failure to do  
18 so will result in denial, suspension or revocation; the actions the State  
19 IV-D agency will take if the obligor contests the denial, suspension or  
20 revocation; and the actions the State IV-D agency will take if the  
21 obligor defaults on an established payment schedule.

22 c. If the obligor contests the proposed denial, suspension or  
23 revocation, the State IV-D agency shall schedule an administrative  
24 hearing within 30 days after receiving notice of contest of denial,  
25 suspension or revocation of the license. The agency shall consider  
26 evidence that nonpayment of support is due to a justifiable reason,  
27 including, but not limited to, the obligor's illness or inability to find  
28 employment.

29 If it is determined that the denial, suspension or revocation is to  
30 occur, the State IV-D agency shall provide notice to the obligor.  
31 Notice to the obligor shall include the time within which the denial,  
32 suspension or revocation shall occur. The obligor shall be notified by  
33 the State IV-D agency within 10 days of the determination made at the  
34 hearing.

35 d. A license that has been denied, suspended or revoked due to the  
36 failure to make child support payments shall be issued or restored once  
37 the obligor becomes current on his child support payments or has  
38 made the first payment of an established payment schedule. If the  
39 obligor defaults on the payment schedule, then both the license to  
40 practice law and the obligor's driver's license shall automatically be  
41 denied, suspended or revoked, pursuant to the initial notice of  
42 intention to deny, suspend or revoke issued by the State IV-D agency.

43 e. The State IV-D agency shall develop a procedure to provide for  
44 the notification of the New Jersey Supreme Court when an obligor has  
45 failed to make child support payments. The State IV-D agency shall  
46 also notify the court when the obligor has become current on his child

1 support payments or has made the first payment of an established  
2 payment schedule through the use of an electronic transfer of  
3 information, if available.

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5 4. a. Notwithstanding any provision of law to the contrary, an  
6 obligor's commercial driver's license may be suspended or revoked and  
7 the obligor may be prohibited from obtaining a commercial driver's  
8 license if the obligor has failed to make a required, current obligation  
9 child support payment for six months, after due notice in writing of the  
10 proposed action and the grounds thereof, pursuant to the provisions  
11 of R.S.39:5-30.

12 b. The State IV-D agency shall notify the obligor whose license is  
13 subject to denial, suspension or revocation by regular mail to the last  
14 known address. The notice shall be postmarked no later than 10 days  
15 after the date on which the decision was made to deny, suspend or  
16 revoke the license, and shall inform the obligor that the decision shall  
17 take effect 30 days after the postmark date of the notice unless the  
18 obligor contests the denial, suspension or revocation. The notice to the  
19 obligor shall include, but not be limited to: the date on which the last  
20 child support payment was made; the amount of the arrearage; the  
21 methods available for contesting the denial, suspension or revocation;  
22 the period within which the obligor shall contact the State IV-D  
23 agency to arrange for satisfaction of the judgment; the period within  
24 which the State IV-D agency shall be contacted in order to contest the  
25 denial, suspension or revocation and that failure to do so will result in  
26 denial, suspension or revocation; the actions the State IV-D agency  
27 will take if the obligor contests the denial, suspension or revocation;  
28 and the actions the State IV-D agency will take if the obligor defaults  
29 on an established payment schedule.

30 c. If the obligor contests the proposed denial, suspension or  
31 revocation, the State IV-D agency shall schedule an administrative  
32 hearing within 30 days after receiving notice of contest of denial,  
33 suspension or revocation of the license. The agency shall consider  
34 evidence that nonpayment of support is due to a justifiable reason,  
35 including, but not limited to, the obligor's illness or inability to find  
36 employment.

37 If it is determined that the denial, suspension or revocation is to  
38 occur, the State IV-D agency shall provide notice to the obligor.  
39 Notice to the obligor shall include the time within which the denial,  
40 suspension or revocation shall occur. The obligor shall be notified by  
41 the State IV-D agency within 10 days of the determination made at the  
42 hearing.

43 d. A license that has been denied, suspended or revoked due to the  
44 failure to make child support payments shall be issued or restored once  
45 the obligor becomes current on his child support payments or has  
46 made the first payment of an established payment schedule. If the

1 obligor defaults on the payment schedule, then the commercial driver's  
2 license shall automatically be denied, suspended or revoked and the  
3 obligor shall be prohibited from obtaining a New Jersey driver's license  
4 pursuant to the initial notice of intention to deny, suspend or revoke  
5 issued by the State IV-D agency.

6 e. The State IV-D agency shall develop a procedure to provide for  
7 the notification of the Division of Motor Vehicles in the Department  
8 of Law and Public Safety when an obligor has failed to make child  
9 support payments. The State IV-D agency shall also notify the  
10 division when the obligor has become current on his child support  
11 payments or has made the first payment of an established payment  
12 schedule through the use of an electronic transfer of information, if  
13 available.

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15 5. a. Notwithstanding any provision of law to the contrary, an  
16 obligor's driver's license may be suspended or revoked and the obligor  
17 may be prohibited from obtaining a driver's license if the obligor has  
18 failed to make a required, current obligation child support payment for  
19 six months, after due notice in writing of the proposed action and the  
20 grounds thereof, pursuant to the provisions of R.S.39:5-30.

21 b. The State IV-D agency shall notify the obligor whose license is  
22 subject to denial, suspension or revocation by regular mail to the last  
23 known address. The notice shall be postmarked no later than 10 days  
24 after the date on which the decision was made to deny, suspend or  
25 revoke the driver's license, and shall inform the obligor that the  
26 decision shall take effect 30 days after the postmark date of the notice  
27 unless the obligor contests the denial, suspension or revocation. The  
28 notice to the obligor shall include, but not be limited to: the date on  
29 which the last child support payment was made; the amount of the  
30 arrearage; the methods available for contesting the denial, suspension  
31 or revocation; the period within which the obligor shall contact the  
32 State IV-D agency to arrange for satisfaction of the judgment; the  
33 period within which the State IV-D agency shall be contacted in order  
34 to contest the denial, suspension or revocation and that failure to do  
35 so will result in denial, suspension or revocation; the actions the State  
36 IV-D agency will take if the obligor contests the denial, suspension or  
37 revocation; and the actions the State IV-D agency will take if the  
38 obligor defaults on an established payment schedule.

39 c. If the obligor contests the proposed denial, suspension or  
40 revocation, the State IV-D agency shall schedule an administrative  
41 hearing within 30 days after receiving notice of contest of denial,  
42 suspension or revocation of the license. The agency shall consider  
43 evidence that nonpayment of support is due to a justifiable reason,  
44 including, but not limited to, the obligor's illness or inability to find  
45 employment.

46 If it is determined that the denial, suspension or revocation is to

1 occur, the State IV-D agency shall provide notice to the obligor.  
2 Notice to the obligor shall include the time within which the denial,  
3 suspension or revocation shall occur. The obligor shall be notified by  
4 the State IV-D agency within 10 days of the determination made at the  
5 hearing.

6 d. A license that has been denied, suspended or revoked due to the  
7 failure to make child support payments shall be issued or restored once  
8 the obligor becomes current on his child support payments or has  
9 made the first payment of an established payment schedule. If the  
10 obligor defaults on the payment schedule, then the obligor's driver's  
11 license shall automatically be denied, suspended or revoked, pursuant  
12 to the initial notice of intention to deny, suspend or revoke issued by  
13 the State IV-D agency.

14 e. The State IV-D agency shall establish a procedure to provide for  
15 the notification of the Division of Motor Vehicles in the Department  
16 of Law and Public Safety when an obligor has failed to make child  
17 support payments. The State IV-D agency shall also notify the  
18 division when the obligor has become current on his child support  
19 payments or has made the first payment of an established payment  
20 schedule through the use of an electronic transfer of information, if  
21 available.

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23 6. The State IV-D agency shall adopt rules and regulations  
24 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
25 (C.52:14B-1 et seq.), necessary to carry out the provisions of this act.

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27 7. This act shall take effect six months after enactment.

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#### STATEMENT

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32 This bill allows for the denial, suspension or revocation of the  
33 professional or occupational license of an individual who has failed to  
34 make child support payments for six months. If an individual does not  
35 hold a professional or occupational license, his driver's license would  
36 be subject to denial, suspension or revocation. The bill provides that  
37 a license would be denied, suspended or revoked after the individual  
38 has received notice from the State IV-D agency and, in the case of an  
39 individual who contests the proposed actions, after an administrative  
40 hearing.

41 The individual's license would be issued or restored once he  
42 becomes current on the payments or has made the first payment of an  
43 established payment schedule. If the obligor defaults on the payment  
44 schedule, then his professional or occupational license and driver's  
45 license shall be suspended, revoked or denied pending an expedited  
46 administrative hearing.

1 The bill also requires the State IV-D agency to develop procedures  
2 concerning the notification of the Division of Motor Vehicles, the New  
3 Jersey Supreme Court (in the case of attorneys) or the appropriate  
4 professional or occupational licensing board when the obligor fails to  
5 make child support payments, when the obligor becomes current on his  
6 delinquent child support payments or has made the first payment of an  
7 established payment schedule, through the use of an electronic  
8 transfer, if available.

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14 Allows for the denial, suspension or revocation of driver's or  
professional license for nonpayment of child support.

WITHDRAWN