

SENATE, No. 1567

STATE OF NEW JERSEY

INTRODUCED OCTOBER 3, 1996

By Senator RICE

1 AN ACT concerning the docketing of child support orders and  
2 amending P.L.1988, c.11.

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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 1 of P.L.1988, c.11 (C.2A:17.56.23a) is amended to  
8 read as follows:

9 1. Modification of child support order. Any payment or installment  
10 of an order for child support, or those portions of an order which are  
11 allocated for child support, whether ordered in this State or in another  
12 state, shall be fully enforceable and entitled to full faith and credit and  
13 shall be a judgment by operation of law on and after the date it is due.  
14 The Probation Division of the Superior Court shall not docket a child  
15 support judgment as a lien with the Clerk of the Superior Court until  
16 the amount of the arrearage equals or exceeds the amount of child  
17 support payable for one month. No payment or installment of an order  
18 for child support, or those portions of an order which are allocated for  
19 child support established prior to or subsequent to the effective date  
20 of P.L.1993, c.45 (C.2A:17-56.23a), shall be retroactively modified by  
21 the court except with respect to the period during which there is a  
22 pending application for modification, but only from the date the notice  
23 of motion was mailed either directly or through the appropriate agent.  
24 The written notice will state that a change of circumstances has  
25 occurred and a motion for modification of the order will be filed within  
26 45 days. In the event a motion is not filed within the 45-day period,  
27 modification shall be permitted only from the date the motion is filed  
28 with the court.

29 The non-modification and lien threshold provision of this section  
30 [is] are intended to be curative and shall apply to all orders and  
31 judgments entered before, on and after the effective date of this act.  
32 (cf: P.L.1993,c.45, s.1)

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34 2. This act shall take effect immediately.

**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.**

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STATEMENT

Currently, a child support judgment is docketed with the Clerk of the Superior Court as a Statewide lien against an obligor's real estate and is reported against that person's credit report. On the first day of each month, the automated child support system used by the Probation Division identifies cases in which there is any past due amount. In many instances, the late payment is not the fault of the obligor and there was no intent to default on the payment. About half of all child support orders, approximately 140,000 cases, are paid by the obligor's employment through withholding. If the obligor's pay period does not end when the payment is due or the employer sends the payment late, the computer program which tracks cases for judgment processing is activated and a statewide lien will be automatically created.

This system of processing can result in costly and lengthy processing to remove the deficient judgment and delinquencies reported to credit agencies and may recur month after month. Moreover, the Administrative Offices of the Courts reports a significant loss of Probation Division and Superior Court Clerk staff time to close judgments and remove liens.

This bill would amend the statute concerning the docketing of child support judgments to provide that the Probation Department shall not docket a judgment as a lien through the automated processing system until the amount due exceeds the amount of support payable for one month. The bill does not prohibit an obligee from manually docketing a child support judgment of any amount as a lien with the Clerk of the Superior Court.

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Clarifies that child support judgments shall not be docketed until arrearage equals or exceeds amount payable for one month.