

ASSEMBLY, No. 2482

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 7, 1996

By Assemblyman MALONE, Assemblywoman HECK,  
Assemblymen Cottrell, Barnes, Assemblywoman Allen,  
Assemblymen DeSopo, Kavanaugh, Garcia and  
Assemblywoman Buono

1 AN ACT concerning income withholding 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 3 of P.L.1981, c.417 (C.2A:17-56.9) is amended to read  
8 as follows:

9 3. a. The income withholding shall be initiated by the [probation  
10 department of the county in which the obligor resides] Probation  
11 Division of the Superior Court in the county in which the case is being  
12 managed immediately after the court order has been issued; except  
13 that immediate withholding shall not apply in those cases in which the  
14 obligor and obligee agree in writing to an alternative arrangement or  
15 the obligor or obligee demonstrates and the court finds good cause for  
16 establishing an alternative arrangement. If an immediate withholding  
17 is not ordered, due to the above exception or an order entered prior to  
18 the effective date of this act, the income withholding shall be initiated  
19 when the obligor has failed to make a required child support payment  
20 allocated or unallocated that has arrearages accrued equal to the  
21 amount of the support payable for 14 days. Subject to the provisions  
22 of this act, the income withholding shall take effect without  
23 amendment to the support order or further court or quasi-judicial  
24 action and without regard to any alternative arrangements entered into  
25 by the parties.

26 The total amount of income to be withheld shall not exceed the  
27 maximum amount permitted under section 303 (b) of the federal  
28 Consumer Credit Protection Act (15 U.S.C. s.1673 (b)). The income  
29 withholding shall be carried out in full compliance with all procedural  
30 due process requirements. The Administrative Office of the Courts  
31 shall establish procedures for promptly terminating the withholding  
32 when necessary and for promptly refunding amounts which have been

**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 improperly withheld.

2 b. If an income withholding is not initiated immediately by the  
3 Probation Division of the Superior Court pursuant to the provisions  
4 of this section, the Administrative Office of the Courts shall be held  
5 liable for the amount of child support which was to be withheld from  
6 the obligor's income. The Administrative Office of the Courts shall  
7 establish procedures for: identifying income withholdings which have  
8 not been initiated; promptly collecting from the Probation Division the  
9 amount of the obligor's income which was to be withheld; and  
10 disbursing the amount to the obligee subject to the support order.

11 (cf. P.L.1981,c.417, s.3)

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13 2. This act shall take effect immediately.

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STATEMENT

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18 This bill amends the income withholding statute, P.L.1981, c.417  
19 (C.2A:17-56.7 et seq.), to require the Probation Division in the county  
20 in which a child support case is being managed to initiate an income  
21 withholding. The bill would also require the Administrative Office of  
22 the Courts to be held liable for the amount of child support which was  
23 to be withheld from an obligor's income, if an income withholding for  
24 the obligor is not initiated immediately pursuant to the provisions of  
25 P.L.1981, c.417

26 The bill would also require the Administrative Office of the Courts  
27 to establish procedures governing the identification of income  
28 withholdings which have not been initiated, the prompt collection,  
29 from the Probation Division of the amount of an obligor's income  
30 which was to be withheld, and the disbursement of the amount to the  
31 parent subject to the support order.

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36 Holds Probation Division of AOC liable for amount of child support  
37 to be withheld from obligor's income if an income withholding is not  
38 initiated immediately.