

[First Reprint]
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.

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, 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 ¹[county
11 probation department of the county in which the obligor resides]
12 Probation Division of the Superior Court¹, on a prorated basis as
13 follows:

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

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

27 c. If the withheld amount is more than the total amount due for
28 each party, each party shall receive its current alimony obligation and
29 the remainder of the collection shall be allocated to all parties in equal
30 amounts to satisfy arrearages, except in cases involving arrearages due
31 a county welfare agency. In cases involving a county welfare agency,

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SWF committee amendments adopted October 3, 1996.

1 all arrearages due to an obligee who is not receiving public assistance
2 shall be paid to that obligee prior to the county welfare agency
3 receiving any payment toward the arrearages owed.

4

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

8

9 3. This act shall take effect immediately.

10

11

12

13

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