

SENATE, No. 155

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators BRYANT and PALAIA

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, if there is
8 more than one income withholding against the same obligor, the
9 withheld amount shall be allocated among all obligees and the county
10 welfare agency, if applicable, by the county probation department of
11 the county in which the obligor resides, on a prorated basis as follows:
12 a. Current support obligations for all obligees and the county
13 welfare agency, if applicable, shall be paid before withheld amounts
14 are allocated to pay arrearages. Withheld amounts that remain after
15 current support is satisfied shall be allocated among all obligees to pay
16 arrearages.

17 b. If the withheld amount is less than the total amount due as
18 current support for each case, each obligee's share and the share of the
19 county welfare agency, if applicable, of the withheld amount shall be
20 determined by dividing the amount of each party's child support order
21 by the total amount of all orders to obtain each party's support
22 allocation percentage. Each party's share of the collection shall be
23 determined by multiplying the party's child support allocation
24 percentage by the amount collected.

25 c. If the withheld amount is more than the total amount due for
26 each party, each party shall receive its current support and the
27 remainder of the collection shall be allocated to all parties in equal
28 amounts to satisfy arrearages, except in cases involving arrearages due
29 a county welfare agency. In cases involving a county welfare agency,
30 all arrearages due to an obligee who is not receiving public assistance
31 shall be paid to the obligee prior to the county welfare agency
32 receiving any payment towards the arrearages owed.

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34 2. This act shall take effect immediately.

STATEMENT

3 The bill requires that in child support cases where there is more
4 than one withholding order against the obligor, the withheld amounts
5 shall be allocated by the county probation office of the county in which
6 the obligor resides among all parties and the county welfare agency,
7 if applicable, on a prorated basis. The bill also requires that current
8 support obligations shall be paid before withheld amounts are allocated
9 to satisfy arrearages.

10 The provisions of this bill mirror provisions in effect through county
11 probation office regulations. It is the sponsor's intent to codify those
12 regulations.

13 The bill allows the allocation of income withholdings to county
14 welfare agencies, if applicable, as well as all obligees in cases where
15 there is more than one withholding order against the obligor. The bill
16 also provides that if the withheld amount is less than the amount due
17 as current support, the withholding amount would be determined by
18 dividing the amount of each obligee's support order by the total
19 amount of all orders to obtain each obligee's support allocation
20 percentage.

Finally, the bill requires that if the withheld amount of a child support case involving a county welfare agency is more than the total amount due for each obligee, all arrearages due to an obligee not receiving public assistance shall be paid to the obligee prior to the county welfare agency receiving any payments towards the arrearages owed to the welfare agency.

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31 Requires withholding of child support payments to be prorated when
32 more than one withholding order exists.