

ASSEMBLY, No. 4256

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JUNE 24, 2013

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Requires certain accuracy standards for child support wage garnishments.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning child support and amending P.L.1981, c.417.

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

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

8 3. For support obligations that are payable through the
9 Probation Division, the Probation Division shall mail the notice of
10 immediate withholding to the obligor's payor if the payor is known.
11 If the obligor's source of income is unknown at the time the
12 Probation Division receives the support order, the Probation
13 Division shall mail the notice to the payor within the time frame
14 required pursuant to federal law. If an alternative payment
15 arrangement has been ordered as provided in section 2 of P.L.1981,
16 c.417 (C.2A:17-56.8) or a support order entered prior to October 1,
17 1996, the income withholding shall be initiated by the Probation
18 Division when the obligor has failed to make the required child
19 support payment and has arrearages accrued equal to the amount of
20 the support payable for 14 days, or without regard to an arrearage or
21 an alternative agreement if the obligee, for good cause, or the
22 obligor requests that withholding be initiated. Subject to the
23 provisions of P.L.1981, c.417 (C.2A:17-56.8 et seq.), an income
24 withholding shall be initiated by the Probation Division and shall
25 take effect without amendment to the support order or further court
26 or quasi-judicial action and without regard to any alternative
27 arrangements entered into by the parties or ordered by the court.

28 The total amount of income to be withheld shall not exceed the
29 maximum amount permitted under section 303 (b) of the federal
30 Consumer Credit Protection Act (15 U.S.C. s.1673(b)). The income
31 withholding shall be carried out in full compliance with all
32 procedural due process requirements. The Administrative Office of
33 the Courts shall establish procedures for promptly terminating the
34 withholding when necessary and for promptly refunding amounts
35 which have been improperly withheld.

36 The Administrative Office of the Courts shall establish
37 procedures to ensure that the total amount of income withheld from
38 all sources is not greater than the total amount due as current
39 support, including any arrearages. The Administrative Office of the
40 Courts shall establish procedures to promptly refund to the obligor
41 any amount withheld from the obligor's income that exceeds the
42 amount due.

43 The Probation Division shall extend the income withholding
44 system to include withholding from income derived within the State

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 in cases where the applicable support order was issued in another
2 state.

3 When an income withholding order has been issued in this State,
4 it shall promptly be forwarded to the obligor's principal place of
5 employment pursuant to P.L.1998, c.2 (C.2A:4-30.65 et seq.) or to
6 the appropriate child support agency in the payor's state in the form
7 prescribed by the federal Office of Child Support Enforcement. All
8 procedural due process requirements of the state Title IV-D agency
9 where the obligor has income shall apply to the income
10 withholding.

11 (cf: P.L.1998, c.1, s.19)

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13 2. This act shall take effect immediately.

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STATEMENT

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18 This bill would require the Administrative Office of the Courts
19 to ensure that the total amount of income withheld from all sources
20 for a child support obligation is not greater than the total amount of
21 support that is currently due, including any arrearages. The
22 Administrative Office of the Courts would also be required to
23 establish procedures to refund to the obligor any amount that is
24 withheld in excess of the amount due.