

SENATE, No. 1285

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Senators CAFIERO, EWING and Bryant

1 AN ACT concerning alimony obligations and supplementing Title 2A
2 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 for
9 alimony obligations, the withheld amount shall be allocated among all
10 obligees and the county welfare agency, if applicable, by the county
11 probation department of the county in which the obligor resides, on a
12 prorated basis as follows:

13 a. Current alimony obligations for all obligees and the county
14 welfare agency, if applicable, shall be paid before withheld amounts
15 are allocated to pay arrearages. Withheld amounts that remain after
16 current alimony obligations are satisfied shall be allocated among all
17 obligees to pay arrearages.

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

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

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35 2. If the obligor is subject to income withholdings for both child
36 support and alimony obligations, the child support obligations due to
37 the obligees shall be paid prior to the alimony obligations.

1 3. This act shall take effect immediately.

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STATEMENT

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6 This bill requires that if there is more than one withholding order
7 against an obligor for alimony obligations, the withheld amounts shall
8 be allocated by the county probation office of the county in which the
9 obligor resides among all obligees and the county welfare agency, if
10 applicable, on a prorated basis. The bill also requires that current
11 alimony obligations shall be paid before withheld amounts are
12 allocated to satisfy arrearages.

13 The bill requires that if the withheld amount of an alimony
14 obligation case involving a county welfare agency is more than the
15 total amount due for each obligee, all arrearages due to an obligee not
16 receiving public assistance shall be paid to that obligee prior to the
17 county welfare agency receiving any payments toward the arrearage
18 owed the welfare agency.

19 Finally, the bill also requires that if the obligor is subject to
20 withholding orders for both child support and alimony obligations, the
21 child support obligations shall be paid prior to the alimony obligations.

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27 Requires withholding of alimony payments to be prorated when more
than one withholding order exists.