

SENATE, No. 2363

STATE OF NEW JERSEY

INTRODUCED DECEMBER 18, 1997

By Senators GORMLEY and BRYANT

1 AN ACT concerning child support reform and revising parts of the
2 statutory law.

3

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

6

7

ARTICLE 1

8

GENERAL PROVISIONS

9

10 1. As used in sections 1 through 60 of P.L. , c. (C.)(pending
11 before the Legislature as this bill):

12 "Child" means a person, whether over or under the age of majority,
13 who is or is alleged to be owed a duty of support by the person's
14 parent or who is or is alleged to be the beneficiary of a support order
15 directed to the parent.

16 "Child support order" means a support order for a child, including
17 a child who has attained the age of majority under the law of the
18 issuing state.

19 "Duty of support" means an obligation imposed or imposable by law
20 to provide support for a child, spouse, or former spouse, including an
21 unsatisfied obligation to provide support.

22 "Home state" means the state in which a child lived with a parent
23 or a person acting as parent for at least six consecutive months
24 immediately preceding the time of filing of a complaint or comparable
25 pleading for support and, if a child is less than six months old, the state
26 in which the child lived from birth with any of them. A period of
27 temporary absence of any of them is counted as part of the six-month
28 or other period.

29 "Income" includes earnings or other periodic entitlements to money
30 from any source and any other property subject to withholding for
31 support under the law of this State. For the purposes of establishing
32 or modifying a child support order, income is defined by the New
33 Jersey Support Guidelines (Rule 5:6A and Appendix IX of the Rules
34 Governing the Courts of the State of New Jersey).

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.

1 "Income-withholding order" means an order or other legal process
2 directed to an obligor's employer as defined by the "New Jersey Child
3 Support Improvement Act," P.L. , c. (C.)(Pending before the
4 Legislature as this bill) to withhold support from the income of the
5 obligor.

6 "Initiating state" means a state from which a proceeding is
7 forwarded in which a proceeding is filed for forwarding to a
8 responding state under this act or a law or procedure substantially
9 similar to this act, or under a law or procedure substantially similar to
10 the "Uniform Reciprocal Enforcement of Support Act," or the
11 "Revised Uniform Reciprocal Enforcement of Support Act."

12 "Initiating tribunal" means the authorized tribunal in an initiating
13 state.

14 "Issuing state" means the state in which a tribunal issues a support
15 order or renders a judgment determining parentage.

16 "Issuing tribunal" means the tribunal that issues a support order or
17 renders a judgment determining parentage.

18 "Law" includes decisional and statutory law, and rules and
19 regulations having the force of law.

20 "Obligee" means an individual to whom a duty of support is or is
21 alleged to be owed or in whose favor a support order has been issued
22 or a judgment determining parentage has been rendered; a state or
23 political subdivision to which the rights under a duty of support or
24 support order have been assigned or which has independent claims
25 based on financial assistance provided to an individual obligee; or an
26 individual seeking a judgment determining parentage of the individual's
27 child or providing for the support of a child.

28 "Obligor" means an individual, or the estate of a decedent who
29 owes or is alleged to owe a duty of support; who is alleged but has not
30 been adjudicated to be a parent of a child; or who is liable under a
31 support order.

32 "Register" means to record a support order or judgment
33 determining parentage in the registering tribunal.

34 "Registering tribunal" means a tribunal in which a support order is
35 registered.

36 "Responding state" means a state in which a proceeding is filed or
37 to which a proceeding is forwarded for filing from an initiating state
38 under this act or a law substantially similar to this act, or under a law
39 or procedure substantially similar to the "Uniform Reciprocal
40 Enforcement of Support Act," or the "Revised Uniform Reciprocal
41 Enforcement of Support Act."

42 "Responding tribunal" means the authorized tribunal in a responding
43 state.

44 "Spousal-support order" means a support order for a spouse or
45 former spouse of the obligor.

46 "State" means a state of the United States, the District of Columbia,

1 the Commonwealth of Puerto Rico, or any territory or insular
2 possession subject to the jurisdiction of the United States. State
3 includes:

4 a. an Indian tribe; and

5 b. a foreign jurisdiction that has enacted a law or established
6 procedures for issuance and enforcement of support orders which are
7 substantially similar to the procedures under this act or the procedures
8 under the "Uniform Reciprocal Enforcement of Support Act," or the
9 "Revised Uniform Reciprocal Enforcement of Support Act."

10 "Support enforcement agency" means a public official or agency
11 authorized to seek enforcement of support orders or laws relating to
12 the duty of support; establishment or modification of child support;
13 determination of parentage; or to locate obligors or their assets. In
14 this State, the Division of Child Support Services in the Department
15 of Human Services, established pursuant to P.L. , c. (C.)(Pending
16 before the Legislature as Bill No.) shall be the support
17 enforcement agency.

18 "Support order" means a judgment, decree, or order, whether
19 temporary, final, or subject to modification, for the benefit of a child,
20 a spouse, or a former spouse, which provides for monetary support,
21 health care coverage, arrearages, or reimbursement, and may include
22 related costs and fees, interest, income withholding, attorney's fees,
23 and other relief.

24 "Tribunal" means a court, administrative agency, or quasi-judicial
25 entity authorized to establish, enforce, or modify support orders or to
26 determine parentage.

27

28 2. The Superior Court, Chancery Division, Family Part shall be the
29 tribunal for the establishment, enforcement, or modification of support
30 orders.

31

32 3. Remedies provided by this act are cumulative and do not affect
33 the availability of remedies under other law.

34

35 ARTICLE 2 36 JURISDICTION

37

38 PART A

39

EXTENDED PERSONAL JURISDICTION

40

41 4. In a proceeding to establish, enforce, or modify a support order
42 or to determine parentage, a tribunal of this State may exercise
43 personal jurisdiction over a nonresident individual or the individual's
44 guardian or conservator if:

45 a. the individual is personally served with a summons or notice
46 within this State;

- 1 b. the individual submits to the jurisdiction of this State by consent,
- 2 by entering a general appearance, or by filing a responsive document
- 3 having the effect of waiving any contest to personal jurisdiction;
- 4 c. the individual resided with the child in this State;
- 5 d. the individual resided in this State and provided prenatal expense
- 6 or support for the child;
- 7 e. the child resides in this State as a result of the acts or directives
- 8 of the individual;
- 9 f. the individual engaged in sexual intercourse in this State and the
- 10 child may have been conceived by that act of intercourse; or
- 11 g. there is any other basis consistent with the constitutions of this
- 12 State and the United States for the exercise of personal jurisdiction.
- 13

14 5. A tribunal of this State exercising personal jurisdiction over a
15 nonresident under section 4 of this act may apply section 28 of this act
16 to receive evidence from another state, and section 30 of this act to
17 obtain discovery through a tribunal of another state. In all other
18 respects, sections 13 through 53 of this act do not apply and the
19 tribunal shall apply the procedural and substantive law of this State,
20 including the rules on choice of law other than those established by
21 this act.

22

23

PART B

24

PROCEEDINGS INVOLVING TWO OR MORE STATES

25

26 6. Under this act, a tribunal of this State may serve as an initiating
27 tribunal to forward proceedings to another state and as a responding
28 tribunal for proceedings initiated in another state.

29

30 7. a. A tribunal of this State may exercise jurisdiction to establish
31 a support order if the complaint, petition or comparable pleading is
32 filed after a complaint or comparable pleading is filed in another state
33 only if:

34 (1) the complaint, petition or comparable pleading in this State is
35 filed before the expiration of the time allowed in the other state for
36 filing a responsive pleading challenging the exercise of jurisdiction by
37 the other state;

38 (2) the contesting party timely challenges the exercise of
39 jurisdiction in the other state; and

40 (3) if relevant, this State is the home state of the child.

41 b. A tribunal of this State may not exercise jurisdiction to establish
42 a support order if the complaint, petition or comparable pleading is
43 filed before a petition or comparable pleading is filed in another state
44 if:

45 (1) the complaint, petition or comparable pleading in the other
46 state is filed before the expiration of the time allowed in this State for

- 1 filing a responsive pleading challenging the exercise of jurisdiction by
2 this State;
- 3 (2) the contesting party timely challenges the exercise of
4 jurisdiction in this State; and
- 5 (3) if relevant, the other state is the home state of the child.
6
- 7 8. a. A tribunal of this State issuing a support order consistent
8 with the law of this State has continuing, exclusive jurisdiction over a
9 child support order:
- 10 (1) as long as this State remains the residence of the obligor, the
11 individual obligee, or the child for whose benefit the support order is
12 issued; or
- 13 (2) until all of the parties who are individuals have filed written
14 consents with the tribunal of this State for a tribunal of another state
15 to modify the order and assume continuing, exclusive jurisdiction.
- 16 b. A tribunal of this State issuing a child support order consistent
17 with the law of this State may not exercise its continuing jurisdiction
18 to modify the order if the order has been modified by a tribunal of
19 another state pursuant to this act or a law substantially similar to this
20 act.
- 21 c. If a child support order of this State is modified by a tribunal of
22 another state pursuant to this act or a law substantially similar to this
23 act, a tribunal of this State loses its continuing, exclusive jurisdiction
24 with regard to prospective enforcement of the order issued in this
25 State and may only:
- 26 (1) enforce the order that was modified as to amounts accruing
27 before the modification;
- 28 (2) enforce nonmodifiable aspects of that order; and
- 29 (3) provide other appropriate relief for violations of that order
30 which occurred before the effective date of the modification.
- 31 d. A tribunal of this State shall recognize the continuing, exclusive
32 jurisdiction of a tribunal of another state which has issued a child
33 support order pursuant to this act or a law substantially similar to this
34 act.
- 35 e. A temporary support order issued ex parte or pending resolution
36 of a jurisdictional conflict does not create continuing, exclusive
37 jurisdiction in the issuing tribunal.
- 38 f. A tribunal of this State issuing a support order consistent with
39 the law of this State has continuing, exclusive jurisdiction over a
40 spousal support order throughout the existence of the support
41 obligation. A tribunal of this State may not modify a spousal support,
42 custody visitation, or non-child support provisions of an order issued
43 by a tribunal of another state having continuing, exclusive jurisdiction
44 over that order under the law of that state.
45
- 46 9. a. A tribunal or the support enforcement agency of this State

1 may serve as an initiating tribunal to request a tribunal of another state
2 to enforce or modify a support order issued in that state.

3 b. A tribunal of this State having continuing, exclusive jurisdiction
4 over a support order may act as a responding tribunal to enforce or
5 modify the order. If a party subject to the continuing, exclusive
6 jurisdiction of the tribunal no longer resides in the issuing state, in
7 subsequent proceedings the tribunal may apply section 28 of this act
8 to receive evidence from another state and section 30 of this act to
9 obtain discovery through a tribunal of another state.

10 c. A tribunal of this State which lacks continuing, exclusive
11 jurisdiction over a spousal support order may not serve as a
12 responding tribunal to modify a spousal support order of another state.

14 PART C

15 RECONCILIATION OF MULTIPLE OBLIGATIONS

16
17 10. a. If a proceeding is brought under this act, and only one
18 tribunal has issued a child support order, the order of that tribunal
19 controls and shall be so recognized.

20 b. If a proceeding is brought under this act, and two or more child
21 support orders have been issued by tribunals of this State or another
22 state with regard to the same obligor and child, a tribunal or the
23 support enforcement agency of this State shall apply the following
24 rules in determining which order to recognize for purposes of
25 continuing, exclusive jurisdiction:

26 (1) If only one of the tribunals would have continuing, exclusive
27 jurisdiction under this act, the order of that tribunal controls and shall
28 be so recognized.

29 (2) If more than one of the tribunals would have continuing,
30 exclusive jurisdiction under this act, an order issued by a tribunal in
31 the current home state of the child shall be recognized, but if an order
32 has not been issued in the current home state of the child, the order
33 most recently issued controls and shall be recognized.

34 (3) If none of the tribunals would have continuing, exclusive
35 jurisdiction under this act, the tribunal of this State having jurisdiction
36 over the parties, shall issue a child support order which controls and
37 shall be so recognized.

38 c. If two or more child support obligations have been issued for the
39 same obligor and child and if the obligor or the individual obligee
40 resided in this State, a party may request a tribunal or the support
41 enforcement agency of this State to determine which order controls
42 and shall be recognized under subsection b. of this section. The
43 request shall be accompanied by a certified copy of every support
44 order in effect. The requesting party shall give notice of the request
45 to each party whose rights may be affected by a determination.

46 d. The tribunal that issued the controlling order that shall be

1 recognized as controlling under subsection a., b., or c. of this section
2 is the tribunal that has continuing, exclusive jurisdiction.

3 e. A tribunal of this State which determines by order the identity
4 of the controlling order under paragraphs (1) or (2) of subsection b.
5 of this section or which issues a new controlling order under paragraph
6 (3) of subsection b. of this section shall state in that order the basis
7 upon which the tribunal made its determination.

8 f. Within 30 days after issuance of the order determining the
9 identity of the controlling order, the party obtaining that order shall
10 file a certified copy of it with each tribunal that issued or registered an
11 earlier order of child support. A party who obtains the order and fails
12 to file a certified copy, is subject to appropriate sanctions by a tribunal
13 in which the issue of failure to file arises, but that failure has no effect
14 on the validity or enforceability of the controlling order.

15

16 11. In responding to multiple registrations or petitions for
17 enforcement of two or more child support orders in effect at the same
18 time with regard to the same obligor and different individual obligees,
19 at least one of which was issued by a tribunal of another state, a
20 tribunal or the support enforcement agency of this State shall enforce
21 those orders in the same manner as if the multiple orders had been
22 issued by a tribunal of this State.

23

24 12. Amounts collected and credited for a particular period pursuant
25 to a support order issued by a tribunal of another state must be
26 credited against the amounts accruing or accrued for the same period
27 under a support order issued by a tribunal of this State.

28

29

ARTICLE 3

30

CIVIL PROVISIONS OF GENERAL APPLICATION

31

32 13. a. Except as otherwise provided in this act, this article applies
33 to all proceedings under this act.

34 b. This act provides for the following proceedings:

35 (1) establishment of an order for spousal support or child support
36 pursuant to section 32 of this act;

37 (2) enforcement of a support order and income-withholding order
38 of another state without registration pursuant to sections 33 through
39 39 of this act;

40 (3) registration of an order for spousal support or child support of
41 another state for enforcement pursuant to sections 40 through 53 of
42 this act;

43 (4) modification of an order for child support or spousal support
44 issued by a tribunal of this State pursuant to sections 6 through 9 of
45 this act;

46 (5) registration of an order for child support of another state for

1 modification pursuant to sections 40 through 53 of this act;

2 (6) determination of parentage pursuant to section 54 of this act;

3 and

4 (7) assertion of jurisdiction over nonresidents pursuant to sections
5 4 and 5 of this act.

6 c. An individual or a support enforcement agency may commence
7 a proceeding authorized under this act by filing a complaint, petition
8 or comparable pleading in an initiating tribunal for forwarding to a
9 responding tribunal or by filing a complaint, petition or a comparable
10 pleading directly in a tribunal of another state which has or can obtain
11 personal jurisdiction over the respondent.

12

13 14. A minor parent, or a guardian or other legal representative of
14 a minor parent, may maintain a proceeding on behalf of or for the
15 benefit of the minor's child.

16

17 15. Except as otherwise provided by this act, a responding tribunal
18 of this State:

19 a. shall apply the procedural and substantive law, including the
20 rules on choice of law, generally applicable to similar proceedings
21 originating in this State and may exercise all powers and provide all
22 remedies available in those proceedings; and

23 b. shall determine the duty of support and the amount payable in
24 accordance with the law and support guidelines of this State.

25

26 16. a. Upon the filing of a complaint, petition or comparable
27 pleading authorized by this act, an initiating tribunal or the support
28 enforcement agency of this State shall forward three copies of the
29 complaint, petition or comparable pleading and its accompanying
30 documents:

31 (1) to the responding tribunal or appropriate support enforcement
32 agency in the responding state; or

33 (2) if the identity of the responding tribunal is unknown, to the
34 state information agency of the responding state with a request that
35 they be forwarded to the appropriate tribunal and that receipt be
36 acknowledged.

37 b. If a responding state has not enacted this act or a law or
38 procedure substantially similar to this act, a tribunal of this State may
39 issue a certificate or other documents and make findings required by
40 the law of the responding state. If the responding state is a foreign
41 jurisdiction, the tribunal may specify the amount of support sought and
42 provide other documents necessary to satisfy the requirements of the
43 responding state.

44

45 17. a. When a responding tribunal of this State receives a
46 complaint, petition or comparable pleading from an initiating tribunal

1 or directly pursuant to subsection c. of section 13 of this act, it shall
2 cause the complaint, petition or comparable pleading to be filed and
3 notify the petitioner where and when it was filed.

4 b. A responding tribunal of this State, to the extent otherwise
5 authorized by law, may do one or more of the following:

6 (1) issue or enforce a support order, modify a child support order,
7 or render a judgment to determine parentage;

8 (2) order an obligor to comply with a support order, specifying the
9 amount and the manner of compliance;

10 (3) order income withholding;

11 (4) determine the amount of any arrearages, and specify a method
12 of payment;

13 (5) enforce orders by civil or criminal contempt, or both;

14 (6) set aside property for satisfaction of the support order;

15 (7) place liens and order execution on the obligor's property;

16 (8) order an obligor to keep the tribunal informed of the obligor's
17 current residential address, telephone number, employer, address of
18 employment, and telephone number at the place of employment;

19 (9) issue a bench warrant for an obligor who has failed after proper
20 notice to appear at a hearing ordered by the tribunal and enter the
21 bench warrant in any local and State computer systems for criminal
22 warrants;

23 (10) order the obligor to seek appropriate employment by specified
24 methods;

25 (11) award reasonable attorney's fees and other fees and costs; and

26 (12) grant any other available remedy.

27 c. A responding tribunal of this State shall include in a support
28 order issued under this act, or in the documents accompanying the
29 order, the calculations on which the support order is based.

30 d. A responding tribunal of this State may not condition the
31 payment of a support order issued under this act upon compliance by
32 a party with provisions for visitation.

33 e. If a responding tribunal of this State issues an order under this
34 act, the tribunal shall send a copy of the order to the petitioner and the
35 respondent and to the initiating tribunal, if any, or may deliver a copy
36 to the parties at the conclusion of a proceeding.

37
38 18. If a complaint, petition or comparable pleading is received by
39 an inappropriate tribunal of this State, it shall forward the pleading and
40 accompanying documents to an appropriate tribunal in this State or
41 another state and notify the petitioner and the initiating tribunal, if any,
42 where and when the pleading was sent.

43
44 19. a. A support enforcement agency of this State, upon request,
45 shall provide services to a petitioner in a proceeding under this act.

46 b. A support enforcement agency that is providing services to the

1 petitioner, as appropriate, shall:

2 (1) take all steps necessary to enable an appropriate tribunal in this
3 State or another state to obtain jurisdiction over the respondent;

4 (2) request an appropriate tribunal to set a date, time, and place for
5 a hearing;

6 (3) make a reasonable effort to obtain all relevant information,
7 including information as to income and property of the parties;

8 (4) within two days, exclusive of Saturdays, Sundays, and legal
9 holidays, after receipt of a written notice from an initiating,
10 responding, or registering tribunal, send a copy of the notice to the
11 petitioner;

12 (5) within two days, exclusive of Saturdays, Sundays, and legal
13 holidays, after receipt of a written communication from the respondent
14 or the respondent's attorney, send a copy of the communication to the
15 petitioner; and

16 (6) notify the petitioner if jurisdiction over the respondent cannot
17 be obtained.

18 c. This act does not create or negate a relationship of attorney and
19 client or other fiduciary relationship between a support enforcement
20 agency or the attorney for the agency and the individual being assisted
21 by the agency.

22

23 20. If the Attorney General determines that the support
24 enforcement agency is neglecting or refusing to provide services to an
25 individual, the Attorney General may order the agency to perform its
26 duties under this act or may provide those services directly to the
27 individual.

28

29 21. An individual may employ private counsel to represent the
30 individual in proceedings authorized by this act. If the tribunal of this
31 State is acting as a responding tribunal and the petitioner or initiating
32 support enforcement agency has not employed private counsel in this
33 State, the Division of Child Support Services in the Department of
34 Human Services, P.L. , c. (C.)(Pending before the Legislature as
35 this bill), shall provide legal representation in IV-D cases to the
36 petitioner or the initiating support enforcement agency, if any, in all
37 proceedings brought under this act. The Division of Child Support
38 Services shall not assess fees or other costs on the petitioner or the
39 initiating support enforcement agency, if any, for such representation.

40

41 22. a. The Division of Child Support Services in the Department
42 of Human Services, P.L. , c. (C.)(Pending before the Legislature as
43 Bill No.) is the State information agency under this act.

44 b. The State information agency shall:

45 (1) compile and maintain a current list, including addresses, of the
46 tribunals in this State which have jurisdiction under this act and any

1 support enforcement agencies in this State and transmit a copy to the
2 state information agency of every other state;

3 (2) maintain a register of tribunals and support enforcement
4 agencies received from other states;

5 (3) forward to the appropriate tribunal in the place in this State in
6 which the individual obligee or the obligor resides, or in which the
7 obligor's property is believed to be located, all documents concerning
8 a proceeding under this act received from the initiating tribunal or the
9 state information agency of the initiating state; and

10 (4) obtain information concerning the location of the obligor and
11 the obligor's property within this State not exempt from execution, by
12 such means as postal verification and federal or state parent locator
13 services, examination of telephone directories, requests for the
14 obligor's address from employers, and examination of governmental
15 records, including to the extent not prohibited by other law, those
16 relating to real property, vital statistics, law enforcement, taxation,
17 motor vehicles, driver's licenses and social security.

18

19 23. a. A petitioner seeking to establish or modify a support order
20 or to determine parentage in a proceeding under this act shall verify
21 the complaint, petition or comparable pleading. Unless otherwise
22 ordered under section 24 of this act, the complaint, petition or
23 comparable pleading or accompanying documents shall provide, so far
24 as known, the name, residential address, and social security numbers
25 of the obligor and the obligee, and the name, sex, residential address,
26 social security number, and date of birth of each child for whom
27 support is sought. The complaint, petition or comparable pleading
28 shall be accompanied by a certified copy of any support order in effect.
29 The complaint, petition or comparable pleading may include any other
30 information that may assist in locating or identifying the respondent.

31 b. The complaint, petition or comparable pleading shall specify the
32 relief sought. The complaint, petition or comparable pleading and
33 accompanying documents shall conform substantially with the
34 requirements imposed by the forms mandated by federal law for use in
35 cases filed by a support enforcement agency.

36

37 24. Upon a finding, which may be made ex parte, that the health,
38 safety, or liberty of a party or child would be unreasonably put at risk
39 by the disclosure of identifying information, or if any existing order so
40 provides, a tribunal shall order that the address of the child or party or
41 other identifying information not be disclosed in a pleading or other
42 document filed in a proceeding under this act.

43

44 25. a. The petitioner may not be required to pay a filing fee or
45 other costs.

46 b. If an obligee prevails, a responding tribunal may assess against

1 an obligor filing fees, reasonable attorney's fees, other costs, and
2 necessary travel and other reasonable expenses incurred by the obligee
3 and the obligee's witnesses. The tribunal may not assess fees, costs,
4 or expenses against the obligee or the support enforcement agency of
5 either the initiating or responding state, except as provided by other
6 law. Attorney's fees may be taxed as costs, and may be ordered paid
7 directly to the attorney, who may enforce the order in the attorney's
8 own name. Payment of support owed to the obligee has priority over
9 fees, costs and expenses.

10 c. The tribunal shall order the payment of costs and reasonable
11 attorney's fees if it determines that a hearing was requested primarily
12 for delay. In a proceeding under sections 33 through 46 of this act,
13 a hearing is presumed to have been requested primarily for delay if a
14 registered support order is confirmed or enforced without change.

15
16 26. a. Participation by a petitioner in a proceeding before a
17 responding tribunal, whether in person, by private attorney, or through
18 services provided by the support enforcement agency, does not confer
19 personal jurisdiction over the petitioner in another proceeding.

20 b. A petitioner is not amenable to service of civil process while
21 physically present in this State to participate in a proceeding under this
22 act.

23 c. The immunity granted by this section does not extend to civil
24 litigation based on acts unrelated to a proceeding under this act
25 committed by a party while present in this State to participate in the
26 proceeding.

27
28 27. A party whose parentage of a child has been previously
29 determined by or pursuant to law may not plead nonparentage as a
30 defense to a proceeding under this act.

31
32 28. a. The physical presence of the petitioner in a responding
33 tribunal of this State is not required for the establishment,
34 enforcement, or modification of a support order or the rendition of a
35 judgment determining parentage.

36 b. A verified complaint, petition or comparable pleading, affidavit,
37 document substantially complying with federally mandated forms, or
38 a document incorporated by reference in any of them, not excluded
39 under the hearsay rule if given in person, is admissible in evidence if
40 given under oath by a party or witness residing in another state.

41 c. A copy of the record of child support payments certified as a
42 true copy of the original by the custodian of the record may be
43 forwarded to a responding tribunal. This copy is evidence of facts
44 asserted in it, and is admissible to show whether payments were made.

45 d. Copies of bills for testing for parentage, and for prenatal and
46 postnatal health care of the mother and child, furnished to the adverse

1 party at least 10 days before the hearing or voluntary consent
2 conference, are admissible in evidence to prove the amount of the
3 charges billed and that the charges were reasonable, necessary and
4 customary.

5 e. Documentary evidence transmitted from another state to a
6 tribunal of this State by telephone, telecopier, or other means that do
7 not provide an original writing may not be excluded from evidence on
8 an objection based on the means of transmission.

9 f. In a proceeding under this act, a tribunal of this State may permit
10 a party or witness residing in another state to be deposed or to testify
11 by telephone, audiovisual means, or other electronic means at a
12 designated tribunal or other location in that state. A tribunal of this
13 State shall cooperate with tribunals of other states in designating an
14 appropriate location for the deposition or testimony.

15 g. If a party called to testify at a civil hearing refuses to answer on
16 the ground that the testimony may be self-incriminating, the trier of
17 fact may draw an adverse inference from the refusal.

18 h. A privilege against disclosure of communications between
19 spouses does not apply in a proceeding under this act.

20 i. The defense of immunity based on the relationship of husband
21 and wife or parent and child does not apply in a proceeding under this
22 act.

23

24 29. A tribunal of this State may communicate with a tribunal of
25 another state in writing, or by telephone or other means, to obtain
26 information concerning the laws of that state, the legal effects of a
27 judgment, decree, or order of that tribunal, and the status of a
28 proceeding in the other state. A tribunal of this State may furnish
29 similar information by similar means to a tribunal of another state.

30

31 30. A tribunal of this State may:

32 a. request a tribunal of another state to assist in obtaining
33 discovery; and

34 b. upon request, compel a person over whom it has jurisdiction to
35 respond to a discovery order issued by a tribunal of another state.

36

37 31. A support enforcement agency shall disburse promptly any
38 amounts received pursuant to a support order, as directed by the
39 order. The agency or tribunal shall furnish to a requesting party or
40 tribunal of another state a certified statement by the custodian of the
41 record of the amounts and dates of all payments received.

42

43

ARTICLE 4

44

ESTABLISHMENT OF SUPPORT ORDER

45

46 32. a. If a support order entitled to recognition under this act has

1 not been issued, a responding tribunal of this State may issue a support
2 order if:

3 (1) the individual seeking the order resides in another state; or
4 (2) the support enforcement agency seeking the order is located in
5 another state.

6 b. The tribunal may issue a temporary child support order if:

7 (1) the respondent has signed a verified statement acknowledging
8 parentage;

9 (2) the respondent has been determined by or pursuant to law to be
10 the parent; or

11 (3) there is other clear and convincing evidence that the respondent
12 is the child's parent.

13 c. Upon finding, after notice and opportunity to be heard, that an
14 obligor owes a duty of support, the tribunal shall issue a support order
15 directed to the obligor and may issue other orders pursuant to section
16 17 of this act.

17

18

ARTICLE 5

19

DIRECT ENFORCEMENT OF ORDER OF ANOTHER

20

STATE WITHOUT REGISTRATION

21

22 33. An income-withholding order issued in another state may be
23 sent to the person or entity defined as the obligor's payor under
24 P.L.1981, c.417 (C.2A:17-56.7 et al.), P.L.1985, c.278 (C.2A:17-
25 56.16 et seq.) and P.L. c. (C.) (Pending before the Legislature as
26 Bill No.) without first filing a complaint, petition or comparable
27 pleading or registering the order with a tribunal of this State.

28

29 34. a. Upon receipt of an income-withholding order, the obligor's
30 employer shall immediately provide a copy of the order to the obligor.

31 b. The employer shall treat an income-withholding order issued in
32 another state which appears regular on its face as if it had been issued
33 by a tribunal of this State.

34 c. Except as otherwise provided in subsection d. of this section and
35 section 35 of this act, the employer shall withhold and distribute the
36 funds as directed in the withholding order by complying with terms of
37 the order, which specify:

38 (1) the duration and amount of periodic payments of current child
39 support, stated as a sum certain;

40 (2) the person or agency designated to receive payments and the
41 address to which the payments are to be forwarded;

42 (3) health care coverage, whether in the form of periodic cash
43 payment, stated as a sum certain, or ordering the obligor to provide
44 health insurance coverage for the child under a policy available
45 through the obligor's employment;

46 (4) the amount of periodic payments of fees and costs for a support

1 enforcement agency, the issuing tribunal, and the obligee's attorney,
2 stated as sums certain; and

3 (5) the amount of periodic payments of arrearages and interest on
4 arrearages, stated as sums certain.

5 d. The employer shall comply with the law of the state of the
6 obligor's principal place of employment for withholding from income
7 with respect to:

8 (1) the employer's fee for processing an income-withholding
9 obligation;

10 (2) the maximum amount permitted to be withheld from the
11 obligor's income; and

12 (3) the time periods within which the employer must implement the
13 withholding order and forward the child support payments.

14

15 35. If an obligor's employer receives multiple orders to withhold
16 support from the earnings of the same obligor, the employer shall be
17 deemed to have satisfied the terms of the multiple orders if the law of
18 the state of the obligor's principal place of employment to establish the
19 priorities for withholding and allocating income withheld for multiple
20 child support obligees is complied with.

21

22 36. An employer who complies with an income-withholding order
23 issued in another state in accordance with this article is not subject to
24 civil liability to an individual or agency with regard to the employer's
25 withholding child support from the obligor's income.

26

27 37. An employer who willfully fails to comply with an income-
28 withholding order issued by another state and received for
29 enforcement is subject to the same penalties that may be imposed for
30 noncompliance with an order issued by a tribunal of this State.

31

32 38. a. An obligor may contest the validity or enforcement of an
33 income-withholding order issued in another state and received directly
34 by an employer in this State in the same manner as if the order had
35 been issued by a tribunal of this State. Section 44 of this act applies
36 to the contest.

37 b. The obligor shall give notice of the contest to:

38 (1) a support enforcement agency providing services to the obligee;

39 (2) each employer that has directly received an income-withholding
40 obligation; and

41 (3) the person or agency designated to receive payments in the
42 income-withholding order or, if no person or agency is designated, to
43 the obligee.

44

45 39. a. A party seeking to enforce a support order or an
46 income-withholding order, or both, issued by a tribunal of another

1 state may send the documents required for registering the order to a
2 support enforcement agency of this State.

3 b. Upon receipt of the documents, the support enforcement
4 agency, without initially seeking to register the order, shall consider
5 and, if appropriate, use any administrative procedure authorized by the
6 law of this State to enforce a support order or an income-withholding
7 order, or both. If the obligor does not contest administrative
8 enforcement, the order need not be registered. If the obligor contests
9 the validity or administrative enforcement of the order, the support
10 enforcement agency shall register the order pursuant to this act.

11

12 ARTICLE 6

13 ENFORCEMENT AND MODIFICATION OF SUPPORT

14 ORDER AFTER REGISTRATION

15 PART A

16 REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

17

18 40. A support order or an income-withholding order issued by a
19 tribunal of another state may be registered in this State for
20 enforcement.

21

22 41. a. A support order or income-withholding order of another
23 state may be registered in this State by sending the following
24 documents and information to the appropriate tribunal in this State:

25 (1) a letter of transmittal to the tribunal requesting registration and
26 enforcement;

27 (2) two copies, including one certified copy, of all orders to be
28 registered, including any modification of an order;

29 (3) a sworn statement by the party seeking registration or a
30 certified statement by the custodian of the records showing the amount
31 of any arrearage;

32 (4) the name of the obligor and, if known:

33 (a) the obligor's address and social security number;

34 (b) the name and address of the obligor's employer and any other
35 source of income of the obligor; and

36 (c) a description and the location of property of the obligor in this
37 State not exempt from execution; and

38 (5) the name and address of the obligee and, if applicable, the
39 agency or person to whom support payments are to be remitted.

40 b. On receipt of a request for registration, the registering tribunal
41 shall cause the order to be filed as a foreign judgment, together with
42 one copy of the documents and information, regardless of their form.

43 c. A complaint, petition or comparable pleading seeking a remedy
44 that must be affirmatively sought under other laws of this State may
45 be filed at the same time as the request for registration or later. The
46 pleading must specify the grounds for the remedy sought.

1 42. a. A support order or income-withholding order issued in
2 another state is registered when the order is filed in the registering
3 tribunal of this State.

4 b. A registered order issued in another state is enforceable in the
5 same manner and is subject to the same procedures as an order issued
6 by a tribunal of this State.

7 c. Except as otherwise provided in this article, a tribunal of this
8 State shall recognize and enforce, but not modify, a registered order
9 if the issuing tribunal had jurisdiction.

10

11 43. a. The law of the issuing state governs the nature, extent,
12 amount, and duration of current payments and other obligations of
13 support and the payment of arrearages under the order.

14 b. In a proceeding for arrearages, the statute of limitation under the
15 laws of this State or of the issuing state, whichever is longer, applies.

16

17

PART B

18

CONTEST OF VALIDITY OR ENFORCEMENT

19

20 44. a. When a support order or income-withholding order issued
21 in another state is registered, the registering tribunal shall notify the
22 nonregistering party. The notice shall be accompanied by a copy of
23 the registered order and the documents and relevant information
24 accompanying the order.

25 b. The notice shall inform the nonregistering party:

26 (1) that a registered order is enforceable as of the date of
27 registration in the same manner as an order issued by a tribunal of this
28 State;

29 (2) that a hearing to contest the validity or enforcement of the
30 registered order shall be requested within 20 days after the date of
31 mailing or personal service of the notice;

32 (3) that failure to contest the validity or enforcement of the
33 registered order in a timely manner will result in confirmation of the
34 order and enforcement of the order and the alleged arrearages and
35 precludes further contest of that order with respect to any matter that
36 could have been asserted; and

37 (4) of the amount of any alleged arrearages.

38 c. Upon registration of an income-withholding order for
39 enforcement, the registering tribunal shall notify the support
40 enforcement agency or the obligor's employer pursuant to the "New
41 Jersey Child Support Program Improvement Act," P.L. , c. (C.)
42 (Pending before the Legislature as Bill No.), P.L.1981, c.417
43 (C.2A:17-56.7 et al.) and P.L.1985, c.278 (C.2A:17-56.16 et seq.).

44

45 45. a. A nonregistering party seeking to contest the validity or
46 enforcement of a registered order in this State shall request a hearing

1 within 20 days after the date of mailing or personal service of notice
2 of the registration. The nonregistering party may seek to vacate the
3 registration, to assert any defense to an allegation of noncompliance
4 with the registered order, or to contest the remedies being sought or
5 the amount of any alleged arrearages pursuant to section 46 of this act.

6 b. If the nonregistering party fails to contest the validity or
7 enforcement of the registered order in a timely manner, the order is
8 confirmed by operation of law.

9 c. If a nonregistering party requests a hearing to contest the
10 validity or enforcement of the registered order, the registering tribunal
11 shall schedule the matter for hearing and give notice to the parties of
12 the date, time and place of the hearing.

13
14 46. a. A party contesting the validity or enforcement of a
15 registered order or seeking to vacate the registration has the burden
16 of proving one or more of the following defenses:

17 (1) the issuing tribunal lacked personal jurisdiction over the
18 contesting party;

19 (2) the order was obtained by fraud;

20 (3) the order has been vacated, suspended, or modified by a later
21 order;

22 (4) the issuing tribunal has stayed the order pending appeal;

23 (5) there is a defense under the law of this State to the remedy
24 sought;

25 (6) full or partial payment has been made; or

26 (7) the statute of limitation under section 43 of this act precludes
27 enforcement of some or all of the arrearages.

28 b. If a party presents evidence establishing a full or partial defense
29 under subsection a. of this section, a tribunal may stay enforcement of
30 the registered order, continue the proceeding to permit production of
31 additional relevant evidence, or issue other appropriate orders. An
32 uncontested portion of the registered order may be enforced by all
33 remedies available under the law of this State.

34 c. If the contesting party does not establish a defense under
35 subsection a. of this section to the validity or enforcement of the
36 order, the registering tribunal shall issue an order confirming the order.

37
38 47. Confirmation of a registered order, whether by operation of
39 law or after notice and hearing or voluntary consent conference,
40 precludes further contest of the order with respect to any matter that
41 could have been asserted at the time of registration.

1 PART C
2 REGISTRATION AND MODIFICATION OF
3 CHILD SUPPORT ORDER
4

5 48. A party or support enforcement agency seeking to modify, or
6 to modify and enforce, a child support order issued in another state
7 shall register that order in this State in the same manner provided in
8 sections 40 through 43 of this act if the order has not been registered.
9 A complaint, petition or comparable pleading for modification may be
10 filed at the same time as a request for registration, or later. The
11 pleading must specify the grounds for modification.

12
13 49. A tribunal of this State may enforce a child support order of
14 another state registered for purposes of modification, in the same
15 manner as if the order had been issued by a tribunal of this State, but
16 the registered order may be modified only if the requirements of
17 section 50 of this act have been met.

18
19 50. a. After a child support order issued in another state has been
20 registered in this State, the registering tribunal of this State may
21 modify that order only if section 52 of this act does not apply and after
22 notice and hearing it finds that:

23 (1) the following requirements are met:

24 (a) the child, the individual obligee, and the obligor do not reside
25 in the issuing state;

26 (b) a petitioner who is a nonresident of this State seeks
27 modification; and

28 (c) the respondent is subject to the personal jurisdiction of the
29 tribunal of this State; or

30 (2) the child or a party who is an individual is subject to the
31 personal jurisdiction of the tribunal of this State and all of the
32 individual parties have filed written consents in the issuing tribunal for
33 a tribunal of this State to modify the support order and assume
34 continuing, exclusive jurisdiction over the order. However, if the
35 issuing state is a foreign jurisdiction which has not enacted a law or
36 established procedures essentially similar to the procedures under this
37 act, the consent otherwise required of an individual party residing in
38 this State is not required for the tribunal to assume jurisdiction to
39 modify the child support order.

40 b. Modification of a registered child support order is subject to the
41 same requirements, procedures, and defenses that apply to the
42 modification of an order issued by a tribunal of this State and the order
43 may be enforced and satisfied in the same manner.

44 c. A tribunal of this State may not modify any aspect of a child
45 support order that may not be modified under the law of the issuing
46 state. If two or more tribunals have issued child support orders for the

1 same obligor and child, the order that controls and shall be recognized
2 under the provisions of section 10 of this act establishes the
3 unmodifiable aspects of the support order.

4 d. On issuance of an order modifying a child support order issued
5 in another state, a tribunal of this State becomes the tribunal of
6 continuing, exclusive jurisdiction.

7
8 51. A tribunal of this State shall recognize a modification of its
9 earlier child support order by a tribunal of another state which
10 assumed jurisdiction pursuant to this act or a law substantially similar
11 to this act and, upon request, except as otherwise provided in this act,
12 shall:

13 a. enforce the order that was modified only as to amounts accruing
14 before the modification;

15 b. enforce only nonmodifiable aspects of that order;

16 c. provide other appropriate relief only for violations of that order
17 which occurred before the effective date of the modification; and

18 d. recognize the modifying order of the other state, upon
19 registration, for the purpose of enforcement.

20
21 52. a. If all of the individual parties reside in this State and the
22 child does not reside in the issuing state, a tribunal of this State has
23 jurisdiction to enforce and to modify the issuing state's child support
24 order in a proceeding to register that order.

25 b. A tribunal of this State exercising jurisdiction as provided in this
26 section shall apply the provisions of sections 1 through 12 of this act
27 and this section to the enforcement or modification proceeding.
28 Sections 13 through 39 and sections 54 through 56 of this act do not
29 apply and the tribunal shall apply the procedural and substantive law
30 of this State.

31
32 53. Within 30 days after issuance of a modified child support order,
33 the party obtaining the modification shall file a certified copy of the
34 obligation with the issuing tribunal which had continuing, exclusive
35 jurisdiction over the earlier order, and in each tribunal in which the
36 party knows the earlier order has been registered. A party who
37 obtains the order and fails to file a certified copy, is subject to
38 appropriate sanctions by a tribunal in which the issue of failure to file
39 arises. Failure does not affect the validity or enforceability of the
40 modified order of the new tribunal of having continuing, exclusive
41 jurisdiction.

42 ARTICLE 7

43 DETERMINATION OF PARENTAGE

44
45
46 54. a. A tribunal of this State may serve as an initiating or

1 responding tribunal in a proceeding brought under this act or a law or
2 procedure substantially similar to this act, or under a law or procedure
3 substantially similar to the "Uniform Reciprocal Enforcement of
4 Support Act," or the "Revised Uniform Reciprocal Enforcement of
5 Support Act" to determine that the petitioner is a parent of a particular
6 child or to determine that a respondent is a parent of that child.

7 b. In a proceeding to determine parentage, a responding tribunal of
8 this State shall apply the procedural and substantive law of this State,
9 and the rules of this State on choice of law.

10

11

ARTICLE 8

12

INTERSTATE RENDITION

13

14 55. a. For the purposes of this article, "governor" includes an
15 individual performing the functions of governor or the executive
16 authority of a state covered by this act.

17 b. The Governor of this State may:

18 (1) demand that the governor of another state surrender an
19 individual found in the other state who is charged criminally in this
20 State with having failed to provide for the support of an obligee; or

21 (2) on the demand by the governor of another state surrender an
22 individual found in this State who is charged criminally in the other
23 state with having failed to provide for the support of an obligee.

24 c. A provision for extradition of individuals not inconsistent with
25 this act applies to the demand even if the individual whose surrender
26 is demanded was not in the demanding state when the crime was
27 allegedly committed and has not fled therefrom.

28

29 56. a. Before making demand that the governor of another state
30 surrender an individual charged criminally in this State with having
31 failed to provide for the support of an obligee, the Governor of this
32 State may require a prosecutor of this State to demonstrate that at
33 least 60 days previously the obligee had initiated proceedings for
34 support pursuant to this act or that the proceeding would be of no
35 avail.

36 b. If, under this act or a law substantially similar to this act, the
37 "Uniform Reciprocal Enforcement of Support Act," or the "Revised
38 Uniform Reciprocal Enforcement of Support Act," the governor of
39 another state makes a demand that the Governor of this State
40 surrender an individual charged criminally in that state with having
41 failed to provide for the support of a child or other individual to whom
42 a duty of support is owed, the Governor may require a prosecutor to
43 investigate the demand and report whether a proceeding for support
44 has been initiated or would be effective. If it appears that a
45 proceeding would be effective but has not been initiated, the Governor
46 may delay honoring the demand for a reasonable time to permit the

1 initiation of a proceeding.

2 c. If a proceeding for support has been initiated and the individual
3 whose rendition is demanded prevails, the Governor may decline to
4 honor the demand. If the petitioner prevails and the individual whose
5 rendition is demanded is subject to a support order, the Governor may
6 decline to honor the demand if the individual is complying with the
7 support order.

8

9

ARTICLE 9

MISCELLANEOUS PROVISIONS

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57. This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

58. Sections 1 through 60 of this act may be cited as the "Uniform Interstate Family Support Act."

59. P.L.1981, c.243 (C.2A:4-30.24 et seq.) is repealed.

60. The repeal of P.L.1981, c.243 (C.2A:4-30.24 et seq.) and sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-56.19) does not affect pending actions, rights, duties or liabilities based on those repealed laws, nor does it alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under those laws. After the effective date of this act, all laws repealed shall be treated as remaining in full force and effect for the purpose of sustaining any pending actions or rights filed prior to the effective date of this act and the enforcement of any rights, duties, penalties, forfeitures, or liabilities under the repealed laws.

61. (New section) Sections 61 through 151 of this act shall be known and may be cited as the "New Jersey Child Support Program Improvement Act."

62. (New section) The Legislature finds and declares that:

a. Title III of the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, provides New Jersey with the authority and guidance to structure and administer an effective and efficient child support program that is accessible to all the citizens of this State needing its services;

b. Work and the timely payment of child support promote the best interests of all families with children;

c. The expeditious establishment of paternity and child support obligations is integral to the development of a safety net for participants in the Work First New Jersey program established

1 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) and their children.
2 With the implementation of the Work First New Jersey program and
3 its time-limited benefits, the establishment of child support orders and
4 the collection of child support are essential to the ability of families to
5 achieve and maintain self-sufficiency;

6 d. The early establishment of paternity and child support orders
7 creates a basis for individual security and family stability, and fosters
8 an understanding of personal responsibility in children and teenagers;

9 e. The clear delineation of responsibility and accurate
10 communication among State agencies and other entities providing
11 child support services best serves the citizens of New Jersey;

12 f. The efficient establishment of paternity and support obligations,
13 and the effective enforcement and collection of child support
14 obligations pursuant to the provisions of Pub.L.104-193, will
15 maximize the federal funding available to New Jersey for these
16 services;

17 g. The provisions of this act incorporate and expand the
18 fundamental concepts of P.L.1981, c.417 (C.2A:17-56.7 et al.) and
19 comply with the federal initiatives embodied in Pub.L.104-193;

20 h. The most important resource of the child support program and
21 its related services is its personnel; and it is appropriate that the
22 counties, the Judiciary and the Department of Human Services work
23 together with representatives of employees of the county welfare
24 agencies, county probation departments and the Administrative Office
25 of the Courts who provide child support and related services to create
26 a consolidated child support system for Title IV-D and related services
27 in the Department of Human Services and assure an efficient and
28 effective transfer and direction of these employees to this new unified
29 child support system; and

30 i. Therefore, it is fitting and proper to transfer employees of the
31 county probation departments and the Administrative Office of the
32 Courts who provide child support and related services to a new
33 Division of Child Support Services to be established in the Department
34 of Human Services pursuant to this act, and to provide that the
35 division shall direct existing county welfare agency employees who
36 provide child support services and establish a means by which these
37 employees may voluntarily transfer to the division.

38

39 63. (New section) As used in sections 63 through 150 of P.L. ,
40 c. (C.)(pending before the Legislature as this bill), P.L.1981, c.417
41 (C.2A:17-56.7 et al.), P.L.1988, c.111 (C.2A:17-56.23a), sections 13,
42 17 through 20 and 22 of P.L.1985, c.278 (C.2A:17-56.16, 2A:17-
43 56.20 through 2A:17-56.23, and 2A:17-56.25), P.L.1990, c.53
44 (C.2A:17-56.13a), sections 5 and 6 of P.L.1990, c.92 (C.2A:17-56.9a
45 and 2A:17-56.9b), P.L.1995, c.287 (C.2A:17-56.11a), P.L.1995,
46 c.290 (C.2A:17-56.11b), P.L.1995, c.322 (C.2A:17-56.34 et seq.) and

1 P.L.1996, c.7 (C.2A:17-56.40 et al.):

2 "Account" means a demand deposit account, checking or negotiable
3 order of withdrawal account, savings account, time deposit account,
4 equity securities account or money market mutual fund account.

5 "Administrative enforcement" means the use of high volume
6 automated data processing to search various State data bases,
7 including, but not limited to, license records, employment service data
8 and State new hire registries, to determine whether information is
9 available in response to a request made by another jurisdiction to
10 enforce a support order.

11 "Appropriate enforcement methods" means mechanisms such as
12 income withholding, withholding of civil lawsuits, and execution of the
13 assets of the obligor which can result in immediate payment of the
14 child support arrearage when available. In appropriate cases, the
15 license revocation process may be used as an alternative to Rule 5:7-5
16 of the court rules.

17 "Arrearage" means the amount of unpaid support as determined by
18 a court order or an administrative order from a state for support of a
19 child or of a child and the custodial parent.

20 "Central registry" means the registry maintained by the Division of
21 Child Support Services in the Department of Human Services which
22 receives, disseminates and has oversight responsibility for the
23 processing of incoming interstate Title IV-D cases, including
24 RURESA or UIFSA petitions.

25 "Child" means a person, whether over or under the age of majority,
26 who is or is alleged to be owed a duty of child support by that person's
27 parent or who is or is alleged to be the beneficiary of a support order
28 directed to the parent.

29 "Child support" means the amount required to be paid under a
30 judgment, decree, or order, whether temporary, final or subject to
31 modification, issued by the Superior Court, Chancery Division, Family
32 Part or a court or administrative agency of competent jurisdiction of
33 another state, for the support and maintenance of a child, or the
34 support and maintenance of a child and the parent with whom the child
35 is living, which provides monetary support, health care coverage, any
36 arrearage or reimbursement, and which may include other related costs
37 and fees, interest and penalties, income withholding, attorney's fees
38 and other relief.

39 "Child support related warrant" means an outstanding warrant for
40 the arrest of a child support obligor or putative father issued by the
41 court for failure to pay child support as ordered, failure to appear at
42 a hearing to establish paternity or child support, or failure to appear
43 at a hearing to enforce a child support order.

44 "Commissioner" means the Commissioner of Human Services.

45 "Court" means the Superior Court, Chancery Division, Family Part.

46 "Court order" means an order of the court or an order from an

1 administrative or judicial tribunal in another state that is competent to
2 enter or modify orders for paternity or child support.

3 "Court rules" means the Rules Governing the Courts of the State of
4 New Jersey.

5 "Credit reporting agency" means a nationally recognized credit
6 reporting agency as approved by the commissioner and defined in the
7 federal Fair Credit Reporting Act (15 U.S.C. s. 1681a(f)) as any entity
8 which, for monetary fees, dues, or on a cooperative nonprofit basis,
9 regularly engages in whole or in part in the practice of assembling or
10 evaluating consumer credit information or other information on
11 consumers for the purpose of furnishing reports to third parties and
12 which uses any means or facility of interstate commerce for the
13 purpose of preparing or furnishing consumer reports.

14 "Custodial parent" means the parent or other person who has legal
15 and physical custody of a child for the majority of the time. The
16 custodial parent is responsible for the day-to-day decisions related to
17 the child and for providing the basic needs of the child on a daily basis.
18 The custodial parent is the person to whom child support is payable.
19 In shared parenting situations, the custodial parent is known as the
20 Parent of Primary Residence.

21 "Default order" means a court order entered due to a party's failure
22 to answer a complaint or motion or to appear at a court proceeding as
23 required, after being properly served with notice.

24 "Department" means the Department of Human Services.

25 "Division" means the Division of Child Support Services in the
26 Department of Human Services established pursuant to this act.

27 "Employee" means an individual who is an employee within the
28 meaning of chapter 24 of the Internal Revenue Code of 1986.
29 Employee does not include an employee of a federal or state agency
30 performing intelligence or counter-intelligence functions, if the head
31 of such agency has determined that reporting could endanger the
32 safety of the employee or compromise an ongoing investigation or
33 intelligence mission.

34 "Employer" has the meaning given the term in section 3401(d) of
35 the Internal Revenue Code of 1986 and includes any governmental
36 entity and labor organization.

37 "Financial institution" means any depository institution, insured
38 depository institution, institutions of any uninsured branch or agency
39 of a foreign bank or a commercial lending company owned or
40 controlled by a foreign bank, insurance company, federal depository
41 institution, state depository institution and any institution-affiliated
42 party including any director, officer, employee or controlling
43 stockholder, other than a bank holding company of, or agent for, an
44 insured depository institution; any other person who has filed or is
45 required to file a change-in-control with the appropriate federal
46 banking agency; any shareholder, other than a bank holding company,

1 consultant, joint venture partner, and any other person as determined
2 by the appropriate federal banking agency, who participates in the
3 conduct of the affairs of an insured contractor, including any attorney,
4 appraiser, or accountant, who knowingly or recklessly participates in:
5 a. any violation of any law or regulation; b. any breach of fiduciary
6 duty; or c. any unsafe or unsound practice, which caused or is likely
7 to cause more than a minimal financial loss to, or a significant adverse
8 effect on, the insured depository institution; Federal Credit Union or
9 State Credit Union, including an institution-affiliated party of such a
10 credit union; any benefit association, insurance company, safe deposit
11 company, money-market mutual fund, investment and loan corporation
12 or similar entity authorized to do business in the State or any other
13 entity subject to the provisions of Title 17 of the Revised Statutes, or
14 as defined in 12 U.S.C. s.1813(u), 12 U.S.C. s. 1752, 12 U.S.C.
15 s.1786(r), and 12 U.S.C. 1813 (c).

16 "Health care coverage" means cash medical support, health
17 insurance, dental insurance, eye care, pharmaceutical assistance and
18 other types of medical support which are ordered by the court to
19 maintain the health coverage of a child.

20 "Income" for the purposes of enforcing a support order, means, but
21 is not limited to, commissions, salaries, earnings, wages, rent monies,
22 unemployment compensation, workers compensation, any legal or
23 equitable interest or entitlement owed that was acquired by a cause of
24 action, suit, claim or counterclaim, insurance benefits, claims,
25 accounts, assets of estates, inheritances, trusts, federal or State income
26 tax refunds, homestead rebates, State lottery prizes, casino and
27 racetrack winnings, annuities, retirement benefits, veteran's benefits,
28 union benefits, or any other source that may be defined as income or
29 other property subject to withholding for child support pursuant to
30 State law.

31 For the purposes of establishing a support order, income is defined
32 pursuant to the child support guidelines in Appendix IX of the court
33 rules.

34 "Labor organization" means a labor organization as defined in
35 paragraph (5) of section 2 of the federal "National Labor Relations
36 Act" (29 U.S.C.s.152) and includes any entity used by the organization
37 and an employer to carry out the requirements of paragraph (3) of
38 subsection (f) of section 8 of that act (29 U.S.C. s.158(f)(3)) or an
39 agreement between the organization and the employer.

40 "License" means any license, registration or certificate issued by the
41 State or its agencies or boards that is directly necessary to provide a
42 product or service for compensation, to operate a motor vehicle, or for
43 recreational or sporting purposes.

44 "Licensing authority" means any department, division, board,
45 agency or other instrumentality of State government that issues a
46 license, registration, certificate or other authorization to provide

1 goods or services for compensation, to operate a motor vehicle, or for
2 recreational or sporting purposes.

3 "Non-custodial parent" means the parent who does not have
4 physical custody of the child on a day-to-day basis. In shared parenting
5 situations, the non-custodial parent is known as the Parent of Alternate
6 Residence.

7 "Obligee" means an individual to whom a duty of support is or is
8 alleged to be owed or in whose favor a support order has been issued
9 or a judgment determining parentage has been rendered; a state or
10 political subdivision to which the rights under a duty of support or
11 support order have been assigned or which has independent claims
12 based on financial assistance provided to an individual obligee; or an
13 individual seeking a judgment determining parentage of the individual's
14 child or providing for the support of a child.

15 "Obligor" means an individual, or the estate of a decedent, who
16 owes or is alleged to owe a duty of support, who is alleged but has not
17 been adjudicated to be a parent of a child, or who is liable under a
18 support order.

19 "Payor" means an employer or individual or entity that disburses
20 or is in possession of income or assets payable to an obligor.

21 "Program" means the New Jersey Child Support Program
22 administered by the Division of Child Support Services pursuant to
23 this act.

24 "RURESA" means the "Revised Uniform Reciprocal Enforcement
25 of Support Act (1968)," adopted in New Jersey as P.L.1981, c.243
26 (C.2A:4-30.24 et seq.).

27 "Spousal support" means a legally enforceable obligation assessed
28 against a person for the support of a spouse or former spouse who is
29 the custodial parent of a child to whom the person owes child support.

30 "State case registry" means the automated system maintained by the
31 division that contains federally required information on child support
32 cases.

33 "State IV-D agency" means the Division of Child Support Services
34 in the Department of Human Services.

35 "Support guidelines" means the set of presumptive standards for
36 determining the amount of child support as established by the court in
37 court rules.

38 "Support order" means a judgment, decree or order, whether
39 temporary, final or subject to modification, for the benefit of a child,
40 a spouse or a former spouse, issued by the court or a court or
41 administrative agency of another state, which provides for monetary
42 support, health care coverage, arrearages or reimbursement, and may
43 include related costs and fees, interest, income withholding, attorney's
44 fees and other relief.

45 "TANF" means the "Temporary Assistance to Needy Families"
46 program established pursuant to Title IV-A of the federal Social

1 Security Act, (42 U.S.C. s.601 et seq.). TANF includes the Work
2 First New Jersey program for dependent children and their parents
3 established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.)

4 "Title IV-D" means Title IV-D of the federal Social Security Act
5 (42 U.S.C. §651 et seq.).

6 "Title IV-D case" means a case under Title IV-A of the federal
7 Social Security Act (42 U.S.C. s.601 et seq.) that involves an
8 assignment of support rights, an appropriate referral under Title IV-E
9 of the federal Social Security Act (42 U.S.C. s.670 et seq.), a non-
10 public assistance case or a Medicaid only case, in which an application
11 for Title IV-D services has been filed and a fee paid, as appropriate,
12 with the division, or an interstate case referred to the division by
13 another jurisdiction.

14 "UIFSA" means the "Uniform Interstate Family Support Act" to be
15 adopted by each state to replace RURESA pursuant to Pub.L.104-193.

16 "Voluntary consent conference" means an in-person conference to
17 resolve paternity and child support through the agreement of the
18 parties involved.

19 "Voluntary consent agreement" means a written agreement between
20 the parties involved setting the amount, terms and conditions of child
21 support. A voluntary consent agreement shall be submitted to the
22 court for review and incorporation into a court order in order to be
23 legally enforceable.

24

25 64. (New section) a. Effective January 1, 1999, there is established
26 a Division of Child Support Services in the Department of Human
27 Services. The division is designated as the State IV-D agency and
28 shall administer the New Jersey Child Support Program, including all
29 child support functions and activities heretofore performed by county
30 welfare agencies, which services included: the location of non-
31 custodial parents, the voluntary acknowledgment of paternity, the
32 enforcement of support orders, any other duty or function specifically
33 authorized by Title IV-D and, through the court, the establishment and
34 modification of support orders.

35 Until such time as the division is established, the department,
36 through the Division of Family Development, shall assume the powers,
37 duties and responsibilities of the division.

38 b. The administrator and head of the division shall be a director
39 who shall be known as the Director of the Division of Child Support
40 Services. The director shall be a person qualified by training and
41 experience to perform the duties of the office and shall devote his
42 entire time to the performance of those duties. The director shall be
43 appointed by the commissioner and shall receive such compensation as
44 provided by law.

45 The commissioner shall appoint and remove officers and employees
46 of the division subject to the provisions of Title 11A of the New Jersey

1 Statutes and other applicable statutes as are necessary to enable the
2 division to perform its duties pursuant to this act and he shall fix their
3 compensation within the limits of available appropriations and as is
4 provided by law.

5 c. All employees, and equivalent portions thereof, who conduct
6 child support functions within the Judiciary shall be transferred to the
7 division, effective January 1, 1999, except those employees who work
8 directly for the Superior Court, Chancery Division, Family Part or the
9 hearing officer program within the Judiciary, or specific personnel as
10 determined by agreement between the department and the Judiciary.

11 d. The commissioner shall contract with county welfare agencies
12 to utilize county welfare agency employees who currently perform
13 child support functions. These employees shall remain as county
14 welfare agency employees and shall continue to be eligible for
15 promotional opportunities for county welfare agency positions,
16 including positions in child support services, but shall be under the
17 direction of the division to assure consistency within the State's child
18 support system. Direction shall include, but not be limited to,
19 determination of policy and procedure, administrative supervision and
20 work location within the county. During calendar year 1999, any
21 county welfare agency employee who conducts child support functions
22 and who chooses not to remain as a county welfare agency employee,
23 shall notify the county welfare agency of this request in writing and
24 shall be transferred to State employment as governed under provisions
25 for intergovernmental transfer, as established by the Department of
26 Personnel.

27 (1) Except as provided in paragraph (2) of this subsection, with
28 regard to county welfare agency employees who are performing child
29 support functions on the effective date of P.L. , c. (C.)(pending
30 before the Legislature as this bill), the commissioner and the county
31 welfare agency or county shall enter into an agreement with each
32 county welfare agency or county, as appropriate, pursuant to
33 P.L.1967, c.77 (C.52:14-6.10 et seq.) to provide for the governmental
34 interchange of these employees. The provisions of subsections (a),
35 (b), (c), (d) and (f) of section 5 of P.L.1967, c.77 (C.52:14-6.14) shall
36 not apply to the agreement or to the agreement entered into under
37 paragraph (2) of this subsection.

38 (2) Notwithstanding the provisions of P.L.1944, c.20 (C.52:17A-1
39 et seq.) to the contrary, the commissioner, with the approval of the
40 Attorney General, shall enter into an agreement pursuant to P.L.1967,
41 c.77 (52:14-6.10 et seq.) with the county welfare agency or county, as
42 appropriate, with regard to attorney-employees who are performing
43 child support functions on January 1, 1999. The agreement shall
44 provide that the attorney-employees shall be subject to the exclusive
45 supervision and control of the Attorney General with regard to the
46 performing of child support functions.

1 (3) The State shall, in an interchange agreement entered into
2 pursuant to this subsection, agree to provide for the defense of and
3 indemnification for an employee of a county welfare agency or a
4 county, as appropriate, covered by the agreement. The amount and
5 type of defense and indemnification shall be agreed to by the Attorney
6 General, in consultation with the commissioner, and shall not be
7 greater than or less than the amount and type of indemnification
8 provided by the county welfare agency or county of its other
9 employees.

10 (4) During calendar year 1999, a county welfare agency employee,
11 other than an attorney-employee, who is exclusively performing child
12 support functions on the effective date of P.L. , c. (C.)(pending
13 before the Legislature as this bill), shall be afforded the opportunity to
14 elect to transfer to State employment with the division. An employee
15 who elects to transfer shall give written notice to the county welfare
16 agency or county, as appropriate, and to the commissioner. The
17 transfer shall not deprive the employee of any tenure rights or any
18 right or protection provided in Title 11A of the New Jersey Statutes
19 or any pension law or retirement system.

20 (5) Except as specifically provided in this subsection, nothing in
21 P.L. , c. (C.)(pending before the Legislature as this bill) shall
22 derogate from the authority of the Attorney General pursuant to
23 P.L.1944, c.20 (C.52:17A-1 et seq.).

24 (6) Nothing in this section shall be construed to abrogate, reduce
25 or diminish any rights a county welfare agency employee has under
26 Title 11A of the New Jersey Statutes, P.L.1941, c.100 (C.34:13A-1
27 et seq.) Title 43 of the Revised Statutes or any other law, including,
28 but not limited to, rights, powers, privileges or benefits as to salary,
29 seniority, promotion, re-employment retirement or pension, or any
30 rights an employee has pursuant to a collectively negotiated
31 agreement.

32 e. During calendar year 1998, the commissioner is authorized to
33 conduct Title IV-D demonstration projects in one or more counties to
34 test model organizational structures and work processes for child
35 support enforcement in order to maximize State and local efficiency in
36 conducting child support services pursuant to Pub.L.104-193. All
37 demonstrations must be cooperative in nature and there must be
38 mutual agreement between the county welfare agency, the Judiciary
39 and the department.

40 f. Nothing in this section shall be construed to authorize the
41 involuntary transfer of a child support employee from a county to the
42 division.

43
44 65. (New section) Unless otherwise authorized by the Supreme
45 Court or stated in this act, all complaints, pleadings and motions to
46 establish or modify child support shall be initiated in the court.

1 Nothing in this act shall be construed to impair the court's authority
2 or continuing jurisdiction over paternity, child support, or other
3 family-related issues.

4
5 66. (New Section) The division is authorized to:

6 a. enter into cooperative agreements with public entities for the
7 purposes of this act.

8 b. conduct investigations to locate non-custodial parents,
9 determine if paternity has been established, provide for
10 acknowledgment of paternity, and require genetic testing within the
11 time period established by Title IV-D.

12 c. conduct a voluntary consent conference at the request of any of
13 the parties involved to facilitate an agreement regarding paternity or
14 child support;

15 d. pursuant to a voluntary consent conference at which the parties
16 involved have agreed to child support, prepare a voluntary support
17 agreement and support complaint and file with the court for review
18 and, if appropriate, entry of an order;

19 e. file, or in non-TANF cases assist a party in filing, with the court
20 a support complaint immediately after the party requests child support
21 services from the division; and

22 f. maintain records, collect and distribute collections in all Title IV-
23 D and non-IV-D cases referred by the court, including non-IV-D
24 alimony only cases.

25
26 67. (New section) In cases in which a party has assigned the rights
27 to support to the State under the TANF program, or a party has filed
28 an application for child support services, the division may use any
29 method available to establish and collect support including, but not
30 limited to, the following:

31 a. seek to be joined in a civil action as a party in any outstanding
32 dissolution or non-dissolution complaint or petition that involves
33 paternity or support;

34 b. seek to modify the child support provisions of a court order or
35 judgment when the rights to support have been assigned to the State
36 or a party has requested modification services from the division under
37 section 5 of P.L.1990, c.92 (C.2A:17-56.9a);

38 c. initiate contempt proceedings with the court for failure to
39 comply with a support order;

40 d. intervene or appear in dissolution, non-dissolution or paternity
41 proceedings to make the court aware of the State's financial interest
42 in the outcome of the action when either or both parties involved or
43 their child is receiving TANF, or has received TANF, if an arrearage
44 is owed to the State pursuant to an existing court order or judgment
45 for support;

46 e. file a complaint to establish paternity and support if no action is

1 pending or has been adjudicated, and take action to enforce any
2 support order previously issued by a court of competent jurisdiction
3 by initiating contempt or other proceedings;

4 f. file a criminal complaint on behalf of an obligee or the State for
5 willful non-support pursuant to N.J.S.2C:24-5.

6

7 68. (New Section) a. The commissioner shall take such actions as
8 are necessary to ensure that the program meets the requirements to
9 qualify for and obtain the maximum amount of federal funds due the
10 State under the provisions of Pub.L.104-193.

11 b. All federal child support incentive funds received by the State
12 shall be utilized by the department in accordance with federal law and
13 regulation for the program and other child support purposes, which
14 may include activities with the court. Any State funds that become
15 available for uses other than for the program and other child support
16 purposes as a result of the receipt of Title IV-D federal incentive
17 funds, shall be utilized by the department for Work First New Jersey
18 program activities designed to assist recipients of Work First New
19 Jersey benefits to successfully transition to unsubsidized employment.
20 The incentive funds shall not be utilized as any part of the State's
21 required maintenance of effort under the federal TANF program, nor
22 shall the incentive funds be utilized in any way to benefit, directly or
23 indirectly, the State General Fund.

24 c. The department shall:

25 (1) reimburse a county welfare agency for 100% of the costs
26 incurred by the agency for child support activities consistent with the
27 agency's budget as approved by the department under R.S.30:1-12.
28 Reimbursement shall include direct costs and indirect costs incurred by
29 both the county welfare agency and county government, as calculated
30 by the applicable cost allocation plan prepared in accordance with
31 State and federal requirements;

32 (2) make payments each year to a county welfare agency in an
33 amount equal to the amount of indirect cost reimbursement received
34 by the county welfare agency due to child support activities in calendar
35 year 1997. There shall be a one-time adjustment of the calendar year
36 amount based on the 1997 increase adjusted upward by the 1997
37 increase in the Bureau of Labor Statistics All Urban Consumer Price
38 Index for the New York-Northeastern New Jersey region, minus the
39 following:

40 (a) the amount of indirect cost reimbursement received by the
41 county welfare agency due to child support activities in any succeeding
42 calendar year;

43 (b) the amount of increase in indirect cost reimbursement from
44 State and federal sources due to relative decreases in child support
45 costs in any succeeding year; and

46 (c) the amount by which county funding for child support activities

1 in calendar year 1997 exceeded the amount of federal child support
2 incentive funds received by a county in 1997; and

3 (3) make payments each year to a county welfare agency in the
4 amount by which federal child support incentive payments exceeded
5 budgeted costs for child support activities, including indirect costs, in
6 calendar year 1997.

7

8 69. (New section) The division shall respond to a request made by
9 another state to enforce a support order through electronic means,
10 when feasible.

11

12 70. (New Section) Subject to appropriate procedural due process
13 requirements including, as appropriate, notice, the opportunity to
14 contest and notice of the right to appeal to the court, the division is
15 authorized to take the following actions without the necessity of
16 obtaining an order from the court, and to recognize and enforce the
17 authority of state agencies of other states to take the following
18 actions:

19 a. require genetic testing for the purpose of paternity establishment;

20 b. subpoena any financial or other information needed for the
21 establishment, modification or enforcement of a support order;

22 c. impose a civil penalty for failure to respond to a subpoena which
23 shall be: \$20, or, if the failure to respond is the result of a conspiracy
24 between the entity and the non-custodial parent not to supply the
25 required information or to supply inaccurate or incomplete
26 information, \$500.

27 Payment of the penalty may not be required, however, if in response
28 to the imposition of the penalty, the person or entity complies
29 immediately with the subpoena. All penalties assessed under this
30 section shall be payable to the State Treasurer. All penalties imposed
31 under this subsection may be recovered in a summary proceeding
32 pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.;

33 d. upon providing notice and an opportunity to contest to the
34 obligor and obligee, direct the obligor or payor to change the payee to
35 the department in cases where support is subject to an assignment or
36 an application for Title IV-D services has been filed;

37 e. secure assets to satisfy arrearages by:

38 (1) intercepting or seizing periodic or lump sum payments from:
39 State or local agencies, including unemployment compensation, or
40 other benefits; workers compensation, civil lawsuits, judgments and
41 settlements; and inheritances and lotteries;

42 (2) developing a bank information matching program and attaching
43 and seizing assets of the obligor held in financial institutions located
44 in this State in accordance with the provisions of this act;

45 (3) attaching public and private retirement funds as permitted
46 under State law; and

1 (4) imposing a lien and initiating an execution or levy to force the
2 sale of property and distribution of proceeds in accordance with
3 N.J.S.2A:17-1 through N.J.S.2A:17-4, N.J.S.2A:17-57 through
4 N.J.S.2A:17-76 and applicable court rules;

5 f. transfer a case between local division offices without the need
6 for additional filing by the petitioner or service of process upon the
7 respondent to retain jurisdiction over the parties. Notice shall be
8 provided to the parties advising of the transfer; and

9 g. increase the amount of monthly support payment to include
10 amounts for arrearages unless otherwise ordered by the court.

11
12 71. (New Section) Subject to appropriate procedural due process
13 requirements including, as appropriate, notice, opportunity to contest
14 and notice of the right to appeal to the court, the division is authorized
15 to take the following actions without the necessity of obtaining an
16 order from the court:

17 a. request that any entity including for-profit, nonprofit and
18 government employers, respond promptly to a request by the division
19 or any out-of-State IV-D agency for information on the employment,
20 compensation and benefits of any individual employed by the entity as
21 an employee or contractor.

22 b. impose a civil penalty for failure to respond to any request which
23 shall be: \$20, or, if failure to respond is the result of a conspiracy
24 between the entity and the non-custodial parent not to supply the
25 required information or to supply inaccurate or incomplete
26 information, \$500.

27 Payment of the penalty may not be required, however, if in response
28 to the imposition of the penalty, the person or entity complies
29 immediately with the subpoena. All penalties assessed under this
30 section shall be paid to the State Treasurer. All penalties imposed
31 under this subsection may be recovered in a summary proceeding
32 pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.;

33 c. access information subject to safeguards on privacy and
34 information security of this State, and subject to the nonliability of
35 entities that afford access contained in the following records, including
36 automated access when feasible:

37 (1) records of other State and local government agencies including,
38 but not limited to:

39 (a) the Bureau of Vital Statistics in the Department of Health and
40 Senior Services, and other agencies that collect vital statistics,
41 including marriage, death and birth records;

42 (b) the Division of Taxation in the Department of the Treasury,
43 and local tax and revenue records including address, employer, income
44 and assets;

45 (c) records concerning real and titled personal property;

46 (d) records of occupational, professional, recreational and sporting

1 licenses and records concerning the ownership and control of
2 corporations, partnerships and other business entities;
3 (e) the Department of Labor, including wage, unemployment,
4 disability and workers compensation records;
5 (f) agencies administering public assistance programs;
6 (g) the Division of Motor Vehicles in the Department of
7 Transportation, including, but not limited to, motor vehicle and
8 commercial license and registration records; and
9 (h) the Department of Corrections, including records related to
10 State-sentenced inmates and parolees;
11 (2) records held by private entities with respect to individuals who
12 owe or are owed support, or against or with respect to whom a
13 support obligation is sought, including:
14 (a) the names and addresses of the individuals and the names and
15 addresses of the employers of the individuals appearing in customer
16 records of public utilities and cable television companies pursuant to
17 an administrative subpoena; and
18 (b) information on the assets and liabilities of individuals held by
19 financial institutions.
20 d. require each party subject to a paternity or child support
21 proceeding to provide information, including, but not limited to: Social
22 Security number, telephone number, driver's license number,
23 residential and mailing addresses, and the name, address, and
24 telephone number of the party's employer.
25
26 72. (New Section) For the purposes of enforcing a support
27 provision in an order or judgment, procedural due process
28 requirements may be deemed to have been met with respect to the
29 party upon delivery of written notice to that party's most recent
30 residential or employer address on file with the division, if there is a
31 sufficient showing that diligent efforts have been made to locate the
32 party by making inquiries that may include, but are not limited to, the
33 United States Postal Service, Division of Motor Vehicles in the
34 Department of Transportation, the Department of Labor, and the
35 Department of Corrections. A certification documenting unsuccessful
36 efforts to locate a party shall be provided to the court before any
37 adverse action is taken based on failure of the party to respond to a
38 notice. For the purposes of establishing or modifying the child support
39 provision of a court order or judgment, service of process shall be
40 consistent with court rules or applicable statutes.
41
42 73. (New Section) In accordance with rules adopted by the
43 commissioner, the division shall make the determination as to whether
44 an individual who has applied for or is receiving public assistance or
45 assistance under the State Medicaid program pursuant to P.L.1968,
46 c.413 (C.30:4D-1 et seq.) or the Title IV-E program is cooperating

1 in good faith in establishing the paternity of, or in establishing,
2 modifying or enforcing a support order for any child of the individual
3 by providing the name of the non-custodial parent and such other
4 information as may be required for this purpose.

5 The division shall notify the individual and appropriate State or
6 county entities administering TANF and appropriate State or county
7 entities administering the State Medicaid program of each
8 determination, and if noncooperation is determined, the basis therefor.
9

10 74. (New Section) In any case in which an obligor owes past-due
11 child support with respect to a child receiving assistance under a State
12 program funded under TANF, the division is authorized to develop a
13 a voluntary consent agreement to be issued by the court as an order,
14 or to petition the court to issue an order that requires the obligor: to
15 pay the support in accordance with a plan approved by the court; or
16 to participate in work activities as ordered by the court, if the obligor
17 is subject to such a plan and is not incapacitated.

18
19 75. (New Section) a. The division shall require financial institutions
20 doing business in the State to develop and operate a data match
21 system, using automated data exchanges to the maximum extent
22 feasible, in which the financial institution is required to provide on a
23 quarterly basis the name, address of record, Social Security number,
24 tax identification number, and other identifying information as
25 determined by regulations adopted by the commissioner for each non-
26 custodial parent who maintains an account at the financial institution
27 and who owes past due support.

28 b. In response to a notice of lien or levy from the division, pursuant
29 to procedures adopted by the commissioner, and in accordance with
30 appropriate procedural due process requirements and court rules, a
31 financial institution shall encumber or surrender assets held by the
32 institution on behalf of any obligor who is subject to a child support
33 lien.

34 c. A financial institution shall not be liable under any federal or
35 State law to any person for disclosing any financial record of an
36 individual to the department or the division, attempting to establish,
37 modify, or enforce a support obligation of the individual, for failure to
38 disclose to a depositor or account holder that the name of the person
39 was included in a list furnished by the division or in a report furnished
40 by the institution to the division, or for encumbering or surrendering
41 assets held by the institution, in response to a notice of lien or levy
42 issued by the division.

43 d. In obtaining any financial record of an individual from a financial
44 institution, the division may only disclose the financial information for
45 the purpose of, and to the extent necessary to, establish, modify or
46 enforce a child support obligation of the individual.

1 e. If any officer or employee of the division knowingly, or by
2 reason of negligence, discloses a financial record of an individual in
3 violation of subsection d. of this section, the injured individual may
4 bring a civil action for damages against the officer or employee.
5 Unauthorized release of information shall also be cause for
6 administrative discipline of any employee who engages in an
7 unauthorized release.

8 f. No liability shall arise under this section with respect to any
9 disclosure which results in a good faith but erroneous interpretation.
10

11 76. (New Section) a. The division shall establish and maintain a
12 State case registry. The division shall regularly monitor cases in the
13 registry with respect to which services are being provided under the
14 State Title IV-D plan. The registry shall include information on:

15 (1) the amount and frequency of support owed and other amounts
16 due or overdue under the support order, including arrearages, interest
17 or late payment penalties and fees;

18 (2) any amounts described in paragraph (1) of this subsection that
19 have been collected;

20 (3) the distribution of collected amounts;

21 (4) the date of birth of any child for whom the support order
22 requires support;

23 (5) the amount of any lien imposed;

24 (6) information on administrative actions and administrative and
25 judicial proceedings and court orders relating to paternity and support;

26 (7) information obtained from comparison with federal, State, or
27 local sources of information; and

28 (8) any other relevant information.

29 b. Beginning October 1, 1998, the court shall transmit to the State
30 case registry a copy of every judgment or order that includes a
31 provision for child support.
32

33 77. (New Section) All federal and State agencies conducting
34 activities under the program pursuant to the requirements of Title IV-
35 D, shall have access through the division to any system used by the
36 Division of Motor Vehicles in the Department of Transportation and
37 law enforcement agencies in the State to locate an individual. The
38 information shall be made available to the division through electronic
39 means when feasible.
40

41 78. (New Section) The Social Security number of an applicant for
42 any professional or occupational license, recreational or sporting
43 license, commercial driver's license, or marriage license shall be
44 recorded on the application. The Social Security number shall also be
45 placed in the record relating to: a divorce decree; support order in a
46 divorce decree; support order and paternity determination or

1 acknowledgment; and on a death certificate. The Social Security
2 number shall be made available to the division through electronic
3 means when feasible.

4
5 79. (New Section) When representing the interests of the State in
6 TANF cases or an indigent parent in a non-TANF case, the division
7 shall be exempt from all fees provided in chapter 2 of Title 22A of the
8 New Jersey Statutes when services related to the establishment of
9 paternity or the establishment, modification or enforcement of child
10 support orders are being provided. In non-TANF cases in which the
11 division files a motion on behalf of a party who is not indigent, the
12 party represented by the division shall be required to pay the
13 appropriate fees as required by chapter 2 of Title 22A of the New
14 Jersey Statutes.

15
16 80. (New Section) a. After a complaint is filed or, in appropriate
17 cases, concurrent with the filing but before the date of a court hearing,
18 the division may contact the parties involved to determine if they wish
19 the division to facilitate a mutual agreement, through a voluntary
20 consent conference, regarding paternity, child support, and health care
21 coverage issues. A voluntary consent conference shall be attempted
22 only when paternity, child support, or health care coverage are the sole
23 reliefs being sought; it shall not be attempted in cases involving
24 domestic violence, divorce, parenting issues such as custody or
25 visitation, or when the court has determined that such a conference is
26 not in the best interests of the child or one of the parties. Failure of
27 a parent to appear, or agree to a child support amount at a voluntary
28 consent conference shall not result in the entry of an order by default.
29 The proposed support agreement resulting from a voluntary consent
30 conference shall be consistent with the State's support guidelines and
31 shall be submitted to the court for review prior to the date of the
32 scheduled hearing. If appropriate, the court shall incorporate the
33 terms of the agreement into the court order. A voluntary consent
34 conference conducted by the division is available to the parties
35 involved, in addition to mediation services provided by the court or
36 private entities.

37 b. The court shall provide notice of court proceedings in which
38 support, paternity, child support, and health care coverage or other
39 related domestic relations issues might be established or modified. The
40 notice provided by the court shall also advise the parties that they have
41 an opportunity to participate in a voluntary consent conference
42 through the division prior to the scheduled court proceeding.

43 c. The court shall provide the parties and the division with a copy
44 of any order establishing, enforcing or modifying a child support
45 obligation or dismissing a complaint or motion.

1 81. (New Section) a. All employers and labor organizations doing
2 business in the State shall report to the division:

3 (1) the hiring of, or contracting with, any person who works in this
4 State and to whom the employer anticipates paying earnings; and

5 (2) the re-hiring or return to work of any employee who is laid off,
6 furloughed, separated, granted a leave without pay, or terminated from
7 employment in this State.

8 b. An employer shall submit the information required in this
9 subsection within 20 days of the hiring, re-hiring, or return to work of
10 the employee, except that an employer who transmits reports
11 magnetically or electronically shall report every 15 days in accordance
12 with rules adopted by the commissioner. The report shall contain:

13 (1) the employee's name, address, date of birth and Social Security
14 number; and

15 (2) the employer's name, address, and federal tax identification
16 number.

17 c. An employer who fails to report, as required in this section, shall
18 be given a written warning by the division for the first violation and
19 shall be subject to a civil penalty which shall not exceed: \$25 per
20 violation, or, if the failure to report is the result of a conspiracy
21 between the employer and the employee to not supply the required
22 report or to supply a false or incomplete report, \$500.

23 Payment of the penalty may not be required, however, if in response
24 to the imposition of the penalty, the person or entity complies
25 immediately with the new hire reporting requirements. All penalties
26 assessed under this section shall be payable to the State Treasurer. All
27 penalties imposed under this subsection may be recovered in a
28 summary proceeding pursuant to "the penalty enforcement law,"
29 N.J.S.2A:58-1 et seq.

30 d. The information provided pursuant to this section may be shared
31 with any federal or State agency as deemed appropriate by the
32 commissioner.

33

34 82. (New Section) In any case in which the division knows of a
35 transfer by a child support judgment debtor pursuant to the "Uniform
36 Fraudulent Transfer Act," P.L.1988, c.74 (C.25:2-20 et seq.) with
37 respect to which a prima facie case is established, the division shall
38 seek to void the transfer or obtain a settlement in the best interest of
39 the child support creditor.

40

41 83. (New Section) a. The division shall be responsible for the
42 collection and disbursement of payments under support orders in all
43 Title IV-D cases, and in all non-Title IV-D cases in which the support
44 order was initially issued in the State on or after January 1, 1994, and
45 in which the income of the non-custodial parent is subject to income
46 withholding.

1 b. The division shall provide employers with one location to which
2 income withholding shall be sent.

3 c. The division shall use automated procedures, electronic processes
4 and computer driven technology to the maximum extent feasible, for
5 efficient and economical collection and disbursement of support
6 payments. All payments shall be disbursed in accordance with federal
7 requirements.

8
9 84. (New Section) a. A judgment for child support entered
10 pursuant to section 1 of P.L.1988, c.111 (C.2A:17-56.23a) and
11 docketed with the Clerk of the Superior Court shall be a lien against
12 the net proceeds of any settlement negotiated prior or subsequent to
13 the filing of a lawsuit, civil judgment, civil arbitration award or
14 workers' compensation award and shall have priority over all other
15 civil judgments unless otherwise provided by law. The lien shall stay
16 the distribution of the net proceeds to the prevailing party until the
17 child support judgment is satisfied. As used in this section "net
18 proceeds" means any amount of money in excess of \$2,000, payable
19 to the prevailing party after attorney fees, witness fees, court costs,
20 fees for health care providers, reimbursement to employees or workers
21 compensation insurance carriers as provided in R.S.34:15-40, and
22 other costs related to the lawsuit or settlement are deducted from the
23 award, and "prevailing party" shall not include a partnership,
24 corporation, government entity or minor child.

25 b. Before distributing any net proceeds of a settlement, judgment
26 or award to the prevailing party: (1) the prevailing party shall provide
27 the attorney or insurance company responsible for the final distribution
28 of such funds with a certification that includes the prevailing party's
29 full name, mailing address, date of birth and Social Security number;
30 and (2) the attorney representing the prevailing party shall initiate a
31 search of child support judgments, through a private judgment search
32 company that maintains information on child support judgments, to
33 determine if the prevailing party is a child support judgment debtor.
34 If the prevailing party is not represented by an attorney, the judgment
35 search shall be initiated by the opposing attorney or an insurance
36 company before the proceeds are distributed to the prevailing party.
37 In a workers' compensation action, the insurance company shall initiate
38 the judgment search. The judgment search company shall provide a
39 certification to the attorney, insurance company or party initiating the
40 lawsuit identifying whether or not the prevailing party is a child
41 support judgment debtor.

42 If there are no attorneys representing either party in a civil lawsuit,
43 the party bringing the lawsuit shall initiate the judgment search and
44 shall be required to file the certification with the court at least 10
45 working days prior to the trial or with the stipulation that the
46 certification shall be filed at the time of the settlement or dismissal of

1 the lawsuit.

2 For monies deposited with the court, no distribution of funds shall
3 be made until the attorney or prevailing party provides the Clerk of the
4 Superior Court with a copy of the certification showing that the
5 prevailing party is not a child support judgment debtor.

6 The fee for a judgment search is chargeable against the net proceeds
7 as a cost of the settlement, judgment or award.

8 c. If the certification shows that the prevailing party is not a child
9 support judgment debtor, the net proceeds may be paid to the
10 prevailing party immediately. If the certification shows that the
11 prevailing party is a child support judgment debtor, the attorney or
12 insurance company that initiated the search shall contact the division
13 to arrange for the satisfaction of the child support judgment. The
14 attorney or insurance company shall notify the prevailing party of the
15 intent to satisfy the child support judgment prior to the disbursement
16 of any funds to the prevailing party. Upon receipt of a Warrant of
17 Satisfaction for the child support judgment, the attorney or insurance
18 company shall pay the balance of the settlement, judgment or award to
19 the prevailing party. If the net proceeds are less than the amount of
20 the child support judgment, the entire amount of the net proceeds shall
21 be paid to the division as partial satisfaction of the judgment.

22 If there are no attorneys representing either party in a civil lawsuit
23 and the certification filed with the court shows that the prevailing
24 party is a child support judgment debtor, the court shall order that the
25 opposing party pay the amount of the child support judgment to the
26 division before any funds are paid to the prevailing party. The
27 opposing party shall also ensure that any judgment related to the
28 lawsuit docketed with the Clerk of the Superior Court reflects the
29 division's superior claim to such funds.

30 d. An attorney or insurance company shall not be liable for
31 distributing net proceeds to the prevailing party based on the results
32 of a judgment certification showing the prevailing party is not the
33 debtor of a child support judgment, if it is later shown that the
34 prevailing party provided inaccurate personal information on the
35 initial certification to the attorney or the insurer.

36 e. An attorney who, in accordance with this section, satisfies a
37 child support judgment from the net proceeds of a settlement,
38 judgment or award, shall not be liable for payments which otherwise
39 would have been made pursuant to subsection a. of this section which
40 were not so identified to the attorney at the time of satisfaction.

41 f. An attorney or insurance company that, in accordance with this
42 section, satisfies a child support judgment from the net proceeds of a
43 settlement, judgment or award, shall not be liable to the prevailing
44 party or to the prevailing party's creditors.

45 g. An attorney shall not be required to challenge a child support
46 judgment unless retained by the prevailing party to do so.

1 h. A private judgment search company is prohibited from using any
2 information provided by an attorney or insurance company in
3 accordance with this section for any purpose other than: (1)
4 determining if the prevailing party is the debtor of a child support
5 judgment; and (2) preparing a certification as required pursuant to
6 subsection b. of this section.

7
8 85. (New Section) If there is more than one income withholding
9 against the same obligor, the amount withheld shall be allocated
10 among all obligees by the department on a prorated basis. Current
11 support obligations for all obligees shall be paid before withheld
12 amounts are allocated to pay arrearages. Withheld amounts that
13 remain after the current support is satisfied shall be allocated among
14 all obligees to pay arrearages in accordance with federal distribution
15 requirements provided in section 302 of Pub.L.104-193 (42 U.S.C.
16 s.657).

17
18 86. (New section) a. The division shall use administrative
19 enforcement, to the same extent as used for interstate cases, in
20 response to a request made by another state to enforce a support
21 order, and shall promptly report the results of the enforcement
22 procedure to the requesting state.

23 b. the division may, by electronic or other means, transmit to
24 another state a request for assistance in enforcing support orders
25 through administrative enforcement. The request shall:

26 (1) include such information as will enable the state to which the
27 request is transmitted to compare the information about the case to the
28 information in the databases of the state; and

29 (2) constitute a certification by the State:

30 (a) of the amount of support under an order that the payment of
31 which is in arrears;

32 (b) that the requesting state has complied with all procedural due
33 process requirements applicable to each case;

34 (c) if the division provides assistance to another state pursuant to
35 this subsection with respect to a case, neither state shall consider the
36 case to be transferred to the caseload of the other state; and

37 (d) the division shall maintain records of : (i) the number of
38 requests for assistance received by the State; (ii) the number of cases
39 for which the State collected support in response to the request;
40 and(iii) the amount of support collected.

41
42 87. (New Section) To ensure continued federal funding for the
43 program, the division shall submit copies of appropriate
44 documentation, including, but not limited to, statutes, court rules and
45 regulations, relating to child support operations to the federal
46 government as part of the State Title IV-D plan. The Administrative

1 Office of the Courts and other participating State agencies shall
2 cooperate with the division in its efforts to ensure that the State Title
3 IV-D plan complies with federal Title IV-D requirements.

4
5 88. (New section) The department shall periodically publish in
6 newspapers in the State the names of obligors who have failed to make
7 a required, current obligation child support payment for a period of at
8 least four consecutive months. The department shall establish
9 procedures to ensure that the names of such obligors are published in
10 one or more newspapers that serve the county in which the obligor
11 lives, and if the obligor lives out-of-State but is employed in this
12 State, the county in which the obligor is employed.

13
14 89. (New Section) Any employee transferred to the division who
15 had immediately prior to the transfer been represented in a collective
16 bargaining unit, shall become a member of the appropriate collective
17 bargaining unit presently representing similarly situated employees in
18 the Executive Branch.

19
20 90. (New Section) a. All transferred employees who are placed into
21 a collective bargaining unit shall be governed by the existing collective
22 bargaining agreement, including all the benefits, rights and
23 responsibilities that flow therefrom, and any additional negotiated
24 agreements pursuant to P.L. , c. (C.) (pending before the
25 Legislature as this bill).

26 b. Notwithstanding the provisions of subsection a. of this section
27 to the contrary, an employee who is eligible for special payments as
28 described in section 12b of the "Letter of Agreement" dated December
29 28, 1994 entered into between the Judiciary and its unions, as
30 amended by any subsequent Judiciary negotiated contract executed
31 prior to December 31, 1998, shall continue to be eligible for the same
32 payments after the child support functions of the Judiciary are
33 transferred to the division.

34
35 91. (New Section) a. During calendar years 1999 through 2003,
36 there shall be no privatization displacement as a result of any
37 privatization initiative regarding child support services currently being
38 performed by a county welfare agency or Judiciary employee. For the
39 purposes of this section, "no privatization displacement" means that
40 the department shall not enter into a contract with a private entity for
41 the performance of services actually being performed by a county
42 welfare agency or division employee in the State's child support
43 program at the time the contract is initiated, which contract results in
44 the loss of employment by a county welfare agency or division
45 employee; and "loss of employment" means that an employee who is
46 performing child support services is laid off or demoted from that

1 position or involuntarily reassigned to another county.

2 b. No public employee performing child support services shall be
3 laid off as an immediate and direct result of P.L. , c. (C.)(pending
4 before the Legislature as this bill) during the three month period after
5 transfer.

6 c. If the State's relative ranking on all except one of the federal
7 child support performance standards for federal fiscal year 2003 is
8 among the best performing 13 states, during calendar years 2004
9 through 2006, there shall not be any privatization displacement as a
10 result of any privatization initiative regarding child support services
11 currently being performed by public employees unless the privatization
12 would achieve substantial savings from other than per employee wage
13 and benefit costs.

14 If the State's relative ranking on all except one of the federal child
15 support performance standards for federal fiscal year 2006 is among
16 the best performing 13 states, during calendar years 2007 through
17 2008, there shall not be any privatization displacement as a result of
18 any privatization initiative regarding child support services currently
19 being performed by public employees unless the privatization would
20 achieve substantial savings from other than per employee wage and
21 benefit costs.

22 d. In order to maximize the likelihood that the State will deliver
23 child support services at a high performance level, the division shall
24 annually report to the standing Legislative reference committees on
25 budget and appropriations on the State's performance in the preceding
26 12 month period and shall include in the report, as appropriate,
27 recommendations to improve the State's performance. The
28 recommendations may include, but not be limited to, any legislation
29 that may be needed and any technology and resources that may be
30 needed. The division shall provide copies of the report to the majority
31 representatives of employees performing child support services and
32 shall make a copy of the report available to the public.

33

34 92. (New Section) a. A Judicial employee who will be transferred
35 to the division and is employed by the Judiciary on the effective date
36 of P.L. , c. (C.)(pending before the Legislature as this bill) shall
37 be notified by the Judiciary, 30 days prior to the transfer, of any
38 Judiciary vacancy in the employee's county that is funded, that the
39 Judiciary intends to fill, and that the employee is eligible to fill. Within
40 10 working days of notification by the Judiciary of an eligible vacancy,
41 an employee shall advise the Judiciary in writing of the employee's
42 intention to be considered for the vacancy. An employee shall have
43 the right to remain in the Judiciary in the vacancy unless there are
44 more employees who apply than there are vacancies available, in which
45 case, the Judiciary shall select, using seniority, which employees shall
46 fill the vacancies. All appointments that impact the career service are

1 subject to review by the Department of Personnel.

2 b. Within two years of the date of the transfer, if: (1) there is a
3 vacancy in the same county or in the Administrative Office of the
4 Courts in the same title held by a transferred employee of the
5 Judiciary, (2) the vacancy is funded, and (3) the Judiciary in its
6 discretion intends to fill the vacancy, the transferred employee shall
7 be able to transfer back to that vacancy. The transferred employee
8 shall transfer back to that position ahead of any persons on special
9 reemployment lists that may pertain to that vacancy. For the purposes
10 of this subsection, only those employees who are employed by the
11 Judiciary on the effective date of P.L. , c. (C.)(pending before the
12 Legislature as this bill) shall be eligible to transfer back to the
13 Judiciary. If more employees desire to transfer back to the Judiciary
14 than there are vacancies available, the Judiciary shall interview and
15 select which employees shall be able to transfer back. An employee
16 who transfers back to the Judiciary shall receive the same salary and
17 benefits received in that position prior to transfer, plus any
18 adjustments thereto that would have occurred under the Judiciary
19 Classification and Compensation Plan.

20 c. Under the same pay and benefits conditions provided in
21 subsection b. of this section, a transferred Judicial child support
22 employee may transfer back to the Judiciary for up to five years from
23 the date of transfer, upon the discretion of the Judiciary. After the five
24 year period, the transfer provisions under Title 11A of the New Jersey
25 Statutes shall apply.

26

27 93. (New Section) a. Upon transfer to the division, the employee
28 shall continue to receive the salary the employee otherwise would have
29 received in the Judiciary as of January 1, 1999, except that:

30 (1) an employee, who, immediately prior to the time of transfer,
31 was earning less than the minimum of the range on which the employee
32 will be placed, shall at the time of transfer be placed on the minimum
33 step of the range;

34 (2) a transferred employee, who, immediately prior to the time of
35 transfer was earning more than the maximum of the range on which
36 the employee will be placed, shall at the time of transfer, have the
37 employee's salary "red circled" off the range, and shall continue to be
38 permitted to earn the salary the employee was earning just prior to the
39 time of transfer;

40 (3) in the case of a transferred employee who does not already
41 have an anniversary date, the transferred employee's anniversary date,
42 for purposes of eligibility for future increments, shall be the date of
43 transfer to the division; and

44 (4) a transferred employee who, immediately prior to the time of
45 transfer was earning more than the minimum in the range on which the
46 employee shall be placed, but less than the maximum of the range,

1 shall be placed on the next highest step to the salary the employee was
2 earning at the time of transfer.

3 b. A transferred employee shall be subject to the classification and
4 compensation program determined by the Department of Personnel.

5 c. The division's personnel practices shall be governed by the State
6 Government Services provisions of Title 11A of the New Jersey
7 Statutes and the rules promulgated thereunder, except as otherwise
8 provided in P.L. , c. (C) (pending before the Legislature as this
9 bill). A transferred employee holding provisional, permanent or
10 probationary civil service status at the time of transferring to the
11 division shall retain such status and attendant rights as are available in
12 those categories under State career service. A transferred employee
13 who was in a provisional title under the provisions of subsection b. of
14 N.J.S.11A:4-13 prior to transferring to the division, shall not be
15 subject to displacement by persons on preexisting State eligible lists,
16 including special reemployment, regular reemployment and open
17 competitive lists, for the title held by the provisional employee.

18 d. The title of an employee who is in the unclassified service prior
19 to a transfer shall be reviewed by the Department of Personnel to
20 determine service allocation and classification following the transfer.
21 An employee whose position is determined to be in the career service,
22 or a provisional employee, either of whom have been continuously
23 employed for the former jurisdiction for a period of at least one year
24 prior to the effective date of transfer, including an employee on an
25 approved leave of absence, shall be considered a permanent employee
26 under Title 11A of the New Jersey Statutes, and the rules promulgated
27 thereunder as of the effective date of the transfer, and the employee's
28 seniority calculation shall be based upon the length of the employee's
29 continuous service in the jurisdiction from which the employee was
30 transferred.

31 e. Prior to the effective date of the transfer of employees to the
32 division, the Department of Personnel shall certify any appropriate
33 open competitive and promotional lists against provisional appointees
34 in all titles affected by the transfer in impacted entities.

35 f. Following the effective date of the transfer of employees to the
36 division, preexisting eligible lists shall not be used for appointments to
37 the division.

38 g. The Judiciary shall forward to the commissioner and the
39 Commissioner of Personnel a list of all employees who are to be
40 transferred to the division six months prior to the date of the transfer
41 and again 30 days prior to that date.

42
43 94. (New section) a. Transferred employees who become State
44 employees shall receive State credit for years of employment service
45 retroactive to the date utilized by the county of employment or the
46 Judiciary as of December 31, 1998, to determine credit for

1 employment service and computation of Supplemental Compensation
2 on Retirement (SCOR).

3 b. Notwithstanding the provisions of sections 7 and 8 of P.L.1981,
4 c.417 (C.2A:17-56.13 and C.2A:17-56.14) to the contrary, beginning
5 January 1, 1999, the State shall honor and accept all wage garnishment
6 and child support orders entered against all transferred employees at
7 the time of the transfer. Judgment creditors and county probation
8 departments with wage garnishments and child support orders in place
9 against transferred employees shall not be required to re-serve the
10 State with the appropriate order or notice to maintain the garnishment
11 or child support order in place at the time of the transition. Each
12 county shall be required 45 days before the transition to provide the
13 State with the names of those transferred employees subject to
14 garnishments, either under court order or by notice of the county
15 probation department, and copies of each order or notice to enable the
16 State to honor the garnishment or child support order. Each county
17 shall be solely responsible for complying fully with the terms of all
18 wage garnishment and child support orders in effect up until and
19 through December 31, 1998.

20 c. Accumulated vacation leave and sick leave for transferred
21 employees shall be transferred and credited to their State leave
22 accounts immediately upon their becoming State employees, but no
23 employee may bring to State service more vacation leave time than
24 that amount normally allotted to that employee in that county in
25 calendar year 1998. Compensatory time and personal or administrative
26 leave as well as accumulated vacation leave in excess of time earned
27 in calendar year 1998 in county-funded employment shall not be
28 transferable to State service but shall remain a county welfare agency
29 obligation. Transferred employees who become State employees
30 pursuant to this act shall not be considered new employees, and any
31 legislation requiring State residency of new State employees or which
32 limits any benefits of new State employees shall not apply to them.

33 d. A transferred employee who was in pay status on the employee's
34 former employer's payroll shall be paid for the holiday January 1, 1999
35 by the division.

36
37 95. (New section) a. Any transferred employee who is a member
38 of a county pension fund or retirement system shall become a member
39 of the Public Employees' Retirement System (PERS) on January 1,
40 1999, subject to the same conditions and entitled to the same rights
41 and benefits applicable to other employees of the State. Any credit for
42 public service which has been established in the county pension fund
43 or retirement system for the transferred employee shall be credited to
44 the transferred employee under PERS. The contribution rate of the
45 member of PERS shall be determined in the manner set forth in section
46 25 of P.L.1954, c.84 (C.43:15A-25).

1 b. No later than May 1, 1999, the county pension fund or
2 retirement system in which a transferred employee is a member shall
3 remit to PERS the accumulated deductions of the transferred employee
4 to the county pension fund or retirement system, and a pro rata part
5 of the employer contributions to the fund or system constituting the
6 employer's obligation to the fund or system for the transferred
7 employee. The actuary of PERS shall determine the liability for
8 service under a county pension fund or retirement system credited
9 under PERS under this act. If the sum of the accumulated transferred
10 employee deductions and the pro rata part of the employer
11 contributions are less than the liability determined by the actuary, the
12 difference shall be paid by the county in the same manner and over the
13 remaining time period for the accrued liability of PERS as provided in
14 section 24 of P.L.1954, c.84 (C.43:15A-24). The county and the
15 county pension fund or retirement system shall provide the Division of
16 Pensions and Benefits any information it may require to administer this
17 act.

18

19 96. (New section) Immediately upon becoming a State employee,
20 all transferred employees shall become eligible for New Jersey
21 Temporary Disability Insurance and Unemployment Insurance benefits
22 consistent with the regulations of those programs. Employment
23 service with the county shall be credited toward any waiting periods
24 for coverage or eligibility for benefits under New Jersey Temporary
25 Disability Insurance and Unemployment Insurance.

26

27 97. (New section) a. Immediately upon becoming a State
28 employee, all transferred employees shall receive all health and medical
29 benefits, including dental and prescription drug plans, on the same
30 basis as other State employees. Employment service with the county
31 or the Judiciary shall be credited toward any waiting periods for
32 coverage or eligibility for benefits under the State program and plans
33 for transferred employees who elect coverage at the time they become
34 Department of Human Services employees.

35 b. All health and medical benefits otherwise provided for in either
36 county-negotiated collective negotiations agreements or in accordance
37 with county past practice or individual county policies or both shall be
38 pre-empted for transferred county welfare agency employees effective
39 January 1, 1999.

40

41 98. (New section) Any transferred employee who:

42 a. was a member of a county pension fund or retirement system on
43 December 31, 1998;

44 b. retires from employment as a State employee;

45 c. is eligible for and receives State payment of the premium or
46 periodic charges for health care benefits after retirement; and

1 d. pays the premium charges under Part A and Part B of the
2 federal Medicare program covering the retirant and the retirant's
3 spouse,
4 shall be reimbursed by the State for the premium charges under Part
5 A.

6
7 99. (New section) A transferred employee shall be eligible for
8 health care benefits after retirement on the same basis as other State
9 employees under the "New Jersey State Health Benefits Program Act,"
10 P.L.1961, c.49 (C.52:14-17.25 et seq.). In addition, notwithstanding
11 the provisions of section 8 of P.L.1961, c.49 (C.52:14-17.32) or
12 section 6 of P.L.1996, c.8 (C.52:14-17.28b) to the contrary, the State
13 shall pay the premium or periodic charges for health care benefits after
14 retirement for a transferred employee and the transferred employee's
15 dependents covered under the State health benefits program, but not
16 including survivors, if the transferred employee has at least 10 years
17 of service credited in the Public Employees' Retirement System
18 (PERS) or a county pension fund or retirement system as of December
19 31, 1998, retires from employment as a State employee, and is at least
20 62 years of age at the time of retirement, as follows:

21 a. for a transferred employee formerly employed by a county of
22 the fifth class having a population of not less than 220,000 but not
23 more than 230,000 according to the 1990 federal census, who has at
24 least 15 years of service with the county alone or in combination with
25 service as a State employee credited in PERS, for three years;

26 b. for a transferred employee formerly employed by a county of
27 the second class having a population of not less than 390,000 but not
28 more than 400,000 according to the 1990 federal census, who has at
29 least 15 years of service with the county alone or in combination with
30 service as a State employee credited in PERS, for 90 days;

31 c. for a transferred employee formerly employed by a county of
32 the second class having a population of not less than 500,000 but not
33 more than 510,000 according to the 1990 federal census, who has at
34 least 15 years of service with the county alone or in combination with
35 service as a State employee credited in PERS;

36 d. for a transferred employee formerly employed by a county of
37 the third class having a population of not less than 135,000 but not
38 more than 145,000 according to the 1990 federal census, who is a
39 veteran as defined in section 6 of P.L.1954, c.84 (C.43:15A-6) and has
40 at least 20 years of service with the county alone or in combination
41 with service as a State employee credited in PERS;

42 e. for a transferred employee formerly employed by a county of
43 the second class having a population of not less than 420,000 but not
44 more than 430,000 according to the 1990 federal census, who has at
45 least 15 years of service with the county alone or in combination with
46 service as a State employee credited in PERS, and shall reimburse the

1 employee for premium charges under Part B of the federal Medicare
2 program covering the retired employee and the employee's spouse;
3 f. for a transferred employee formerly employed by a county of the
4 third class having a population of not less than 60,000 but not more
5 than 70,000 according to the 1990 federal census, who has at least 15
6 years of service with the county alone or in combination with service
7 as a State employee credited in PERS, and shall reimburse the
8 employee for premium charges under Part B of the federal Medicare
9 program covering the retired employee and the employee's spouse; and
10 g. for a transferred employee formerly employed by a county of
11 the third class having a population of not less than 90,000 but not
12 more than 100,000 according to the 1990 federal census, who has at
13 least 20 years of service with the county alone or in combination with
14 service as a State employee credited in PERS.

15
16 100. (New section) For the purposes of application of all
17 provisions of this act, the Commissioner of Human Services shall
18 review and recommend and the Commissioner of Personnel may void
19 as against public policy, any extraordinary adjustments made during
20 1997 and 1998 in employee salary, other compensation or benefits or
21 computation of years of credit of employment services, except that this
22 shall not apply to any collectively negotiated agreement.

23
24 101. The commissioner shall adopt regulations pursuant to the
25 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
26 necessary to carry out the purposes of sections 61 through 151 of this
27 act.

28
29 102. Section 2 of P.L.1981, c.417 (C.2A:17-56.8) is amended to
30 read as follows:

31 2. Every complaint, notice or pleading for the entry or
32 modification of [an] a support order [of a] and every court order
33 which includes child support shall include a written notice to the
34 obligor stating that the child support provision of the order shall, and
35 the [medical support] health care coverage provision may, as
36 appropriate, be enforced by an income withholding upon the current
37 or future income due from the obligor's employer or successor
38 employers and upon the unemployment compensation benefits due the
39 obligor and against debts, income, trust funds, profits or income from
40 any other source due the obligor except as provided in section 3 of
41 P.L.1981, c.417 (C.2A:17-56.9). The written notice shall also state
42 that the driver's license and professional or occupational licenses, or
43 recreational or sporting license in accordance with P.L.1996, c.7
44 (C.2A:17-56.40 et seq.), held or applied for by the obligor may be
45 denied, suspended or revoked if: the child support arrearage is equal
46 to or exceeds the amount of child support payable for six months; the

1 obligor fails to provide health [insurance] care coverage for the
2 children as ordered by the court for six months; or the obligor fails to
3 respond to a subpoena relating to a paternity or child support
4 proceeding; or a warrant for the obligor's arrest has been issued by the
5 court due to failure to pay child support as ordered, failure to appear
6 at a hearing to establish paternity or child support, or failure to appear
7 at a hearing to enforce a child support order and said warrant remains
8 outstanding. The written notice shall also state that the amount of a
9 Title IV-D child support order and the provisions for [medical
10 support] health care coverage shall be reviewed and updated, as
11 necessary, at least every three years. The court shall advise the parties
12 of the availability of enforcement services and the triennial review
13 program provided by the division and shall make an application for
14 Title IV-D services available upon request.

15 The court shall ensure that in the case of each obligor against whom
16 a support order is or has been issued or modified, the obligor's income
17 shall be withheld to comply with the order. An amount shall be
18 withheld to pay the support obligation and it shall include an amount
19 to be applied toward liquidation of arrearages reduced to judgments,
20 payments for paternity testing procedures and provisions for [medical
21 support] health care coverage when applicable. These provisions shall
22 also be applicable to all orders issued on or before the effective date
23 of [this act] P.L.1985, c.278417 (C.2A:17-56.16 et seq.).

24 A support provision contained in an order or judgment issued by
25 the court shall be paid by income withholding unless the order or
26 judgment specifically provides for an alternative payment arrangement
27 to which the parties agree in writing or the obligor or obligee
28 demonstrates and the court finds good cause for establishing an
29 alternative arrangement.

30 (cf: P.L.1996, c.7, s.1)

31

32 103. Section 3 of P.L.1981, c.417 (C.2A:17-56.9) is amended to
33 read as follows:

34 3. [The income withholding shall be initiated by the probation
35 department of the county in which the obligor resides immediately
36 after the court order has been issued; except that immediate
37 withholding shall not apply in those cases in which the obligor and
38 obligee agree in writing to an alternative arrangement or the obligor
39 or obligee demonstrates and the court finds good cause for
40 establishing an alternative arrangement.] For support obligations that
41 are payable through the division, the division shall mail the notice of
42 immediate withholding to the payor if the payor is known. If the
43 obligor's source of income is unknown at the time the division receives
44 the support order, the division shall mail the notice to the payor within
45 the time frame required pursuant to federal law. If an [immediate
46 withholding is not ordered, due to the above exception] alternative

1 payment arrangement has been ordered as provided in section 2 of
2 P.L.1981, c.417 (C.2A:17-56.8) or [an] a support order entered prior
3 to the effective date of [this act] P.L.1990, c.92 (C.2A:17-56.9a et
4 seq.), the income withholding shall be initiated by the division when
5 the obligor has failed to make [a] the required child support payment
6 [allocated or unallocated that] and has arrearages accrued equal to the
7 amount of the support payable for 14 days. Subject to the provisions
8 of [this act, the] P.L.1981, c.417 (C.2A:17-56.7 et seq.), an income
9 withholding shall be initiated by the division and shall take effect
10 without amendment to the support order or further court or
11 quasi-judicial action and without regard to any alternative
12 arrangements entered into by the parties or ordered by the court.

13 The total amount of income to be withheld shall not exceed the
14 maximum amount permitted under section 303 (b) of the federal
15 Consumer Credit Protection Act (15 U.S.C. s. 1673 (b)). The income
16 withholding shall be carried out in full compliance with all procedural
17 due process requirements. The [Administrative Office of the Courts]
18 division shall establish procedures for promptly terminating the
19 withholding when necessary and for promptly refunding amounts
20 which have been improperly withheld.

21 If an obligor under a support order issued in another state has
22 income derived from within this State, the division shall comply with
23 the applicable provisions of chapter 17 of Title 2A of the New Jersey
24 Statutes and promptly implement withholding. The payor shall be
25 required to comply with the income withholding notice serviced upon
26 the payor pursuant to section 5 of P.L.1981, c.417 (C.2A:17-56.11).
27 If the obligor terminates employment within the State, the division
28 shall notify the state in which the order was issued of the obligor's
29 termination of employment and the obligor's new employer and any
30 new address, if known.

31 When an income withholding decision has been issued in this State,
32 it shall promptly be forwarded to the appropriate child support agency
33 in the payor's state. All procedural due process requirements of the
34 state Title IV-D agency where the obligor has income shall apply to
35 the income withholding.

36 (cf: P.L.1990, c.92, s.2)

37

38 104. Section 5 of P.L.1990, c.92 (C. 2A:17-56.9a) is amended to
39 read as follows:

40 5. At least once every three years [all IV-D orders for child
41 support payments shall be subject to] , unless the State has developed
42 an automatic cost-of-living adjustment for support payments, the
43 parties subject to a Title IV-D support order shall be provided notice
44 of their right to request a review, which shall be conducted in
45 accordance with the rules promulgated by the [IV-D Agency] division
46 in consultation with the Supreme Court. Such review shall take into

1 account any changes in the financial situation or related circumstances
2 of both parties and whether the order of child support is in full
3 compliance with the [Child Support Guidelines set forth in the Rules
4 Governing the Courts of the State of New Jersey, R.5:6A] child
5 support guidelines.

6 Upon completing the review and if a change in the amount of child
7 support is recommended, the [State IV-D or designee] division shall
8 so notify the obligor and obligee in writing of the child support amount
9 that is recommended. The obligor and obligee shall be afforded [not
10 less than] 30 days after such notification to file with the [IV-D agency
11 and the court] division a challenge to such proposed adjustment or
12 determination. [The] If proof exists that the obligor and obligee have
13 been provided with notice of the proposed adjustment, the court shall
14 adjust the child support amount [will be adjusted accordingly by the
15 court] as proposed by the division if either party does not challenge
16 the recommended award within the prescribed time or fails to show
17 good cause why the adjustment should not occur.

18 In accordance with section 351 of Pub.L.104-193, a proof or
19 showing of a change in circumstances shall not be required prior to
20 commencement of a review under the three-year review process;
21 however, a proof or showing of a substantial change in circumstances
22 shall be required prior to commencement of a review outside the three-
23 year review process.

24 (cf: P.L.1990, c.92, s.5)

25

26 105. Section 6 of P.L.1990, c.92 (C. 2A:17-56.9b) is amended to
27 read as follows:

28 6. a. The Commissioner of Human Services shall, in accordance
29 with the "Administrative Procedure Act," P.L.1968, c.410
30 (C.52:14B-1 et seq.), adopt and promulgate such rules and regulations
31 as may be necessary for the implementation of [this act] P.L.1990,
32 c.92 (C.2A:17-56.9a et seq.).

33 b. The Supreme Court shall promulgate rules and procedures as
34 may be necessary for the implementation of [this act] P.L.1990, c.92
35 (C.2A:17-56.9a et seq.) by the courts [and probation departments].

36 (cf: P.L.1990, c.92, s.6)

37

38 106. Section 4 of P.L.1981, c.417 (C.2A:17-56.10) is amended to
39 read as follows:

40 4. a. [The probation department] If an income withholding
41 initiated by the division is required pursuant to section 3 of P.L.1981,
42 c.417 (C.2A:17-56.9), the division shall notify the obligor of the

1 income withholding by [certified or registered] regular mail [with
2 return receipt requested] to the obligor's last known address. The
3 notice to the obligor shall be [postmarked no later than 10 days after
4 the date on which the application was filed] mailed at the same time as
5 the notice to the payor, and shall inform the obligor that the
6 withholding [shall take effect 10 days after the postmark date of the
7 notice unless the obligor contests the withholding] has commenced in
8 accordance with section 314 of Pub.L.104-193. The notice to the
9 obligor shall also include all of the information regarding the
10 withholding that is included in the notice to the payor. An obligor may
11 contest a withholding only on the basis of mistake of fact. The notice
12 to the obligor shall include but need not be limited to: the amount to
13 be withheld, including an amount to be applied toward liquidation of
14 arrearages; a statement that the withholding applies to current and
15 subsequent sources of income; the methods available for contesting the
16 withholding on the grounds that the withholding is not proper because
17 of mistake of fact; the period within which the [probation department
18 shall] division may be contacted in order to contest the withholding
19 [and that failure to do so will result in notifying the payor to begin
20 withholding; and the actions the probation department will take if the
21 individual contests the withholding] ; and the procedures to follow if
22 the obligor desires to contest the withholding on the grounds that the
23 withholding or the amount thereof is improper due to a mistake of
24 fact.

25 If an obligor contests the proposed withholding, the [probation
26 department] division shall schedule a [hearing] review within 20 days
27 after receiving notice of contest of the withholding. If it is determined
28 that the withholding is to [occur] continue, the [probation department]
29 division shall provide notice to the obligor. [Notice to the obligor
30 shall include the time within which the withholding is to begin.] Notice
31 to the obligor shall also include all of the information that is included
32 in the notice to the payor in section 5 of [this act] P.L.1981, c.417
33 (C.2A:17-56.11). The division shall notify the obligor [shall be
34 notified by the probation department] of the results of the review
35 within five days of the [determination made at the hearing] date of the
36 review.

37 b. [The probation department shall prepare the income
38 withholding notice the obligor does not contest the withholding or has
39 exhausted all procedures established by the Administrative Office of
40 the Courts for contesting the withholding]. The income withholding
41 shall include requirements that a payor withhold the amount, and
42 enroll the child in the obligor's health care coverage plan, if available,
43 as specified in the notice and shall include a statement that the total
44 amount [actually] withheld for support and for other purposes may not
45 be in excess of the amount allowed under section 303(b) of the federal
46 Consumer Credit Protection Act (15 U.S.C. s. 1673(b)). [On any] If

1 the court enters an order modifying alimony, maintenance or child
2 support [based upon changed circumstances], the division shall amend
3 the income withholding amount [shall also be changed] accordingly.
4 This income withholding shall have priority over any other
5 withholdings and garnishments without regard to the dates [of] that
6 the other income withholdings or garnishments were issued.

7 c. An income withholding made under [this act] P.L.1981, c.417
8 (C.2A:17-56.7 et seq.) shall continue [in full force and effect until
9 such time as a court order to the contrary is entered upon the
10 liquidation of all arrearages] until terminated by a court or noticed by
11 the division.

12 d. Where there is more than one support order for withholding
13 against a single obligor, the payor shall withhold the payments to fully
14 comply with the court orders on a pro rata basis to the extent that the
15 total amount withheld from the obligor's [wages] income does not
16 exceed the limits allowed under section 303(b) of the federal
17 Consumer Credit Protection Act (15 U.S.C. s. 1673(b)). Payors may
18 combine withheld amounts in a single payment [for each appropriate
19 probation department requesting withholding] and separately identify
20 the portion of the payment which is attributable to each [individual]
21 obligor.

22 (cf: P.L.1985, c.278, s.4)

23

24 107. Section 5 of P.L.1981, c.417 (C.2A:17-56.11) is amended to
25 read as follows:

26 5. a. An income withholding made under [this act] P.L.1981, c.417
27 (C.2A:17-56.7 et seq.) and provisions for [medical support] health
28 care coverage shall be binding upon the payor and successor payors
29 immediately after service upon the payor by the [probation
30 department] division of a copy of the income withholding and an
31 order for the provision of [medical support] health care coverage[, by
32 registered or certified mail with return receipt requested until further
33 order]. The payor is to pay the withheld amount to the [probation
34 department] division at the same time the obligor is paid. The payor
35 shall implement withholding and the provisions for [medical support]
36 health care coverage no later than the first pay period that ends
37 immediately after the date the notice was postmarked, except that the
38 payor is not required to alter regular pay cycles to comply with the
39 withholding. For each payment, other than payment received from the
40 unemployment compensation fund, the payor may receive \$1.00, which
41 shall be deducted from the obligor's income in addition to the amount
42 of the support order to compensate the payor for the administrative
43 expense of processing the withholding.

44 Notice to the payor shall include, but not be limited to, instructions
45 for the provisions for [medical support] health care coverage, the
46 amount to be withheld from the obligor's income and a statement that

1 the total amount [actually] withheld for support and other purposes
2 may not be in excess of the maximum amount permitted under section
3 303 (b) of the federal Consumer Credit Protection Act (15 U.S.C.
4 s.1673 (b)); that the payor shall send the amount to the [probation
5 department] division at the same time the obligor is paid, unless the
6 [probation department] division directs that payment be made to
7 another individual or entity; that the payor may deduct and retain a fee
8 of \$1.00 in addition to the amount of the support order except when
9 the payment is received from the unemployment compensation fund;
10 that withholding is binding on the payor until further notice by the
11 [probation department] division; that, in accordance with section 6 of
12 P.L.1981, c.417 (C.2A:17-56.12), the payor is subject to a fine and
13 civil damages as determined by the court for discharging an obligor
14 from employment, refusing to employ, or taking disciplinary action
15 against an obligor subject to an income withholding because of the
16 withholding or any obligation which it imposes upon the payor; that
17 the payor is subject to a fine as determined by the court for failure to
18 withhold support from the obligor's income or pay the withheld
19 amount to the division; that if the payor fails to take appropriate action
20 with regard to the provisions for [medical support] health care
21 coverage or withhold wages in accordance with the provisions of the
22 notice, the payor is liable for any medical expenses incurred by the
23 children subject to the provisions for [medical support] health care
24 coverage and any amount up to the accumulated amount the payor
25 should have withheld from the obligor's income; that the withholding
26 shall have priority over any other legal process under State law against
27 the same [wages] income; that the payor may combine withheld
28 amounts from the obligor's [wages] income in a single payment to
29 [each appropriate agency requesting withholding] the division and
30 separately identify the portion of the single payment which is
31 attributable to each [individual] obligor; that if there is more than one
32 support order for withholding against a single obligor, the payor shall
33 withhold the payments on a pro rata basis to fully comply with the
34 support orders, to the extent that the total amount withheld does not
35 exceed the limits imposed under section 303 (b) of the federal
36 Consumer Credit Protection Act (15 U.S.C. s.1673 (b)); that the payor
37 shall implement withholding no later than the first pay period that ends
38 immediately after the date the notice was postmarked, except that the
39 payor is not required to alter regular pay cycles to comply with the
40 withholding; and that the payor shall notify the [probation department]
41 division promptly upon the termination of the obligor's employment
42 benefits and provide the obligor's last known address and the name and
43 address of the obligor's new payor, if known.

44 A payor served with an income withholding notice shall be liable to
45 the obligee for failure to deduct the amounts specified. The obligee or
46 the division may commence a proceeding against the payor for accrued

1 deductions, together with interest and reasonable attorney's fees.

2 In accordance with section 314 of Pub.L.104-193, a payor who
3 complies with an income withholding notice that is regular on its face
4 shall be immune from civil liability for conduct in compliance with the
5 notice.

6 b. When a payor receives an income withholding notice issued by
7 another state, the payor shall apply the income withholding law of the
8 state in which the obligor's principal place of employment is located in
9 determining:

10 (1) the payor's fee for processing the income withholding;

11 (2) the maximum amount permitted to be withheld from the
12 obligor's income;

13 (3) the time periods within which the payor must implement the
14 income withholding order and forward the child support payment;

15 (4) the priorities for withholding and allocating income withheld for
16 multiple obligees; and

17 (5) any withholding terms or conditions not specified in the support
18 order or notice.

19 (cf: P.L.1995, c.58, s.3)

20

21 108. Section 1 of P.L.1995, c.287 (C.2A:17-56.11a) is amended
22 to read as follows:

23 1. When an obligor is eligible for health benefits plan coverage
24 which includes dependents and is available through an employer in this
25 State, and the obligor is required by a court [or administrative] order
26 to provide [medical support] health care coverage for his child, the
27 employer who is the payor shall:

28 a. Permit the obligor to enroll his child under the health benefits
29 plan as a dependent, without regard to any enrollment season
30 restrictions;

31 b. Permit the child's other parent, or the Division of Medical
32 Assistance and Health Services as the State Medicaid agency or the
33 Division of [Family Development] Child Support Services as the State
34 IV-D agency, [in the Department of Human Services,] to enroll the
35 child under the health benefits plan if the obligor, who is the covered
36 person, fails to enroll the child;

37 c. Not terminate coverage of the child unless:

38 (1) the obligor provides the payor with satisfactory written
39 evidence that the court [or administrative] order is no longer in effect,
40 or the child is or will be enrolled in a comparable health benefits plan
41 whose coverage will be effective on the date of the termination of
42 coverage, or

43 (2) the payor is no longer providing or making available to its
44 employees health benefits plan coverage which includes dependents;
45 and

46 d. Withhold from the obligor's compensation the obligor's share,

1 if any, of premiums for health benefits plan coverage for the obligor
2 and the obligor's dependent and pay the withheld amount to the health
3 benefits plan carrier or administrator, as appropriate, subject to federal
4 regulations. The total amount withheld from an obligor's income shall
5 not exceed the maximum amount permitted to be withheld under
6 section 303(b) of the federal "Consumer Credit Protection Act," 15
7 U.S.C. 1673(b).

8 (cf: P.L.1995, c.287, s.1)

9

10 109. Section 1 of P.L.1995, c.290 (C.2A:17-56.11b) is amended to
11 read as follows:

12 1. The income withholding provisions of P.L.1981, c.417
13 (C.2A:17-56.7 et seq.) shall be extended to include a withholding of
14 income from the party responsible for maintaining [medical support]
15 health care coverage for a child under a child support order issued
16 pursuant to the provisions of N.J.S.2A:34-23 when the child is eligible
17 for medical assistance pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.)
18 and the party responsible for maintaining [medical support] health care
19 coverage has received payment from a third party for the cost of health
20 care services provided to the child but has not reimbursed the obligee
21 or the health care provider who provided the services for the amount
22 of the payment. A payment received on or after April 1, 1995 shall be
23 subject to the provisions of this section.

24 The income withholding shall be subject to the following
25 conditions: a. the amount of income withheld shall be to the extent
26 necessary to reimburse the Division of Medical Assistance and Health
27 Services in the Department of Human Services for the costs it incurred
28 in covering the health care services for which the party responsible for
29 maintaining [medical support] health care coverage received the
30 payment; and b. the income withholding to reimburse the division shall
31 be subordinate in priority to any other withholding under a child
32 support order.

33 The Division of Medical Assistance and Health Services [in the
34 Department of Human Services] as the State Medicaid agency, in
35 consultation with the [Administrative Office of the Courts] division as
36 the State IV-D agency, may initiate procedures for the withholding of
37 income pursuant to this section.

38 As used in this section, "third party" means a third party as defined
39 in section 3 of P.L.1968, c.413 (C.30:4D-3).

40 (cf: P.L.1995, c.290, s.1)

41

42 110. Section 6 of P.L.1981, c.417 (C.2A:17-56.12) is amended to
43 read as follows:

44 6. The payor may not use an income withholding or any obligation
45 which it imposes upon the payor as a basis for the discharge of any
46 obligor or for any disciplinary action against the obligor. A payor who

1 discharges or disciplines an obligor in violation of [this act] P.L.1981,
2 c.417 (C.2A:17-56.7 et seq.) or who discriminates in hiring because
3 of an income withholding or a potential withholding is a disorderly
4 person. Any obligor claiming to be aggrieved by an unlawful discharge
5 may initiate suit in Superior Court for damages and reinstatement of
6 employment. In any action, the prevailing party may be awarded
7 reasonable attorney's fees; provided however, that no attorney's fees
8 shall be awarded to the respondent unless there is a determination that
9 the action was brought in bad faith. In addition to any other relief or
10 affirmative action provided by law, the payor may be liable for twofold
11 compensatory damages. Compensatory damages shall include the
12 costs of proving the discharge, out-of-pocket expenses, and lost
13 income. If the payor fails to withhold the amount of the order, the
14 payor is liable for amounts up to the accumulated amount the payor
15 should have withheld. Payors shall notify the [probation department]
16 division promptly of the termination of the obligor's employment and
17 provide the obligor's last known address and the name and address of
18 the obligor's new payor, if known.
19 (cf: P.L.1985, c.278, s.6)

20

21 111. Section 7 of P.L.1981, c.417 (C.2A:17-56.13) is amended to
22 read as follows:

23 7. In every award for alimony, maintenance or child support
24 payments the judgment or order shall provide that payments be made
25 through the [probation department of the county in which the obligor
26 resides] division, unless the court, for good cause shown, otherwise
27 orders. Upon entry of the judgment or order, the parties shall provide
28 the court and the division with their Social Security numbers,
29 residential and mailing addresses, telephone numbers, driver's license
30 numbers, and the name, address and telephone number of their
31 employers. Each judgment or order [for alimony, maintenance or
32 child support] shall [include an order] require that the obligor and
33 obligee notify the [appropriate probation department] division of any
34 change of payor or change of address within 10 days of the change.
35 Failure to provide this information shall be considered a violation of
36 this order.

37 The order shall also inform the obligor that the address provided to
38 the division shall be the address of record for subsequent support
39 enforcement actions and that service of legal documents at that
40 address shall be effective for the purpose of meeting due process
41 requirements.

42 [Service at the address of record of all summonses, pleadings, or
43 notices shall be effective for all purposes.] For the purposes of
44 enforcing a support provision, the court may deem procedural due
45 process requirements for notice and service of process to be met with
46 respect to a party thereto upon delivery of written notice to the most

1 recent residential or employer address filed with the division for that
2 party. If a party fails to respond to a notice and no proof is available
3 that the party received the notice, the division shall document to the
4 court that it has made a diligent effort to locate the party by making
5 inquiries that may include, but are not limited to: the United States
6 Postal Service, the Division of Motor Vehicles in the Department of
7 Transportation, and the Departments of Labor and Corrections. The
8 division shall provide an affidavit to the court presenting such
9 documentation of its diligent effort, which certifies its inability to
10 locate the party, before any adverse action is taken based upon the
11 party's failure to respond to the notice. When an obligor changes
12 employment within the State while income withholding is in effect, the
13 [probation department] division shall notify the new payor that the
14 withholding is binding on the new payor. When [a probation
15 department] the division is unable to locate the obligor's current payor
16 in order to effectuate an income withholding under [this act]
17 P.L.1981, c.417 (C.2A:17-56.7 et seq.), the [probation department]
18 division is authorized to utilize any other procedure authorized by law
19 to obtain this information.

20 (cf: P.L.1985, c.278, s.7)

21

22 112. Section 1 of P.L.1990, c.53 (C.2A:17-56.13a) is amended to
23 read as follows:

24 1. a. [Every probation department] The division may establish a
25 system to accept alimony, maintenance or child support payments
26 through electronic funds transfer, credit card, or any other method
27 deemed feasible by the [department] division.

28 b. [The Supreme Court of the State of New Jersey shall adopt
29 Rules of Court appropriate or necessary to effectuate the purpose of
30 this act.](~~Deleted by amendment, P.L. , c.)~~

31 (cf: P.L.1990, c.53, s.1)

32

33 113. Section 8 of P.L.1981, c.417 (C.2A:17-56.14) is amended to
34 read as follows:

35 8. An obligee who has not established a Title IV-D case through
36 the [probation department shall file] division may do so by filing an
37 affidavit [when]. When applying for the income withholding, [stating]
38 the affidavit shall state that the child support payments [not made for]
39 are delinquent and that support arrearages have accrued [arrearages]
40 in an amount equal to the amount of support payable for 14 days. The
41 [probation department] division shall administer the withholding in
42 accordance with procedures specified for keeping adequate records to
43 document, track, and monitor support payments [or establish or permit
44 the establishment of alternative procedures for the collection and
45 distribution of amounts withheld by an entity other than a designated
46 public agency]. Alimony, maintenance or child support payments not

1 presently made through the [probation department] division shall be
2 so made upon application of either party and notice to the other party
3 [unless the other party upon application to the court shows good cause
4 to the contrary]. If the other party contests this action or disputes the
5 amount of support due, the matter shall be referred to the court for
6 resolution.

7 [A monitoring] If a party has not established a Title IV-D case
8 through the division and requests services from the division that are
9 limited to payment disbursement and monitoring, a fee of \$25.00
10 annually shall be [applied] assessed upon [the request of either the
11 obligor or obligee for the payment of support through the probation
12 department] that party, regardless of whether or not arrearages exist
13 or withholding procedures have been instituted. The [probation
14 department] division shall monitor all amounts paid and the dates of
15 payments and record them separately. [The court and the probation
16 department shall follow the procedures established in this act.]

17 (cf: P.L.1990, c.92, s.4)

18

19 114. Section 13 of P.L.1985, c.278 (C.2A:17-56.16) is amended
20 to read as follows:

21 13. The [Administrative Office of the Courts] department shall
22 promulgate rules and regulations concerning procedures for
23 determining which support cases, and which cases of indebtedness in
24 accordance with section 1 of P.L.1995, c.290 (C.2A:17-56.11b), are
25 appropriate for application of tax setoff, for verifying the accuracy of
26 the amounts referred for setoff, notifying the State Department of the
27 Treasury of any child support and other indebtedness subject to
28 section 1 of P.L.1981, c.239 (C.54A:9-8.1) and changes thereto, and
29 any other procedures necessary to comply with Pub.L. 98-378.

30 (cf: P.L.1995, c.290, s.2)

31

32 115. Section 17 of P.L.1985, c.278 (C.2A:17-56.20) is amended to
33 read as follows:

34 17. a. In enforcing all existing and future support orders [for
35 support], and notwithstanding other provisions to the contrary, the
36 [State IV-D agency] division, without a new order, shall have the
37 authority to assess interest or late payment fees on any support order
38 not paid within 30 days of the due date.

39 b. The late payment fee or interest shall be determined by the
40 [State IV-D agency] division within amounts specified by the federal
41 Department of Health and Human Services.

42 c. The fee or interest shall accrue as arrearages accumulate and
43 shall not be reduced upon partial payment of [arrears] arreages. The
44 fee or interest may be collected only after the full amount of overdue
45 support is paid and all State requirements for notice to the obligor
46 have been met.

1 d. The collection of the fee or interest shall not directly or
2 indirectly reduce the amount of current or overdue support paid to the
3 obligee to whom it is owed.

4 e. The late payment fee or interest shall be uniformly applied in all
5 cases administered under the [State IV-D program] New Jersey Child
6 Support Program, including public assistance, nonpublic assistance,
7 and foster care cases.

8 (cf: P.L. 1985, c.278, s.17)

9

10 116. Section 18 of P.L.1985, c.278 (C.2A:17-56.21) is amended to
11 read as follows:

12 18. a. The [State IV-D agency] division shall have the authority
13 to make available [information on] the name of any delinquent obligor
14 and the amount of overdue support owed by [obligors] the obligor to
15 [consumer] credit reporting agencies upon their request, subject to the
16 conditions set forth in this section and privacy safeguards established
17 by the commissioner. This information shall be provided only to an
18 entity that has demonstrated to the satisfaction of the division that the
19 entity is a credit reporting agency.

20 b. In all [State] Title IV-D [agency] cases where the obligor is
21 [more than \$1,000.00] in arrears, the information shall be made
22 available upon the [consumer] credit reporting agency's request and
23 may be made available in all other cases.

24 c. The [State IV-D agency] division may establish a fee for all
25 requests which will be uniformly applied in all Title IV-D cases. Any
26 fee charged shall be limited to the actual cost of providing the
27 information.

28 d. [The obligor shall receive written notice that the information
29 will be made available to the credit reporting agency. The obligor
30 shall have an opportunity to contest the accuracy of the information.]
31 Information on arrearages shall be reported to credit reporting
32 agencies only after the obligor has been afforded procedural due
33 process required under State law including notice, an opportunity to
34 contest the proposed reporting with the division due to a mistake of
35 fact, and notice of the right to appeal to the court. Notice to the
36 obligor of reporting to a credit reporting agency shall be served on the
37 obligor's most recent address on file with the division.

38 e. The [State IV-D agency shall comply with all applicable
39 procedural due process requirements before releasing] division may
40 request information on an obligor from a credit reporting agency only
41 after noticing the obligor of the division's intent to request the
42 information.

43 (cf: P.L.1985, c.278, s.18)

44

45 117. Section 19 of P.L.1985, c.278 (C.2A:17-56.22) is amended
46 to read as follows:

1 19. a. The [State IV-D agency] division shall have the authority
2 to charge an application fee to individuals [not receiving Aid to
3 Families with Dependent Children] not participating in public
4 assistance programs which require cooperation for the purposes of
5 Title IV-D who apply for Title IV-D services.

6 b. The application fee shall be uniformly applied on a Statewide
7 basis and shall be a flat dollar amount not to exceed \$25.00 or other
8 amount as may be appropriate for any fiscal year to reflect
9 administrative costs.

10 c. The fee shall be collected directly from the obligee who applied
11 for Title IV-D services.

12 d. The [State IV-D agency] commissioner shall determine by
13 regulation the distribution of the fees collected.

14 (cf: P.L.1985, c.278, s.19)

15

16 118. Section 1 of P.L.1988, c.111 (C.2A:17-56.23a) is amended
17 to read as follows:

18 1. Any payment or installment of an order for child support, or
19 those portions of an order which are allocated for child support[,
20 whether ordered in this State or in another state,] shall be fully
21 enforceable and entitled to full faith and credit in this or any other
22 State and shall be a judgment by operation of law on and after the date
23 it is due. For obligors who reside or own property in this State, such
24 judgments shall have the same force and effect as a civil money
25 judgment entered by the court, shall be subject to the same
26 enforcement methods as civil money judgments, and shall be a lien
27 against real and personal property when the amount of overdue
28 support equals or exceeds the amount of support payable. The State
29 shall accord full faith and credit to child support judgments or liens of
30 other states, whether arising by operation of law or having been
31 entered by a court or administrative agency, when a Title IV-D
32 agency, a party, or other entity seeking to enforce such a judgment or
33 lien in this State files a Notice of Interstate Lien, in the form
34 prescribed by the federal Office of Child Support Enforcement, and
35 supporting documents with the Clerk of the Superior Court. An action
36 to domesticate a foreign child support judgment or lien shall be
37 consistent with the "Uniform Enforcement of Foreign Judgments Act,"
38 P.L. 1997, c.204 (C.2A:49A-25 et seq.). With the exception of bank
39 levies and liens against civil lawsuits, worker's compensation awards,
40 and settlements as provided in P.L. , c. (C.) (pending before
41 the Legislature as this bill) which shall be administered by the division,
42 liens against real and personal property shall be subject to the same
43 enforcement procedures as other civil money judgments except that no
44 judicial notice or hearing shall be required to enforce the lien. No
45 payment or installment of an order for child support, or those portions
46 of an order which are allocated for child support established prior to

1 or subsequent to the effective date of P.L.1993, c.45
2 (C.2A:17-56.23a), shall be retroactively modified by the court except
3 with respect to the period during which there is a pending application
4 for modification, but only from the date ~~[the]~~ that an application to the
5 division or a notice of motion was mailed either directly or through the
6 appropriate agent. The [written notice will] application or notice of
7 motion shall state the date that [a change of circumstances has
8 occurred and] an application for modification of the order has been
9 filed with the division, or that a motion for modification of the order
10 will be filed within 45 days. In the event that an application is not filed
11 with the division or a motion is not filed within the 45-day period,
12 modification shall be permitted only from the date that the application
13 is filed with the division or the motion is filed with the court.

14 The non-modification provision of this section is intended to be
15 curative and shall apply to all orders entered before, on and after the
16 effective date of ~~[this act]~~ P.L.1993, c.45 (C.2A:17-56.23a).
17 (cf: P.L.1993, c.45, s.1)

18

19 119. Section 1 of P.L.1995, c.322 (C.2A:17-56.34) is amended to
20 read as follows:

21 1. ~~[The county probation department, the State IV-D agency and~~
22 ~~its designees]~~ Subject to privacy safeguards, the division and the court
23 shall be authorized to receive information concerning putative fathers
24 and child support obligors from the following sources through
25 electronic or other appropriate means:

26 a. To the extent permitted by R.S.54:50-9, records of the Division
27 of Taxation in the Department of the Treasury containing information
28 concerning an obligor's income or assets;

29 b. Direct, on-line access to the Division of Motor Vehicles'
30 records, including, where possible, interface between automated
31 systems;

32 c. Any record, paper, document or entity deemed by the
33 ~~[probation department, the IV-D agency or its designee]~~ division to be
34 a potential source of information concerning an obligor's income or
35 assets. In order to obtain information pursuant to this subsection, the
36 ~~[probation department and the IV-D agency]~~ division shall have the
37 authority, as designated by the ~~[Commissioner of the Department of~~
38 ~~Human Services]~~ commissioner, to compel the production of books,
39 papers, accounts, records and documents by subpoena. The subpoena
40 shall be served by certified and regular mail in accordance with court
41 rules on the person or entity in possession of the information or record
42 that is sought and such service shall be considered consistent with
43 procedural due process requirements. In all other respects, a subpoena
44 issued under this section shall be subject to the same procedures as a
45 subpoena issued by other agencies of this State. Actions relating to a
46 subpoena issued under this section shall be heard in the court;

1 d. State lottery prize payments in excess of \$600 made by the
2 Department of the Treasury;

3 e. Record of a judgment or settlement of any civil action where
4 a party is entitled to receive a monetary award made by the court or
5 an inheritance; and

6 f. Record of an out-of-court settlement.

7 (cf: P.L.1995, c.322, s.1)

8

9 120. Section 2 of P.L.1995, c.322 (C.2A:17-56.35) is amended to
10 read as follows:

11 2. a. If the [State IV-D agency and its designees are] division is
12 unable to obtain information pursuant to section 1 of [this act]
13 P.L.1995, c.322 (C.2A:17-56.34), then the [agency and its designees]
14 division may seek verifying information from public utility [records]
15 and cable television companies as required by Pub.L.104-193. Such
16 information shall be limited to identifying information necessary to
17 establish the name and address, or residency, if different from the
18 address, of putative fathers and child support obligors.

19 b. A public utility or cable television company shall not be liable
20 for damages for any civil action which may result from complying with
21 the provisions of [this act] P.L.1995, c.322 (C.2A:17-56.34 et seq.).

22 c. A long distance carrier shall be exempt from the provisions of
23 [this act] P.L.1995, c.322 (C.2A:17-56.34 et seq.).

24 (cf: P.L.1995, c.322, s.2)

25

26 121. Section 4 of P.L.1995, c.322 (C.2A:17-56.36) is amended to
27 read as follows:

28 4. The Commissioner of Human Services shall, in accordance with
29 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
30 seq.), and in conjunction with the [Supreme Court, the] Division of
31 Motor Vehicles[, the Administrative Office of the Courts] in the
32 Department of Transportation and the Department of the Treasury,
33 adopt and promulgate such rules and regulations as may be necessary
34 for the implementation of [this act] P.L.1995, c.322 (C.2A:17-56.34
35 et seq.), including, but not limited to: the protection of the confidential
36 use of the information concerning putative fathers and child support
37 obligors to safeguard against the unauthorized use, disclosure or
38 publication of the information; and, the establishment of penalties for
39 those cases in which the information is improperly used, disclosed or
40 published beyond the purposes of this act.

41 (cf: P.L.1995, c.322, s.4)

42

43 122. Section 3 of P.L.1996, c.7 (C.2A:17-56.41) is amended to
44 read as follows:

45 3. a. If the child support arrearage equals or exceeds the amount
46 of child support payable for six months or court-ordered health

1 [insurance] care coverage for the child is not provided for six months,
2 or the obligor fails to respond to a subpoena relating to a paternity or
3 child support action, or a child support-related warrant exists, and the
4 obligor is found to possess a license in the State and all appropriate
5 enforcement methods to collect the child support arrearage [, as
6 defined in section 2 of P.L.1996, c.7 (C.2A:17-56.40)] have been
7 exhausted, [the Probation Division] the division shall send a written
8 notice to the obligor, by certified and regular mail, return receipt
9 requested, at the obligor's last-known address or place of business or
10 employment, advising the obligor that the obligor's license [shall] may
11 be revoked or suspended unless, within 30 days of the postmark date
12 of the notice, the obligor pays the full amount of the child support
13 arrearage, or provides proof that health [insurance] care coverage for
14 the child has been obtained, or responds to a subpoena, or makes a
15 written request for a court hearing to the [Probation Division]
16 division. The obligor's driver's license shall be suspended by operation
17 of law upon the issuance of a child support-related warrant. If a child
18 support- related warrant for the obligor exists, the professional,
19 occupational, recreational or sporting license revocation or suspension
20 [process] shall be terminated if the obligor pays the full amount of the
21 child support arrearage, provides proof that health [insurance] care
22 coverage for the child has been obtained as required by the court
23 order, or surrenders to the county sheriff or the [Probation Division]
24 division.

25 b. If the obligor fails to take one of the actions in subsection a. of
26 this section within 30 days of the postmark date of the notice and there
27 is proof that service on the obligor was effective, the [Probation
28 Division] division shall file a certification with the court setting forth
29 the obligor's non-compliance with the support order and the obligor's
30 failure to respond to the written notice of the potential license
31 suspension or revocation. If, based on the papers filed by the
32 [Probation Division] division, the court is satisfied that service on the
33 obligor was effective as set forth in this section, it shall without need
34 for further due process or hearing, enter a court order suspending or
35 revoking all licenses held by the obligor. Upon the entry of the order,
36 the [Probation Division] division shall forward a copy to the obligor
37 and all appropriate licensing authorities.

38 [Simultaneous certified and regular mailing of the written notice
39 shall constitute effective service unless the United States Postal
40 Service returns the mail to the Probation Division within the 30-day
41 response period marked "moved, unable to forward," "addressee not
42 known," "no such number/street," "insufficient address," or
43 "forwarding order expired." If the certified mail is returned for any
44 other reason without the return of the regular mail, the regular mail
45 service shall constitute effective service. If the mail is addressed to the
46 obligor at the obligor's place of business or employment, with postal

1 instructions to deliver to addressee only, service will be deemed
2 effective only if the signature on the return receipt appears to be that
3 of the obligor. Acceptance of the certified mail notice signed by the
4 obligor, the obligor's attorney, or a competent member of the obligor's
5 household above the age of 14 shall be deemed effective service.] For
6 the purposes of this section, the court may deem procedural due
7 process requirements for notice and service of process to be met with
8 respect to a party thereto upon delivery of written notice to the most
9 recent residential or employer address filed with the division for that
10 party. If a party fails to respond to a notice and no proof is available
11 that the party received the notice, the division shall document to the
12 court that it has made a diligent effort to locate the party by making
13 inquiries that may include, but are not limited to: the United States
14 Postal Service, the Division of Motor Vehicles in the Department of
15 Transportation, and the Departments of Labor and Corrections. The
16 division shall provide an affidavit to the court presenting such
17 documentation of its diligent effort, which certifies its inability to
18 locate the party, before any adverse action is taken based upon the
19 party's failure to respond to the notice.

20 c. If the obligor requests a hearing, the [Probation Division]
21 division shall file a petition for a judicial hearing in accordance with
22 section 5 of P.L.1996, c.7 (C.2A:17-56.43). The hearing shall occur
23 within 45 days of the obligor's request. If, at or prior to the hearing,
24 the obligor pays the full amount of the child support arrearage or
25 provides health [insurance] care coverage as ordered, or responds to
26 the subpoena or surrenders to the county sheriff or the division, the
27 license revocation process shall be terminated. No license revocation
28 action shall be initiated if the [Probation Division] division has
29 received notice that the obligor has pending a motion to modify the
30 child support order if that motion was filed prior to the date that the
31 notice of the license suspension or revocation was sent by the
32 [Probation Division] division. The court shall consider the [Probation
33 Division's] division's petition to revoke or suspend a license in
34 accordance with section 5 of P.L.1996, c.7 (C.2A:17-56.43).
35 (cf: P.L.1996, c.7, s.3)

36
37 123. Section 4 of P.L.1996, c.7 (C.2A:17-56.42) is amended to
38 read as follows:

39 4. Child support payments not presently made through the
40 [Probation Division] division shall be so made, upon the application
41 of the obligor or obligee to the [Probation Division] division and prior
42 to the application of the provisions of [this act] P.L.1996, c.7
43 (C.2A:17-56.40 et seq.).
44 (cf: P.L.1996, c.7, s.4)

45
46 124. Section 5 of P.L.1996, c.7 (C.2A:17-56.43) is amended to

1 read as follows:

2 5. The court shall suspend or revoke a license if it finds that: a. all
3 appropriate enforcement methods [as defined in section 2 of P.L.1996,
4 c.7 (C. 2A:17-56.40)] have been exhausted, b. the obligor is the
5 holder of a license, c. the requisite child support arrearage amount
6 exists [or], health [insurance] care coverage has not been provided as
7 ordered pursuant to section 3 of P.L.1996, c.7 (C.2A:17-56.41), or
8 there has been no response to a subpoena, d. no motion to modify the
9 child support order, filed prior to the date that the notice of the license
10 suspension or revocation was sent by the [Probation Division]
11 division, is pending before the court, and e. there is no equitable
12 reason, such as involuntary unemployment, disability, or compliance
13 with a court-ordered plan for the periodic payment of the child support
14 arrearage amount, for the obligor's non-compliance with the child
15 support order.

16 If the court is satisfied that these conditions exist, it shall first
17 consider suspending or revoking a driver's license prior to a
18 professional license. If the obligor fails to appear at the hearing after
19 being properly served with notice, the court shall order the suspension
20 or revocation of all licenses held by the obligor. In the case of a
21 driver's license, if the court finds that the license revocation or
22 suspension will result in a significant hardship to the obligor, to the
23 obligor's legal dependents under 18 years of age living in the obligor's
24 household, to the obligor's employees, or to persons, businesses or
25 entities to whom the obligor provides goods or services, the court may
26 allow the obligor to pay 25% of the past-due child support amount
27 within three working days of the hearing, establish a payment schedule
28 to satisfy the remainder of the arrearages within one year, and require
29 that the obligor comply with any current child support obligation. If
30 the obligor agrees to this arrangement, no suspension or revocation of
31 any licenses shall be ordered. Compliance with the payment agreement
32 shall be monitored by the [Probation Division] division. If the obligor
33 has good cause for not complying with the payment agreement within
34 the time permitted, the obligor shall immediately file a motion with the
35 court and the [Probation Division] division requesting an extension of
36 the payment plan. The court may extend the payment plan if it is
37 satisfied that the obligor has made a good faith effort to comply with
38 the plan and is unable to satisfy the full amount of past-due support
39 within the time permitted due to circumstances beyond the obligor's
40 control. In no case shall a payment plan extend beyond the date the
41 dependent child reaches the age of 18. If the obligor fails to comply
42 with the court-ordered payment schedule, the court shall, upon receipt
43 of a certification of non-compliance from the obligee or [Probation
44 Division] division, and without further hearing, order the immediate
45 revocation or suspension of all licenses held by the obligor. If required
46 by existing law or regulation, the court shall order that the obligor

1 surrender the license to the issuing authority within 30 days of the date
2 of the order.

3 (cf: P.L.1996, c.7, s.5)

4

5 125. Section 6 of P.L.1996, c.7 (C.2A:17-56.44) is amended to
6 read as follows:

7 6. a. The [Probation Division] division shall provide the licensing
8 authority with a copy of the order requiring the suspension or
9 revocation of a license. Upon receipt of an order requiring the
10 suspension or revocation of a license [for non-payment of child
11 support], the licensing authority shall immediately notify the licensee
12 of the effective date of the suspension or revocation, which shall be 20
13 days after the postmark of the notice, direct the licensee to refrain
14 from engaging in the activity associated with the license, surrender any
15 license as required by law, and inform the licensee that the license shall
16 not be reinstated until the court so orders based upon the certification
17 of the division [or Probation Division certifies] that [all child support
18 arrearage is] the conditions which resulted in the suspension or
19 revocation are satisfied. The [Probation Division and the State IV-D
20 agency] division in association with the affected licensing authorities
21 may develop electronic or magnetic tape data transfers to notify
22 licensing authorities of restrictions, suspensions, revocations and
23 reinstatements. No liability shall be imposed on a licensing authority
24 for suspending or revoking a license if the action is in response to a
25 court order issued in accordance with P.L.1996, c.7 (C.2A:17-56.40
26 et al.). Licensing authorities shall not have jurisdiction to modify,
27 remand, reverse, vacate or stay a court order to restrict, suspend or
28 revoke a license for non-payment of child support.

29 b. If a licensee, upon receipt of the notice of suspension or
30 revocation from the licensing authority, disputes that he is an obligor,
31 the licensee shall notify the licensing authority and the [Probation
32 Division] division by registered mail within 20 days of the postmark
33 of the notice and request a hearing. Upon receipt of the licensee's
34 request for a hearing, the [Probation Division] division shall determine
35 if the licensee is an obligor. If the [Probation Division] division
36 determines that the licensee is an obligor, the [Probation Division]
37 division shall file a petition for a judicial hearing on the issue of
38 whether the licensee is an obligor. The hearing shall occur within 30
39 days. If the [Probation Division] division determines that the licensee
40 is not an obligor, the [Probation Division] division shall so notify the
41 licensee and the licensing authority. The licensing authority shall not
42 suspend or revoke a person's license, if the licensing authority received
43 proper notice of the licensee's request for a hearing pursuant to this
44 subsection, until the [court] division finds that the licensee is an
45 obligor. The [Probation Division] division shall notify the licensing
46 authority of [the court's] its finding. Upon receipt of the [court's]

1 division's finding that the licensee is an obligor, the licensing authority
2 shall immediately suspend or revoke the obligor's license without
3 additional review or hearing.

4 c. The revocation or suspension of a license ordered by the court
5 in accordance with P.L.1996, c.7 (C.2A:17-56.40 et al.) shall continue
6 until the [obligor] division files with the licensing authority either a
7 court order restoring the license or a [Probation Division] division
8 certification attesting to the full satisfaction of the [child support
9 arrearage] conditions which resulted in the revocation or suspension.

10 d. Each licensing authority shall require license applicants to
11 certify on the license application form, under penalty of perjury, that
12 the applicant does not have a child support obligation, the applicant
13 does have such an obligation but the arrearage amount does not equal
14 or exceed the amount of child support payable for six months and any
15 court-ordered health care coverage has been provided for the past six
16 months, the applicant has not failed to respond to a subpoena relating
17 to a paternity or child support proceeding, or the applicant is not the
18 subject of a child-support related warrant. A license shall not be
19 granted to an obligor who applies for a license if there is an arrearage
20 equal to or exceeding the amount of child support payable for six
21 months, the applicant has not provided court-ordered health care
22 coverage during the past six months or [who] the applicant has failed
23 to respond to a subpoena relating to a paternity or child support
24 proceeding or is the subject of a child support-related warrant. The
25 application form shall state that making a false statement may subject
26 the applicant to contempt of court. It shall also state that if the
27 applicant's certification is found to be false, the licensing authority
28 shall take disciplinary action including, but not limited to, immediate
29 revocation or suspension of the license.

30 e. For all licenses issued or renewed in the State after the effective
31 date of P.L.1996, c.7 (C.2A:17-56.40 et al.), the licensing authority
32 shall record the full name, mailing address, Social Security number and
33 date of birth of the applicant or licensee. All affected licensing
34 authorities shall cooperate and enter into agreements with the
35 [Probation Division and the State IV-D agency] division to exchange
36 information to effectuate the purposes of P.L.1996, c.7
37 (C.2A:17-56.40 et al.). The Division of Motor Vehicles in the
38 Department of Transportation and other appropriate licensing agencies
39 shall amend their regulations and public notices to permit Social
40 Security numbers collected by those agencies to be used for child
41 support enforcement purposes. License information obtained through
42 data matches with licensing authorities shall be maintained on the
43 [Automated Child Support Enforcement System] State case registry
44 in the Department of Human Services for future use.

45 (cf: P.L.1996, c.7, s.6)

46

1 126. Section 9 of P.L.1996, c.7 (C.2A:17-56.47) is amended to
2 read as follows:

3 9. All actions taken to suspend or revoke a license in accordance
4 with P.L.1996, c.7 (C.2A:17-56.40 et al.) shall be carried out in full
5 compliance with due process laws and the Rules Governing the Courts
6 of the State of New Jersey. Service of process shall be made in
7 accordance with applicable New Jersey court rules and statutes. For
8 the purposes of P.L.1996, c.7 (C.2A:17-56.40 et al.), service of
9 process may be effected by an employee of the [Probation Division]
10 division.

11 (cf: P.L.1996, c.7, s.9)

12

13 127. Section 10 of P.L.1996, c.7 (C.2A:17-56.48) is amended to
14 read as follows:

15 10. The [State IV-D agency shall] division may enter into
16 cooperative agreements for federal Title IV-D funding with the
17 Department of [Law and Public Safety] Transportation and any other
18 appropriate licensing authority that is responsible for administering
19 license suspensions and revocations in accordance with P.L.1996, c.7
20 (C.2A:17-56.40 et al.) to the extent that the costs are eligible for
21 federal financial participation under section 451 of Title IV, Part D of
22 the federal Social Security Act (42 U.S.C.651 et seq.).

23 (cf: P.L.1996, c.7, s.10)

24

25 128. Section 11 of P.L.1996, c.7 (C.2A:17-56.49) is amended to
26 read as follows:

27 11. The license revocation provisions of P.L.1996, c.7
28 (C.2A:17-56.40 et al.) apply to all orders issued before or after the
29 effective date of P.L.1996, c.7 (C.2A:17-56.40 et al.). All child
30 support arrearage and health [insurance] care coverage provisions in
31 existence on or before the effective date of P.L.1996, c.7
32 (C.2A:17-56.40 et al.) shall be included in determining whether a case
33 is eligible for enforcement in accordance with P.L.1996, c.7
34 (C.2A:17-56.40 et al.). [This act] P.L.1996, c.7 (C.2A:17-56.40 et
35 al.) applies to all child support obligations ordered by any state,
36 territory or district of the United States that are being enforced by the
37 [Probation Division] division, that are payable directly to the obligee,
38 or have been registered in this State in accordance with [P.L.1981,
39 c.243 (C.2A:4-30.24 et seq.)] the "Uniform Interstate Family Support
40 Act," P.L. , c. (C.)(pending before the Legislature as sections
41 1 through 60 of this bill).

42 (cf: P.L.1996, c.7, s.11)

43

44 129. Section 13 of P.L.1996, c.7 (C.2A:17-56.51) is amended to
45 read as follows:

46 13. The Supreme Court may adopt rules [and procedures for the

1 implementation and administration of] to implement P.L.1996, c.7
2 (C.2A:17-56.40 et al.). The [State IV-D agency] division and
3 licensing authorities may adopt regulations to implement P.L.1996, c.7
4 (C.2A:17-56.40 et al.) pursuant to the "Administrative Procedure
5 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
6 (cf: P.L.1996, c.7, s.13)
7

8 130. Section 1 of P.L.1991, c.384 (C.5:9-13.1) is amended to read
9 as follows:

10 1. a. The Director of the Division of the State Lottery in the
11 Department of the Treasury and the Director of the Division of
12 [Family Development] Child Support Services in the Department of
13 Human Services shall initiate an ongoing data exchange in the Office
14 of Telecommunications and Information Systems in the Department of
15 the Treasury before a payment is made of a State lottery prize in
16 excess of [\$1,000] \$600.

17 b. A person who is determined by the Director of the Division of
18 the State Lottery, in conjunction with the Director of the Division of
19 Child Support Services, to be a delinquent Title IV-D obligor pursuant
20 to P.L. , c. (C.)(pending before the Legislature as this bill)
21 shall be prohibited from receiving an annuity award assignment.

22 (cf: P.L.1995, c.333, s.1)
23

24 131. Section 2 of P.L.1991, c.384 (C.5:9-13.2) is amended to read
25 as follows:

26 2. The [Director of the Division of Economic Assistance]
27 Commissioner of Human Services shall periodically supply the Office
28 of Telecommunications and Information Systems with a list of:

29 a. those individuals in arrears of a court ordered child support
30 obligation; and

31 b. those former recipients of Aid to Families with Dependent
32 Children, pursuant to P.L.1959, c.86 (C.44:10-1 et seq.) or Work First
33 New Jersey, pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), food
34 stamp benefits issued pursuant to Pub.L. 95-113, Title XIII (7 U.S.C.
35 s.2011 et seq.), or low-income home energy assistance benefits issued
36 pursuant to Pub.L. 97-35, Title XXVI (42 U.S.C. s.8621 et seq.) who
37 incurred an overpayment which has not been repaid.

38 (cf: P.L.1991,c.384,s.2)
39

40 132. Section 4 of P.L.1991, c.384 (C.5:9-13.4) is amended to read
41 as follows:

42 4. The Office of Telecommunications and Information Systems
43 shall cross check the lottery list with the data supplied by the [Director
44 of the Division of Economic Assistance] Commissioner of Human
45 Services for a social security number match. If a match is made, the
46 Office of Telecommunications and Information Systems shall notify the

1 [Division of Economic Assistance] Commissioner of Human Services.

2

3 (cf: P.L.1991, c.384, s.4)

4

5 133. Section 5 of P.L.1991, c.384 (C.5:9-13.5) is amended to read
6 as follows:

7 5. If a lottery prize claimant is in arrears of a child support order,
8 or is a former recipient of Aid to Families with Dependent Children
9 or Work First New Jersey, food stamp benefits or low-income home
10 energy assistance benefits who has incurred an overpayment which has
11 not been repaid, the [Division of Economic Assistance] Department of
12 Human Services shall promptly notify the Department of the Treasury
13 and the Division of the State Lottery of the claimant's name, address,
14 social security number and amount due on an arrears child support
15 order or the amount due on an overpayment. The Department of the
16 Treasury shall withhold this amount from the pending lottery payment
17 and transmit same to the Department of Human Services [or
18 appropriate county probation department, as the case may be,] in
19 accordance with regulations promulgated by the State Treasurer.

20 (cf: P.L.1991, c.384, s.5)

21

22 134. Section 6 of P.L.1991, c.384 (C.5:9-13.6) is amended to read
23 as follows:

24 6. The county welfare agency which provided the public assistance
25 benefits or the [county probation office] Division of Child Support
26 Services in the Department of Human Services , acting as agent for the
27 child support payee, shall have a lien on the proceeds of the State
28 lottery prize in an amount equal to the amount of child support
29 arrearage or the amount of overpayment incurred.

30 The lien imposed by this act shall be enforceable in the Superior
31 Court.

32 (cf: P.L.1991, c.384, s.6)

33

34 135. Section 9 of P.L.1991, c.384 (C.5:9-13.9) is amended to read
35 as follows:

36 9. The costs associated with or necessary for the implementation
37 of P.L.1991, c.384 (C.5:9-13.1 et seq.) shall be borne by the Division
38 of [Economic Assistance] Child Support Services in the Department
39 of Human Services.

40 (cf: P.L.1991, c.384, s.9)

41

42 136. N.J.S.2C:24-5 is amended to read as follows:

43 2C:24-5. A person commits a crime of the fourth degree if he
44 willfully fails to provide support which he can provide and which he
45 knows he is legally obliged to provide to a spouse, child or other
46 dependent. The county prosecutor shall cooperate to the fullest extent

1 possible in the criminal prosecution of a Title IV-D case as defined in
2 section 3 of P.L. , c. (C.)(pending before the Legislature as
3 this bill) which is referred by the Division of Child Support Services
4 in the Department of Human Services. In addition to the sentence
5 authorized by the code, the court may proceed under section 2C:62-1.
6 (cf: P.L.1978, c.95, s.2C:24-5)

7

8 137. N.J.S.2C:62-1 is amended to read as follows:

9 2C:62-1. a. Order for support pendente lite. At any time after
10 a sworn complaint is made charging an offense under section 2C:24-5
11 and before trial, the court shall enforce a support order as defined in
12 section 3 of P.L. , c. (C.)(pending before the Legislature as
13 this bill), or may enter such temporary order as may seem just,
14 providing for the support of the spouse or children, or both, pendente
15 lite, and may punish a violation of such order as for contempt.

16 b. Order for future support; release on recognizance conditioned
17 on obeying order; periodic service of sentence. Before trial, with the
18 consent of the defendant, or after conviction, instead of imposing the
19 penalty provided for violation of section 2C:24-5, or in addition
20 thereto, the court, having regard to the circumstances and the
21 financial ability or earning capacity of the defendant, shall enforce the
22 current support order or may make an order consistent with the
23 support guidelines as defined in section 3 of P.L. , c. (C.)
24 (pending before the Legislature as this bill), which shall be subject to
25 change by the court from time to time as circumstances may require,
26 directing the defendant to pay a sum certain [periodically] to the
27 spouse, or to the guardian or custodian of the minor child or children,
28 or to the Division of Child Support Services in the Department of
29 Human Services or an organization or individual approved by the court
30 as trustee. The court may release the defendant from custody on
31 probation, upon his or her entering into a recognizance, with or
32 without surety, in such sum as the court may order and approve. The
33 condition of the recognizance shall be such that if the defendant shall
34 personally appear in court whenever ordered to do so, and shall
35 comply with the terms of the order, or of any modification thereof, the
36 recognizance shall be void, otherwise it will remain in full force and
37 effect. The court may, in addition to or in place of any order under
38 this section, order and direct that any sentence of imprisonment be
39 served periodically, instead of consecutively, during periods of time
40 between Friday at 6 p.m. and Monday at 8 a.m. or at other times or on
41 other days, whenever the court determines the existence of proper
42 circumstances and that the ends of justice will be served thereby. Any
43 person so imprisoned shall be given credit for each day or fraction of
44 a day to the nearest hour actually served.

45 c. Violation of order. If the court [be] is satisfied by information
46 and due proof under oath that the defendant has violated the terms of

1 the order, it may forthwith proceed with the trial of the defendant
2 under the original charge, or sentence the defendant under the original
3 conviction or plea of guilty, or enforce the suspended sentence or
4 punish for contempt, as the case may be. In case of forfeiture of a
5 recognizance, and the enforcement thereof by execution, the sum
6 recovered may, in the discretion of the court, be paid in whole or part
7 to the spouse, or to the guardian, custodian or trustee of such minor
8 child or children, or to the Division of Child Support Services.

9 d. Proof of marriage; husband and wife as witness. No other or
10 greater evidence shall be required to prove the marriage of such
11 husband and wife, or that the defendant is the father or mother of such
12 child or children, than is required in a civil action or pursuant
13 to P.L. , c. (C.)(pending before the Legislature as this bill).
14 In no prosecution under this chapter shall any existing statute or rule
15 of law prohibiting the disclosure of confidential communications
16 between husband and wife apply, and both husband and wife shall be
17 competent and compellable witnesses to testify against each other as
18 to any and all relevant matters, including the fact of the marriage and
19 the parentage of the child or children.

20 e. Place of residence confers jurisdiction of offense. The place of
21 residence at the time of the desertion of the spouse, child or children,
22 under the provisions of this chapter, shall confer jurisdiction of the
23 offense set forth therein as provided in the Rules Governing the Courts
24 of the State of New Jersey, upon the [county, county district, or
25 juvenile and domestic relations court] Superior Court, Criminal
26 Division having territorial jurisdiction of the place of such residence,
27 until the deserted party shall establish a legal residence in some other
28 [county or State] state.

29 (cf: P.L.1978, c.95, s.2C:62-1)

30
31 138. Section 4 of P.L.1983, c.17 (C.9:17-41) is amended to read
32 as follows:

33 4. The parent and child relationship between a child and:

34 a. The natural mother, may be established by proof of her having
35 given birth to the child, or under [this act] P.L.1983, c.17 (C.9:17-38
36 et seq.);

37 b. The natural father, may be established by proof that his
38 paternity has been adjudicated under prior law and recorded with the
39 Division of Child Support Services in the Department of Human
40 Services; under the laws governing probate; by giving full faith and
41 credit to a determination of paternity made by any other state or
42 jurisdiction, whether established through voluntary acknowledgment
43 or through judicial or administrative processes; by a Certificate of
44 Parentage as provided in section 7 of P.L.1994, c.164 (C.26:8-28.1)
45 that is executed by the father, including an unemancipated minor,
46 prior to or after the birth of a child, and filed with the [appropriate

1 State agency] division, creating a conclusive presumption of paternity;
2 by a default judgment or order of the court; or by an order of the court
3 based on a blood test or genetic test that meets or exceeds the specific
4 threshold probability [as set by the State] , or other evidence of
5 paternity as determined by regulation of the Commissioner of Human
6 Services, creating a conclusive presumption of paternity; [or under this
7 act]

8 In accordance with section 331 of Pub.L.104-193, a signed
9 voluntary acknowledgment of paternity shall be considered a legal
10 finding of paternity subject to the right of the signatory to rescind the
11 acknowledgment within 60 days of the date of signing, or by the date
12 of establishment of a support order to which the signatory is a party,
13 whichever is earlier.

14 The adjudication of paternity shall only be voided upon a finding
15 that there exists clear and convincing evidence of: fraud, a mistake of
16 fact or inaccurate analysis of genetic testing to determine parentage;

17 c. An adoptive parent, may be established by proof of adoption;

18 d. The natural mother or the natural father, may be terminated: (1)
19 by an order of a court of competent jurisdiction in granting a judgment
20 of adoption [or] , (2) as the result of an action to terminate parental
21 rights , or (3) upon a finding by the court of fraud, mistake of fact or
22 inaccurate analysis of genetic testing.

23 e. The establishment of the parent and child relationship pursuant
24 to subsections a., b., and c. of this section shall be the basis upon
25 which an action for child support may be brought by a party and acted
26 upon by the court without further evidentiary proceedings.

27 f. In any case in which the parties execute a Certificate of
28 Parentage or a conclusive presumption of paternity is created through
29 genetic testing, the presumptions of paternity under section 6 of
30 P.L.1981, c.417 (C.9:17-43) shall not apply.

31 g. Pursuant to the provisions of section 331 of Pub.L.104-193, the
32 child and other parties in a contested paternity case shall submit to a
33 genetic test upon the request of one of the parties, unless that person
34 has good cause for refusal, if the request is supported by a sworn
35 statement by the requesting party:

36 (1) alleging paternity and setting forth the facts establishing a
37 reasonable possibility of the requisite sexual contact between the
38 parties; or

39 (2) denying paternity and setting forth the facts establishing a
40 reasonable possibility of the nonexistence of sexual contact between
41 the parties.

42 h. In a contested paternity case in which the Division of Child
43 Support Services requires genetic testing, the division shall:

44 (1) pay the costs of the genetic test and may recoup payment from
45 the alleged father whose paternity is established; and

46 (2) obtain additional testing if the initial test results are contested

1 based upon a showing that the initial test was defective, flawed or
2 otherwise incorrect, and upon the request and advance payment for the
3 additional test by the contestant.

4 (cf: P.L.1994, c.164, s.1)

5

6 139. Section 8 of P.L.1983, c.17 (C.9:17-45) is amended to read
7 as follows:

8 8. a. A child, a legal representative of the child, the natural
9 mother, the estate or legal representative of the mother, if the mother
10 has died or is a minor, a man alleged or alleging himself to be the
11 father, the estate or legal representative of the alleged father, if the
12 alleged father has died or is a minor, the Division of [Public Welfare]
13 Child Support Services in the Department of Human Services, or [the
14 county welfare agency, or] any person with an interest recognized as
15 justiciable by the court may bring or defend an action or be made a
16 party to an action at any time for the purpose of determining the
17 existence or nonexistence of the parent and child relationship.

18 b. No action shall be brought under [this act] P.L.1983, c.17
19 (C.9:17-38 et seq.) more than 5 years after the child attains the age of
20 majority.

21 c. The death of the alleged father shall not cause abatement of any
22 action to establish paternity, and an action to determine the existence
23 or nonexistence of the parent and child relationship may be instituted
24 or continued against the estate or the legal representative of the
25 alleged father.

26 d. Regardless of its terms, an agreement, other than an agreement
27 approved by the court in accordance with subsection [11c.] c. of
28 section 11 of P.L.1983, c.17 (C.9:17-48) between an alleged or
29 presumed father and the mother of the child, shall not bar an action
30 under this section.

31 e. If an action under this section is brought before the birth of the
32 child, all proceedings shall be stayed until after the birth, except
33 service of process and the taking of depositions to perpetuate
34 testimony. The court may consider the issue of medical expenses and
35 may order the alleged father to pay the reasonable expenses of the
36 mother's pregnancy and postpartum disability. Bills for pregnancy,
37 childbirth and genetic testing are admissible as evidence without
38 requiring third party foundation testimony, and shall constitute
39 evidence of the amounts incurred for such services or for testing on
40 behalf of the child.

41 f. This section does not extend the time within which a right of
42 inheritance or a right to succession may be asserted beyond the time
43 provided by law relating to distribution and closing of decedents'
44 estates or to the determination of heirship, or otherwise.

45 (cf: P.L.1983, c.17, s.8)

46

1 140. Section 9 of P.L.1983, c.17 (C.9:17-46) is amended to read
2 as follows:

3 9. a. The Superior Court shall have jurisdiction over an action
4 brought under [this act] P.L.1983, c.17 (C.9:17-38 et seq.). The
5 action [shall] may be joined with an action for divorce, annulment,
6 separate maintenance or support.

7 b. A person who has sexual intercourse in this State thereby
8 submits to the jurisdiction of the courts of this State as to an action
9 brought under [this act] P.L.1983, c.17 (C.9:17-38 et seq.) with
10 respect to a child who may have been conceived by that act of
11 intercourse. In addition to any other method provided by law, personal
12 jurisdiction may be acquired by service in accordance with the [rules
13 of the court] Rules Governing the Courts of the State of New Jersey.

14 c. The action may be brought in the county in which the child or
15 the alleged father resides [or is found] or, if the father is deceased, in
16 which proceedings for probate of his estate have been or could be
17 commenced.

18 (cf: P.L.1991, c.91, s.211)

19

20 141. Section 11 of P.L.1983, c.17 (C.9:17-48) is amended to read
21 as follows:

22 11. a. As soon as practicable after an action to declare the
23 existence or nonexistence of the father and child relationship has been
24 brought, a voluntary consent conference [shall] may be held by the
25 Division of Child Support Services in the Department of Human
26 Services or the Superior Court, Chancery Division, Family Part intake
27 service[, the county probation department or the county welfare
28 agency]. At the request of either party, the determination of paternity
29 may be referred directly to the court in lieu of the consent process. A
30 court appearance shall be scheduled in the event that a consent
31 agreement cannot be reached.

32 b. On the basis of the information produced at the conference, an
33 appropriate recommendation for settlement shall be made to the
34 parties, which may include any of the following:

35 (1) That the action be dismissed with or without prejudice; or

36 (2) That the alleged father voluntarily acknowledge his paternity
37 of the child.

38 c. If the parties accept a recommendation made in accordance with
39 subsection b. of this section, which has been approved by the court,
40 judgment shall be entered or a Certificate of Parentage shall be
41 executed accordingly.

42 d. If a party refuses to [accept a recommendation made under
43 subsection b. of this section or the consent conference is terminated
44 because it is unlikely that all parties would accept a recommendation
45 pursuant to subsection b. of this section, and blood tests or genetic
46 tests have not been taken,] voluntarily acknowledge paternity, the

1 division shall require or the court shall [require] order the child and
2 the parties to submit to blood tests or genetic tests [if the court
3 determines that there is an articulable reason for suspecting that the
4 alleged father is the natural father. The tests shall be scheduled within
5 10 days and shall be performed by qualified experts. Thereafter the
6 Family Part intake service, with the approval of the court, shall make
7 an appropriate final recommendation] unless a party claims, and the
8 division or the court finds, good cause for not ordering the tests. The
9 court may hear and decide motions to challenge a directive issued by
10 the division requiring a party to submit to blood or genetic tests. A
11 genetic test shall be ordered upon the request of either party, if the
12 request is supported by a sworn statement by the requesting party
13 which alleges paternity and sets forth the facts establishing a
14 reasonable possibility of the requisite sexual contact between the
15 parties or denies paternity and sets forth the facts establishing a
16 reasonable possibility of the nonexistence of sexual contact between
17 the parties. If a party refuses to [accept the final recommendation]
18 acknowledge paternity based upon the blood or genetic test results,
19 the action shall be set for [trial] a hearing[, except when the results of
20 the blood test or genetic test indicate that the specific threshold
21 probability as set by the State to establish paternity has been met or
22 exceeded].

23 If the results of the blood test or genetic test indicate that the
24 specific threshold probability, as [set by the State] adopted by
25 regulation by the commissioner, to establish paternity has been met or
26 exceeded, the results shall be received in evidence as a conclusive
27 presumption of paternity [and no] without requiring any additional
28 foundation testimony or proof of authenticity or accuracy [shall be
29 required to establish paternity] of the paternity testing or results. In
30 actions based on allegations of fraud or inaccurate analysis, the court
31 or the Division of Child Support Services in the Department of Human
32 Services shall require that [the] additional blood [test] or genetic
33 [test] tests be scheduled within 10 days of the request and be
34 performed by qualified experts. [The test] Additional blood or genetic
35 tests shall be paid for in advance by the [moving] requesting party.

36 If a party objects to the results of the blood [test] or genetic [test]
37 tests, the party shall make the objection to the [appropriate agency]
38 Division of Child Support Services or the Superior Court, Chancery
39 Division, Family Part intake service, if the matter is scheduled for a
40 voluntary consent conference, or to the court, if the matter is
41 scheduled for a hearing, in writing, within 10 days of [receipt of the
42 results] the consent conference or hearing.

43 e. The guardian ad litem may accept or refuse to accept a
44 recommendation under this section.

45 f. (Deleted by amendment, P.L.1994, c.164).

46 g. No evidence, testimony or other disclosure from the voluntary

1 consent conference shall be admitted as evidence in a civil action
2 except by consent of the parties. However, blood tests or genetic tests
3 ordered pursuant to subsection d. of this section [may] shall be
4 admitted as evidence.

5 h. The refusal to submit to a blood test or genetic test required
6 pursuant to subsection d. of this section, or both, shall be admitted
7 into evidence and shall give rise to the presumption that the results of
8 the test would have been unfavorable to the interests of the party who
9 refused to submit to the test. Refusal to submit to a blood test or
10 genetic test, or both, is also subject to the contempt power of the
11 court.

12 i. If a party refuses to acknowledge paternity or does not appear
13 at a voluntary consent conference conducted by the division, the
14 division shall refer the matter to the court for adjudication. At the
15 hearing, the blood or genetic test results shall be admitted into
16 evidence without the need for foundation testimony or other proof of
17 authenticity or accuracy, unless an objection is made.

18 (cf: P.L.1994, c.164, s.2)

19

20 142. Section 12 of P.L.1983, c.17 (C.9:17-49) is amended to read
21 as follows:

22 12. a. An action under this act is a civil action governed by the
23 [rules of court] Rules Governing the Courts of the State of New
24 Jersey.

25 b. The trial shall be by the court without a jury[, unless a party to
26 the action shall file with the court a written request for a trial by jury
27 within 10 days after service of the complaint. The complaint shall
28 contain a notice to all parties that they may request a jury trial within

1 10 days of the service of the complaint].

2 (cf: P.L.1983, c.17, s.12)

3

4 143. Section 6 of P.L.1994, c.164 (C.9:17-52.1) is amended to
5 read as follows:

6 6. A default order shall be entered in a contested paternity action
7 upon a showing that proper notice has been served upon the party and
8 the party has failed to appear at a hearing [or trial; or has failed to
9 respond to a notice or order that required a response within a specific
10 period of time] to adjudicate parentage. A default order entered
11 pursuant to this section shall be determinative for purposes of
12 establishing the existence of paternity when proper notice has been
13 served and a sworn statement by the mother indicating the parentage
14 of the child has been executed. Legal process shall be served on the
15 putative father in accordance with the Rules Governing the Courts of
16 the State of New Jersey and applicable statutes.

17 (cf: P.L.1994, c.164, s.6)

18

19 144. Section 16 of P.L.1983, c.17 (C.9:17-53) is amended to read
20 as follows:

21 16. a. The judgment or order of the court or a Certificate of
22 Parentage determining the existence or nonexistence of the parent and
23 child relationship is determinative for all purposes.

24 b. If the judgment or order of the court is at variance with the
25 child's birth certificate, the court shall order that an amendment to the
26 original birth record be made under section 22.

27 c. The judgment or order may contain any other provision directed
28 against the appropriate party to the proceeding concerning the duty of
29 support, the custody and guardianship of the child, visitation privileges
30 with the child, the furnishing of bond or other security for the payment
31 of the judgment, the repayment of any public assistance grant, or any
32 other matter in the best interests of the child. The judgment or order
33 may direct the father to pay the reasonable expenses of the mother's
34 pregnancy and postpartum disability, including repayment to an agency
35 which provided public assistance funds for those expenses. Bills for
36 pregnancy, childbirth and blood or genetic testing are admissable as
37 evidence without requiring third party foundation testimony, and shall
38 constitute evidence of the amounts incurred for these services or for
39 testing on behalf of the child.

40 d. Support judgments or orders ordinarily shall be for periodic
41 payments, which may vary in amount. In the best interests of the
42 child, the purchase of an annuity may be ordered in lieu of periodic
43 payments of support. The court may limit a parent's liability for past
44 support of the child to the proportion of the expenses already incurred
45 that the court deems just.

46 e. In determining the amount to be paid by a parent for support of

1 the child and the period during which the duty of support is owed, [a]
2 the court [enforcing the obligation of support] shall apply the child
3 support guidelines as defined in section 3 of P.L. , c. (C.)(pending
4 before the Legislature as this act. In cases in which the court finds
5 that a deviation from these guidelines is appropriate, the court shall
6 consider all relevant facts when determining the amount of support,
7 including the:

- 8 (1) Needs of the child;
- 9 (2) Standard of living and economic circumstances of each parent;
- 10 (3) Income and assets of each parent, including any public
11 assistance grant received by a parent;
- 12 (4) Earning ability of each parent, including educational
13 background, training, employment skills, work experience, custodial
14 responsibility for children and the length of time and cost for each
15 parent to obtain training or experience for appropriate employment;
- 16 (5) Need and capacity of the child for education, including higher
17 education;
- 18 (6) Age and health of the child and each parent;
- 19 (7) Income, assets and earning ability of the child;
- 20 (8) Responsibility of the parents for the support of others; and
- 21 (9) Debts and liabilities of each child and parent.

22 The factors set forth herein are not intended to be exhaustive. The
23 court may consider such other factors as may be appropriate under the
24 circumstances.

25 f. Upon a motion by a party, the court shall enter a temporary
26 support order pending a judicial determination of parentage if there is
27 clear and convincing evidence of paternity supported by blood or
28 genetic test results or other evidence.

29 (cf: P.L.1983, c.17, s.16)

30

31 145. R.S.26:8-28 is amended to read as follows:

32 26:8-28. a. Within five days after each birth, there shall be filed
33 with the local registrar of the district in which the birth occurred a
34 certificate of the birth filled out with durable black or blue ink in a
35 legible manner. The name of the father shall be included on the record
36 of birth of the child of unmarried parents only if the father and mother
37 have signed a voluntary acknowledgment of paternity; or a court or an
38 administrative agency of competent jurisdiction has issued an
39 adjudication of paternity.

40 b. [In accordance with the provisions of the federal "Family
41 Support Act of 1988," Pub.L.100-485, and section 13721 of
42 Pub.L.103-66 (42 U.S.C. s.666), as] As part of the birth record, all
43 information required by the [State IV-D agency] Division of Child
44 Support Services in the Department of Human Services pursuant to
45 section 7 of P.L.1994, c.164 (C.26:8-28.1) shall be recorded on a
46 separate form provided or approved by the State [registrar] Registrar

1 pursuant to subsection c. of R.S.26:8-24, and filed with the [State
2 IV-D agency] Division of Child Support Services pursuant to
3 R.S.26:8-30 and R.S.26:8-31 for the establishment and enforcement
4 of child support matters in the State. [For the purposes of this
5 subsection, "State IV-D agency" means the agency in the Department
6 of Human Services designated to administer the Title IV-D Child
7 Support Program].

8 c. The State [registrar] Registrar shall require each parent to
9 provide his Social Security number in accordance with procedures
10 established by the State [registrar] Registrar. The Social Security
11 numbers furnished pursuant to this section shall be used exclusively for
12 child support enforcement purposes.

13 d. The certificate of birth shall include the blood type of the child.
14 (cf: P.L.1994, c.164, s.3)

15

16 146. Section 7 of P.L.1994, c.164 (C.26:8-28.1) is amended to
17 read as follows:

18 7. A Certificate of Parentage may serve to satisfy the method of
19 collection of Social Security numbers as required pursuant to
20 subsection c. of R.S.26:8-28 and shall serve as the voluntary
21 acknowledgement of paternity by a father. The Certificate of
22 Parentage shall contain, at a minimum, the following information:

23 a. a sworn statement by the father that he is the natural father of
24 the child;

25 b. the Social Security numbers, except in those cases in which a
26 person is ineligible to apply for one, and addresses of the father and
27 mother;

28 c. the signature of the mother and father authenticated by a
29 witness or notary; and

30 d. instructions for filing the Certificate of Parentage with the
31 agency designated by the [State IV-D agency] Division of Child
32 Support Services.

33 In addition, the [State IV-D agency] division, in cooperation with
34 birthing centers and hospitals providing maternity services and social
35 services or health care providers as designated by the Commissioner
36 of Human Services that may provide voluntary acknowledgment or
37 paternity services, shall provide oral and written information to the
38 father and mother of the child explaining the implications of signing a
39 Certificate of Parentage, including the parental rights, responsibilities
40 and financial obligations, as well as the availability of paternity
41 establishment services and child support enforcement services.

42 (cf: P.L.1994, c.164, s.7)

43

44 147. R.S.26:8-30 is amended to read as follows:

45 26:8-30. The attending physician, midwife or person acting as the
46 agent of the physician or midwife, who was in attendance upon the

1 birth shall be responsible for the proper execution and return of a
2 certificate of birth, which certificate shall be upon the form provided
3 or approved by the State department, and for making available to the
4 mother and natural father a Certificate of Parentage along with related
5 information as required by the [State IV-D agency] Division of Child
6 Support Services in the Department of Human Services and pursuant
7 to section 452(a)(F) of the federal Social Security Act (42
8 U.S.C.652(a)(F)). It shall be the responsibility of personnel at the
9 hospital or birthing facility to offer an opportunity to the child's natural
10 father to execute a Certificate of Parentage. Failure of the natural
11 father or mother to execute the Certificate of Parentage and the date
12 of the request shall be noted on the Certificate of Parentage. The
13 Certificate of Parentage shall be filed with the [State IV-D agency or
14 its designee] Division of Child Support Services. The provision of
15 services related to paternity acknowledgment shall not be required
16 when a legal action is pending in the case, such as adoption, or State
17 law prohibits such intervention.

18 [For the purposes of this section, "State IV-D agency" means the
19 agency in the Department of Human Services designated to administer
20 the Title IV-D Child Support Program.]

21 A signed voluntary acknowledgment of paternity may be challenged
22 in court only on the basis of fraud, duress, or material mistake of fact,
23 with the burden of proof upon the challenger, and the legal
24 responsibilities of any signatory arising from the acknowledgment may
25 not be suspended during the challenge, except for good cause shown.

26 A signed voluntary acknowledgment of paternity shall be
27 considered a legal finding of paternity with the same force and effect
28 as a court order or judgment establishing paternity. No further judicial
29 or administrative proceedings or approval shall be required or
30 permitted to ratify an unchallenged voluntary acknowledgment.

31 Nothing in this section shall preclude the Division of Child Support
32 Services from obtaining an admission of paternity from the father for
33 submission in a judicial or administrative proceeding, or prohibit the
34 issuance of an order in a judicial or administrative proceeding which
35 bases a legal finding of paternity on an admission of paternity by the
36 father and any other additional showing required by State law.

37 (cf: P.L.1994, c.164, s.4)

38

39 148. R.S.26:8-31 is amended to read as follows:

40 26:8-31. In case there is no physician, midwife, or person acting
41 as the agent of the physician or midwife, in attendance upon the birth,
42 it shall be the duty of one of the following persons in the order named
43 to file the birth certificate with the local registrar and file the
44 Certificate of Parentage with the [State IV-D agency or its designee]
45 Division of Child Support Services in the Department of Human
46 Services:

- 1 a. The father or mother of the child;
2 b. The manager or superintendent of the public or private
3 institution in which the birth occurred.
4 (cf: P.L.1994, c.164, s.5)

5
6 149. R.S.37:1-17 is amended to read as follows:

7 37:1-17. On the marriage license shall be the form for the certificate
8 of marriage in quadruplicate, to which the licensing officer shall have
9 set forth particularly therein the name, age, parentage, race,
10 birthplace, residence, Social Security number and condition (whether
11 single, widowed or divorced) of each of the married persons, and the
12 names and county of birth of their parents. The Social Security number
13 shall be kept confidential and may only be released for child support
14 enforcement purposes, and shall not be considered a public record
15 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). The person by whom
16 or the religious society, institution, or organization by or before
17 which, the marriage was solemnized, shall personally or by legally
18 authorized agent subscribe where indicated on the form the date and
19 place of the marriage. Each certificate of marriage shall also contain
20 the signature and residence of at least two witnesses who were
21 present at the marriage ceremony.

22 (cf: P.L.1980, c.128, s.1)

23

24 150. R.S.46:30B-74 is amended to read as follows:

25 46:30B-74. Deposits of funds by administrator. The administrator
26 shall establish and manage three separate trust funds to be known as
27 the Unclaimed County Deposits Trust Fund, the Unclaimed Child
28 Support Trust Fund and the Unclaimed Personal Property Trust Fund.

29 a. All moneys received as unclaimed county deposits and the
30 accretions thereon shall be deposited into the Unclaimed County
31 Deposits Trust Fund. Each year, unless the administrator deems it
32 prudent and advisable to do otherwise, the administrator shall pay to
33 each county, within 45 days of the receipt of such funds, 75% of the
34 unclaimed county deposits received from that county by the
35 administrator. The remaining portion shall be retained in the trust
36 fund, administered and invested by the State Treasurer, and used to
37 pay claims duly presented and allowed and all expenses and costs
38 incurred by the State of New Jersey. If the Unclaimed County
39 Deposits Trust Fund is insufficient to pay specific claims against a
40 county, the administrator shall report the fact to the county governing
41 body and the unpaid claim shall become an affirmative obligation of
42 that county.

43 Upon the effective date of [this act] R.S.46:30B-1 et seq., any
44 county deposits paid to the administrator between April 18, 1989 and
45 the effective date of [this act] R.S.46:30B-1 et seq. shall be
46 transferred from the Unclaimed Personal Property Trust Fund to the

1 Unclaimed County Deposits Trust Fund.

2 b. All other moneys received as unclaimed property presumed
3 abandoned, the accretions thereon, and the proceeds of sale of
4 unclaimed property shall be deposited into the Unclaimed Personal
5 Property Trust Fund. Unless the administrator deems it prudent and
6 advisable to do otherwise, 75% of all funds received shall be
7 transferred to the General State Fund. The remaining portion shall be
8 retained in the trust fund, administered and invested by the State
9 Treasurer, and used to pay claims duly presented and allowed and all
10 expenses and costs incurred by the State of New Jersey.

11 Upon the effective date of [this act] R.S.46:30B-1 et seq., all funds
12 and assets of the trust funds established pursuant to N.J.S.2A:37-41,
13 section 8 of P.L.1945, c.199 (C.17:9-25), and N.J.S.17B:31-7, shall
14 be transferred to and become part of the Unclaimed Personal Property
15 Trust Fund established by this act, which shall be responsible for
16 payment of any allowed claims for restitution of unclaimed property
17 paid into those three funds.

18 c. All moneys received as abandoned child support and the
19 accretions thereon shall be deposited in the Unclaimed Child Support
20 Trust Fund. Each year, the administrator shall pay to the [judiciary]
21 Division of Child Support Services in the Department of Human
22 Services, within 45 days of the receipt of such funds, the federal
23 government's Title IV-D share of the abandoned child support received
24 from the [Probation Division of the Superior Court] division. The
25 remaining portions shall be retained in the trust fund, administered and
26 invested by the State Treasurer, and used to pay claims duly presented
27 and allowed and all expenses and costs incurred by the State of New
28 Jersey. If the Unclaimed Child Support Trust Fund is insufficient to
29 pay specific claims against [a county] the division, the administrator
30 shall report the fact to the [judiciary] division and the unpaid claim
31 shall become an affirmative obligation of the [judiciary] division.

32 Upon the effective date of P.L.1995, c.115, any abandoned child
33 support paid to the administrator between April 18, 1989 and that
34 effective date shall be transferred from the Unclaimed Personal
35 Property Trust Fund to the Unclaimed Child Support Trust Fund.

36 d. As used in this section:

37 (1) "County deposits" means the proceeds of a judgment received
38 in favor of a minor and placed under the control of a county surrogate
39 or any devise or distribution from an estate paid into the county
40 surrogate's court prior to April 14, 1989; any unclaimed bail and any
41 interest thereon deposited prior to January 1, 1995 and 50% of any
42 unclaimed bail and any interest thereon deposited after January 1,1995;

43 (2) "Abandoned child support" means any payments for the support
44 of a child or a child and the custodial parent paid to the [Probation
45 Division of the Superior Court] division pursuant to a court order that
46 could not be distributed to the payee or returned to the payor within

1 one year of its receipt;

2 (3) "Title IV-D" means Part D, "Child Support and Establishment
3 of Paternity," of subchapter IV of the Social Security Act (42 U.S.C.
4 651 et seq.) under which states receive partial federal reimbursement
5 of their administrative expenses for establishing paternity and
6 collecting child support.
7 (cf: P.L.1995, c.115, s.1)

8

9 151. The following are repealed:

10 Section 1 of P.L.1981, c.417 (C.2A:17-56.7);

11 Sections 1, 14 and 21 of P.L.1985, c.278 (C.2A:17-56.26, 2A:17-
12 56.17 and 2A:17-56.24);

13 P.L.1993, c.110 (C.2A:17-56.27 et seq.);

14 P.L.1995, c.334 (C.2A:17-56.37 et seq.); and

15 Sections 2 and 12 of P.L.1996, c.7 (C.2A:17-56.40 and 2A:17-
16 56.50).

17

18 152. This act shall take effect immediately.

19

20

21

STATEMENT

22

23 Sections 1 through 60 of this bill reflect the recommendations
24 proposed by the Uniform Interstate Family Support Act (UIFSA). This
25 new law (UIFSA) was designed to completely revise the Revised
26 Uniform Reciprocal Enforcement of Support Act of 1968 (RURESA)
27 which was adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24
28 et seq.).

29 The following is a summary of the provisions of UIFSA:

30 Article 1 provides:

31 C A definitional section which differs from RURESA primarily in
32 the use of the term "tribunal" for "court" in recognition of the
33 fact that many states have created administrative agencies to
34 establish, enforce, and modify child support.

35 C That the Superior Court, Chancery Division, Family Part is
36 designated as the tribunal for the establishment, enforcement,
37 or modification of support orders.

38 C That the procedures for establishment, enforcement, or
39 modification of support or a determination of parentage under
40 this act do not preclude the application of general State law.

41 Article 2, Part A asserts what is commonly described as long-arm
42 jurisdiction over a nonresident respondent for purposes of establishing
43 a support order or determining parentage. Part A provides:

44 C The bases for long-arm jurisdiction over a nonresident.

45 C That when long-arm jurisdiction is asserted, the provisions of
46 UIFSA are not applicable, with two exceptions. The

1 exceptions allow the tribunal to apply the special rules of
2 evidence and the rules on discovery which are both set forth in
3 Article 3.

4 Article 2, Part B tracks the traditional RURESA action involving
5 residents of separate states. In this situation, the initiating state does
6 not assert personal jurisdiction over the nonresident, but instead
7 forwards the case to another, responding state, which is to assert
8 personal jurisdiction over its resident. Part B provides:

9 C For the identification of the roles a tribunal may serve, either
10 as an initiating or a responding tribunal.

11 C A method for the one-order system to eliminate the multiple
12 orders common under RURESA. UIFSA resolves conflicts
13 between competing jurisdictional assertions by establishing a
14 priority for the tribunal in the child's home state or if there is
15 no home state, with "first filing."

16 C That the issuing tribunal retains continuing, exclusive
17 jurisdiction over the support order except in very narrowly
18 defined circumstances.

19 C That a state that enacts this law recognizes the continuing,
20 exclusive jurisdiction of other tribunals over support orders
21 and authorizes the initiation of requests for modification to the
22 issuing state; that a tribunal having continuing, exclusive
23 jurisdiction over a support order may act as a responding
24 tribunal to enforce or modify the order; and that tribunals of
25 the enacting states must adhere to the one-order-at-a-time
26 system.

27 Article 2, Part C is designed to span the gulf between the
28 one-order system of UIFSA and the multiple order system in place
29 under RURESA. Part C provides:

30 C For a priority scheme for recognition and enforcement of
31 existing multiple orders regarding the same obligor, obligee or
32 obligees, and the same child.

33 C For a method to handle multiple orders involving two or more
34 families of the same obligor by treating all the orders as if they
35 had been issued by a tribunal of this State.

36 C That until the one-order system of UIFSA is in place, it is
37 necessary to mandate credit for actual payments made against
38 all existing orders.

39 Article 3 provides:

40 C A list of the types of actions authorized by UIFSA.

41 C That a minor parent may maintain an action under UIFSA
42 without the appointment of a guardian ad litem, even if the law
43 of the jurisdiction requires a guardian for an in-state case.

44 C That a tribunal will have the same powers in an action
45 involving interstate parties as it has in an intrastate case, which
46 will insure the efficient processing of interstate support cases.

- 1 C For the duties of the initiating tribunal which consist of
2 forwarding the required documents.
- 3 C For the duties of the responding tribunal, including mechanical
4 functions and judicial functions, and for substantive rules
5 applicable to interstate cases.
- 6 C That a tribunal that receives UIFSA documents in error,
7 forward them to the appropriate tribunal.
- 8 C For the duties of a support enforcement agency.
- 9 C For the right of a party to retain private counsel in an action
10 brought under UIFSA.
- 11 C For the duties of the Division of Child Support Services in the
12 Department of Human Services as the State information
13 agency.
- 14 C For the basic requirements for the drafting and filing of
15 interstate pleadings.
- 16 C For confidentiality in the pleadings if there is a serious risk of
17 domestic violence or child abduction.
- 18 C For fees and costs to be assessed against the obligor.
- 19 C That the petitioner is not subject to personal jurisdiction by
20 this State in other litigation between the parties due to
21 participation in a UIFSA proceeding; for an immunity from
22 service of process during the time a party is physically present
23 in a state for a UIFSA action; and for the withholding of
24 immunity from civil litigation unrelated to the support action
25 stemming from contemporaneous acts committed by a party
26 while present in the State for the support litigation.
- 27 C That a parentage decree rendered by another tribunal is not
28 subject to collateral attack in a UIFSA proceeding except on a
29 fundamental constitutional ground.
- 30 C For special rules on evidence and procedure for interstate
31 support cases including rules to eliminate many potential
32 hearsay problems and rules to encourage tribunals and litigants
33 to take advantage of modern methods of communication.
- 34 C Authorization for the communication between courts in order
35 to expedite establishment and enforcement of the support order
36 of either this State or of the sister state.
- 37 C For the facilitation of interstate cooperation in the discovery
38 process.
- 39 C For the prompt disbursement of any amounts received by a support
40 enforcement agency pursuant to a support order.
- 41 Article 4 provides authorization for a tribunal of the responding
42 state to issue temporary and permanent support orders binding on an
43 obligor over whom the tribunal has personal jurisdiction, if no other
44 support order exists and no other tribunal has continuing, exclusive
45 jurisdiction over the matter.
- 46 Article 5 provides:

1 C For the direct recognition by the obligor's employer of a
2 withholding order issued by another state.

3 C Authorization for summary enforcement of a sister state
4 support order through any administrative means available for
5 local orders.

6 Article 6, Part A expands the procedure for the registration of
7 foreign support orders available under RURESA. Part A provides:

8 C For the registration of the support order in the responding
9 state as the first step to enforcement by a tribunal of that state.

10 C For an outline of the mechanics for registration of a sister
11 state order.

12 C That the foreign support order is to be enforced and satisfied
13 in the same manner as if it had been issued by a tribunal of the
14 registering state; however, the order to be enforced remains an
15 order of the issuing state and any request for relief that
16 requires application of the continuing, exclusive jurisdiction of
17 the issuing tribunal must be sought in the issuing forum.

18 C Situations in which local law is inapplicable.

19 Article 6, Part B provides procedures for the nonregistering party
20 to contest registration of an order, either because the order is allegedly
21 invalid, superseded, or no longer in effect, or because the enforcement
22 remedy being sought is opposed by the nonregistering party. Part B
23 specifically provides:

24 C That the nonregistering party must be fully informed of the
25 effect of registration. After such notice is given, absent a
26 successful contest by the nonregistering party, the order will be
27 confirmed and future contest will be precluded.

28 C For the procedure to contest validity or enforcement of a
29 registered order.

30 C That the burden of proving the enumerated defenses to
31 registration of a support order is placed on the nonregistering
32 party.

33 C For the confirmation of a support order which validates both
34 the terms of the order and the asserted arrearages.

35 Article 6, Part C deals with situations in which it is necessary for a
36 registering state to modify the existing child support order of another
37 state. Part C provides:

38 C That a petitioner wishing to register a support order of
39 another state for purposes of modification must conform to the
40 general requirements for pleadings and the procedures for
41 registration set forth in the bill.

42 C That an order registered for purposes of modification may be
43 enforced in the same manner as an order registered for
44 purposes of enforcement.

45 C That this State's tribunal may modify a foreign support order
46 if specific factual preconditions are found.

1 C For the recognition by the original issuing state of a modified
2 order by a tribunal of another state which assumed jurisdiction
3 pursuant to law.

4 Article 7 provides for authorization of a "pure" parentage action in
5 the interstate context.

6 Article 8 provides:

7 C For interstate rendition of an individual who is charged
8 criminally with having failed to provide for the support of an
9 obligee.

10 C Conditions that a governor may implement before making the
11 demand for an individual's surrender or before honoring this
12 type of demand.

13 Article 9 provides:

14 C That this uniform act should be applied and construed to
15 effectuate its general purpose.

16 C For the title of the uniform act.

17 C For the repeal of the RURESA, P.L.1981, c.243 (C.2A:4-30.24
18 et seq.) and sections 15 and 16 of P.L.1985, c.278 (C.2A:17-
19 56.18 and 2A:17-56.19) which are also applicable to interstate
20 enforcement of support orders.

21 Sections 61 through 151 of this bill, are designated the "New Jersey
22 Child Support Program Improvement Act." These sections establish
23 the Division of Child Support Services in the Department of Human
24 Services and reorganize the child support program in this State in
25 order to streamline the establishment of paternity and the provision of
26 child support payments and health care coverage for obligees.

27 Specifically, the bill establishes the Division of Child Support
28 Services in the Department of Human Services, effective January 1,
29 1999, to provide child support and related services in accordance with
30 Title IV-D of the federal Social Security Act and the recently enacted
31 federal welfare reform law, Pub.L.104-193 (the "Personal
32 Responsibility and Work Opportunity Reconciliation Act of 1996"),
33 and transfers all of the functions, powers and duties of the county
34 probation departments in connection with Title IV-D and related
35 services to the division.

36 With respect to the child support activities currently conducted by
37 county welfare agencies, the bill authorizes the Commissioner of
38 Human Services to contract with county welfare agencies to utilize
39 county employees who currently perform child support functions.
40 These employees will remain as county employees but shall be under
41 the direction of the State Division of Child Support Services to assure
42 consistency within the State's child support system. Direction shall
43 include, but not be limited to, determination of policy and procedure,
44 administrative supervision and work location within the county. Any
45 county employee, including county welfare attorneys, who conducts
46 child support functions and who chooses not to remain as a county

1 employee, shall notify the county of this request in writing and shall be
2 transferred to State employment as governed by agreements for such
3 transfer between the State and county.

4 In addition, the bill:

5 C requires the Division of Child Support Services to establish and
6 maintain a State central registry for interstate Title IV-D child
7 support cases;

8 C requires employers and labor organizations to report information
9 about newly hired employees to the division;

10 C provides for the denial, suspension or revocation of child support
11 obligors' professional or occupational licenses, driver's licenses and
12 recreational or sporting licenses (e.g., power vessel licenses and
13 hunting or fishing licenses) for obligors who have failed to make a
14 required, current obligation of child support payment for six
15 months;

16 C requires the State Lottery Director and the Commissioner of
17 Human Services to exchange data before a State lottery prize in
18 excess of \$600, rather than \$1,000 as the law currently provides, is
19 awarded, and prohibits a delinquent Title IV-D obligor from
20 receiving an annuity award assignment;

21 C requires county prosecutors to cooperate to the fullest extent
22 possible in the criminal prosecution of Title IV-D cases referred by
23 the Division of Child Support Services; and

24 C repeals various sections of law in chapter 17 of Title 2A of the New
25 Jersey Statutes, including the short titles and definition sections of
26 various laws, which are no longer applicable or whose provisions
27 are incorporated in this bill. The bill repeals:

28 - Section 1 of P.L.1981, c.417 (short title);

29 - Sections 1, 14 and 21 of P.L.1985, c.278 (C.2A:17-56.26,
30 2A:17-56.17 and 2A:17-56.24) (short title, definitions, income
31 withholding provisions, county probation department duties);

32 - P.L.1993, c.110 (C.2A:17-56.27 et seq.) (short title,
33 establishment of pilot project for collection of child support
34 arrearages);

35 - P.L.1995, c.334 (C.2A:17-56.37 et seq.)(withholding of child
36 support arrearages from awards in civil lawsuits); and

37 - Sections 2 and 12 of P.L.1996, c.7 (C.2A:17-56.40 and
38 2A:17-56.50) (definitions, requirement for annual report concerning
39 revocation or suspension of drivers and professional licenses).

40 Many of the provisions of this bill are intended to implement
41 requirements which the State must adopt under Pub.L.104-193.

42

43

44

45 "Uniform Interstate Family Support Act," and "New Jersey Child
46 Support Program Improvement Act."