

SENATE, No. 350

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator CODEY

1 AN ACT concerning child support enforcement and supplementing
2 chapter 17 of Title 2A of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
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.

18

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

1 obligor that the decision shall take effect 30 days after the postmark
2 date of the notice unless the obligor contests the denial, suspension or
3 revocation. The notice to the obligor shall include, but not be limited
4 to: the date on which the last child support payment was made; the
5 amount of the arrearage; the methods available for contesting the
6 denial, suspension or revocation; the period within which the obligor
7 shall contact the State IV-D agency to arrange for satisfaction of the
8 judgment; the period within which the State IV-D agency shall be
9 contacted in order to contest the denial, suspension or revocation and
10 that failure to do so will result in denial, suspension or revocation; the
11 actions the State IV-D agency will take if the obligor contests the
12 denial, suspension or revocation; and the actions the State IV-D
13 agency will take if the obligor defaults on an established payment
14 schedule.

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

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

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

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

44

45 3. a. Notwithstanding any provision of law to the contrary, an
46 obligor's license to practice law may be suspended or revoked and an

1 obligor may be prohibited from obtaining a license to practice law, if
2 the obligor has failed to make a required, current obligation child
3 support payment for six months, after due notice in writing of the
4 proposed action and the grounds thereof, in a manner provided for by
5 the New Jersey Supreme Court.

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

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

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

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

45 e. The State IV-D agency shall develop a procedure to provide for
46 the notification of the New Jersey Supreme Court when an obligor has

1 failed to make child support payments. The State IV-D agency shall
2 also notify the court when the obligor has become current on his child
3 support payments or has made the first payment of an established
4 payment schedule through the use of an electronic transfer of
5 information, if available.

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

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

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

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

45 d. A license that has been denied, suspended or revoked due to the
46 failure to make child support payments shall be issued or restored once

1 the obligor becomes current on his child support payments or has
2 made the first payment of an established payment schedule. If the
3 obligor defaults on the payment schedule, then the commercial driver's
4 license shall automatically be denied, suspended or revoked and the
5 obligor shall be prohibited from obtaining a New Jersey driver's license
6 pursuant to the initial notice of intention to deny, suspend or revoke
7 issued by the State IV-D agency.

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

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

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

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

1 employment.

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

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

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

24

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

28

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

30

31

32

STATEMENT

33

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

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

1 license shall be suspended, revoked or denied pending an expedited
2 administrative hearing.

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

11

12

13

14

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