

[Third Reprint]

**ASSEMBLY, No. 2721**

---

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

---

INTRODUCED FEBRUARY 24, 2014

**Sponsored by:**

**Assemblyman REED GUSCIORA**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Concerns alterations in child support obligations in response to changes to status of supported child.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on December 3, 2015.



1 AN ACT concerning child support and supplementing chapter 17 of  
2 Title 2A of the New Jersey Statutes.

3

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

6

7 1. a. Unless otherwise provided in a court order or judgment,  
8 the obligation to pay child support shall terminate by operation of  
9 law without order by the court on the date that a child <sup>2</sup>**[who is less**  
10 **than 19 years of age]**<sup>2</sup> marries, dies, or enters the military service.  
11 <sup>2</sup>**[A]** In addition, a<sup>2</sup> child support obligation shall <sup>2</sup>**[also]**<sup>2</sup>  
12 terminate by operation of law without order by the court when a  
13 child reaches 19 years of age unless:

14 (1) another age for the termination of the obligation to pay child  
15 support <sup>2</sup>, which shall not extend beyond the date the child reaches  
16 23 years of age.<sup>2</sup> is specified in a court order;

17 (2) <sup>2</sup>**[the parents of the child consent and the court approves the**  
18 **continuation of support until another predetermined date; <sup>1</sup>**[or]**<sup>1</sup>**

19 <sup>(3)</sup>**]** a written request seeking the continuation of child support  
20 is submitted to<sup>2</sup> the court <sup>2</sup>**[extends the obligation to pay child**  
21 **support based on an application]**<sup>2</sup> by a<sup>2</sup>custodial<sup>2</sup> parent <sup>2</sup>**[or the**  
22 **child filed]**<sup>2</sup> prior to the child <sup>2</sup>**[attaining]** reaching<sup>2</sup> the age of 19  
23 <sup>2</sup>**[in accordance with subsection b. of this section<sup>2</sup>; <sup>1</sup>or**

24 <sup>2</sup>**[(4)] (3)<sup>2</sup> the child receiving support is in an out-of-home**  
25 placement through the Division of Child Protection and  
26 Permanency in the Department of Children and Families<sup>1</sup>.

27 b. <sup>2</sup>**[A]** (1) In response to a notice of proposed termination of  
28 child support issued in accordance with subsection d. of this  
29 section, a custodial<sup>2</sup> parent <sup>2</sup>**[or child may petition the court for]**  
30 may submit a written request, on a form and within timeframes  
31 promulgated by the Administrative Office of the Courts, with  
32 supporting documentation to the <sup>3</sup>**[courts]** court<sup>3</sup>, including a  
33 projected future date when support will terminate, seeking<sup>2</sup> the  
34 continuation of child support beyond <sup>2</sup>**the date the child reaches<sup>2</sup> 19**  
35 years of age in the following circumstances:

36 <sup>2</sup>**[(1)] (a)<sup>2</sup> the child is still enrolled in high school or other**  
37 secondary educational program;

38 <sup>2</sup>**[(2)] (b)<sup>2</sup> the child is <sup>2</sup>**[participating full-time]** a student<sup>2</sup> in a**  
39 post-secondary education program<sup>2</sup>;

40 <sup>(3)</sup>**]** and is enrolled for the number of hours or courses the  
41 school considers to be full-time attendance during some part of each

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AJU committee amendments adopted March 10, 2014.

<sup>2</sup>Assembly floor amendments adopted January 29, 2015.

<sup>3</sup>Assembly floor amendments adopted December 3, 2015.

1 of any five calendar months of the year; or

2 (c)<sup>2</sup> the child has a physical or mental disability <sup>2</sup>, as determined  
3 by a federal or State government agency,<sup>2</sup> that existed prior to the  
4 child reaching the age of 19 and requires continued <sup>2</sup>child<sup>2</sup> support;  
5 <sup>2</sup>[or

6 (4) other] .

7 (2) A custodial parent may file a motion with the court seeking  
8 to extend the obligation to pay child support beyond the date the  
9 child reaches 19 years of age due to<sup>2</sup> exceptional circumstances as  
10 may be approved by the court.

11 c. If the court <sup>2</sup>[grants an order for the continuation of the  
12 obligation to pay child support, it shall include in its order a future  
13 date upon which the child support obligation will terminate or a  
14 date upon which the court will review the circumstances of the  
15 parties and children] finds that the request form and supporting  
16 documentation submitted by the custodial parent establish sufficient  
17 proof to continue the child support beyond the date a child reaches  
18 19 years of age pursuant to paragraph (1) of subsection b. of this  
19 section, the child support obligation shall not be terminated by  
20 operation of law when the child reaches the age of 19, and the court  
21 shall issue an order establishing the prospective date of child  
22 support termination. A copy of the court order shall be provided to  
23 both parents of the child. A parent responsible for paying child  
24 support who disagrees with the court's decision to continue child  
25 support beyond the date the child reaches 19 years of age or who  
26 otherwise desires to modify or terminate the child support  
27 obligation may, at any time, file a motion with the court seeking  
28 relief from that obligation<sup>2</sup>.

29 d. For <sup>2</sup>child<sup>2</sup> support orders that are <sup>2</sup>[being supervised]  
30 administered<sup>2</sup> by the Probation Division of the Superior Court, <sup>2</sup>[no  
31 less than 90 days prior to the termination of child support pursuant  
32 to this section]<sup>2</sup> the Probation Division and the State IV-D agency  
33 shall cooperatively provide both parents with at least <sup>2</sup>[one notice]  
34 two <sup>3</sup>written<sup>3</sup> notices<sup>2</sup> of a proposed termination <sup>2</sup>of child support<sup>2</sup>,  
35 which shall include <sup>2</sup>[instructions for seeking] information and the  
36 request form to facilitate<sup>2</sup> the continuation of child support <sup>2</sup>[in  
37 appropriate circumstances] <sup>3</sup>[for a child]<sup>3</sup> beyond the date the  
38 child reaches 19 years of age. The first notice shall be sent at least  
39 180 days prior to the proposed termination date, and the second  
40 notice shall be sent at least 90 days prior to the proposed  
41 termination date. The second notice shall not be required whenever  
42 a custodial parent's request for continuation is pending or a new  
43 date of child support termination has been established. <sup>3</sup>To the  
44 extent feasible, the Probation Division and the State IV-D agency  
45 shall cooperatively provide additional notice to the parents by text  
46 message, telephone message, or other electronic means.<sup>3</sup> In

1 addition, all orders and judgments that include a child support  
2 obligation entered after the effective date of P.L. , c. (C. )  
3 (pending before the Legislature as this bill) shall contain  
4 information regarding the termination of child support obligations  
5 as provided in P.L. , c. (C. ) (pending before the  
6 Legislature as this bill).

7 e. Notwithstanding the provisions of this section, the obligation  
8 to pay child support shall terminate by operation of law when a  
9 child reaches 23 years of age. The Probation Division and the State  
10 IV-D agency shall cooperatively provide both parents with a  
11 <sup>3</sup>written<sup>3</sup> notice of termination at least 90 days prior to the  
12 termination date <sup>3</sup>and, to the extent feasible, the Probation Division  
13 and the State IV-D agency shall cooperatively provide additional  
14 notice to the parents by text message, telephone message, or other  
15 electronic means<sup>3</sup>. Nothing in this section shall be construed to:

16 (1) prevent a child who is beyond 23 years of age from seeking a  
17 court order requiring the payment of other forms of financial  
18 maintenance or reimbursement from a parent as authorized by law  
19 to the extent that such financial maintenance or reimbursement is  
20 not payable or enforceable as child support as defined in section 3  
21 of P.L.1998, c.1 (C.2A:17-56.52); or

22 (2) prevent the court, upon application of a parent or child, from  
23 converting, due to exceptional circumstances including, but not  
24 limited to, a mental or physical disability, a child support obligation  
25 to another form of financial maintenance for a child who has  
26 reached the age of 23<sup>2</sup>.

27  
28 2. a. Whenever there is an unallocated child support order for  
29 two or more children and the obligation to pay <sup>2</sup>child<sup>2</sup> support for  
30 one of the children is terminated by operation of law pursuant to  
31 section 1 of P.L. , c. (C. ) (pending before the Legislature  
32 as this bill), the amount of the child support obligation in effect  
33 immediately prior to the date of the termination shall remain in  
34 effect for the other children <sup>2</sup>[until the court subsequently modifies  
35 the child support amount]<sup>2</sup>. Either party may file an application  
36 with the court to adjust the remaining child support amount to  
37 reflect the reduction in the number of dependent children. For the  
38 purposes of this section, “unallocated” means a child support  
39 amount for the benefit of multiple children that does not specify the  
40 amount of <sup>2</sup>child<sup>2</sup> support for each child.

41 b. Whenever there is an allocated child support order for two or  
42 more children and the obligation to pay <sup>2</sup>child<sup>2</sup> support for one of  
43 the children is terminated by operation of law pursuant to section 1  
44 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
45 the amount of the child support obligation shall be adjusted to  
46 reflect only the amount allotted for the remaining child or children.  
47 Either party may file an application with the court to adjust the

1 remaining <sup>2</sup>child<sup>2</sup> support amount to reflect the reduction in the  
2 number of dependent children. For the purposes of this section,  
3 “allocated” means a child support amount for the benefit of multiple  
4 children that specifies the amount of support for each child as  
5 ordered by the court.

6  
7 3. If a child support obligation is terminated by operation of  
8 law pursuant to section 1 of P.L. , c. (C. ) (pending before  
9 the Legislature as this bill), any arrearages that have accrued prior  
10 to the date of the termination shall remain due and enforceable. If  
11 the person responsible for paying <sup>2</sup>child<sup>2</sup> support for a child owes  
12 child support arrearages at the time a <sup>2</sup>child<sup>2</sup> support obligation is  
13 terminated and there are no other children being supported under  
14 the same order, the amount to be paid to satisfy the arrearage shall  
15 be the sum of the recurring child support obligation in effect  
16 immediately prior to the effective date of the termination plus any  
17 arrears repayment obligation in effect immediately prior to the  
18 effective date of the termination, unless otherwise ordered by the  
19 court.

20 For <sup>2</sup>child<sup>2</sup> support orders that are being <sup>2</sup>**[supervised]**  
21 **administered**<sup>2</sup> by the Probation Division of the Superior Court, the  
22 Probation Division shall continue to enforce and collect the  
23 arrearages until they are paid in full or the court, in accordance with  
24 State and federal law and regulations and the Rules of Court, as  
25 applicable, terminates the Probation Division's supervision of the  
26 support order.

27  
28 4. The provisions of P.L. , c. (C. ) (pending before  
29 the Legislature as this bill) shall not apply to child support  
30 provisions contained in orders or judgments entered by a foreign  
31 jurisdiction and registered in New Jersey for modification or  
32 enforcement pursuant to the “Uniform Interstate Family Support  
33 Act,” P.L.1998, c.2 (C.2A:4-30.65 et seq.) <sup>2</sup>or any succeeding law  
34 that is substantially similar<sup>2</sup> , or a law or procedure substantially  
35 similar to the "Uniform Reciprocal Enforcement of Support Act,"  
36 originally adopted in New Jersey as P.L.1952, c.197 (C.2A:4-30.1  
37 et seq.) but subsequently repealed, or the "Revised Uniform  
38 Reciprocal Enforcement of Support Act," originally adopted in New  
39 Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.) but also  
40 subsequently repealed.

41  
42 5. Nothing in P.L. , c. (C. ) (pending before the  
43 Legislature as this bill) shall:

44 a. require or relieve a parent from paying support or other costs  
45 while a child is enrolled full-time in a post-secondary education  
46 program;

1 b. prohibit the State IV-D agency or the Probation Division of  
 2 the Superior Court from seeking to close a Title IV-D case or  
 3 terminate its supervision of a child support order in accordance with  
 4 procedures as provided under State or federal law and regulations or  
 5 the Rules of Court;

6 c. prohibit any party from filing an application with the court  
 7 seeking the termination of an order to pay child support for any  
 8 cause other than those provided under P.L. , c. (C. )  
 9 (pending before the Legislature as this bill); or

10 d. prohibit the parties from consenting to a specific termination  
 11 date <sup>2</sup>for child support that does not exceed the date a child reaches  
 12 23 years of age, or to any other financial arrangements for a child  
 13 that are not designated as child support,<sup>2</sup> subject to the approval of  
 14 the court.

15  
 16 <sup>2</sup>6. Nothing in P.L. , c. (C. ) (pending before the  
 17 Legislature as this bill) shall be construed to prevent a parent <sup>3</sup>who  
 18 is<sup>3</sup> responsible for paying child support from petitioning the court  
 19 for the termination of child support <sup>3</sup>[or for emancipation of a  
 20 child] for good cause<sup>3</sup> prior to the child reaching 19 years of age  
 21 <sup>3</sup>[for good cause]<sup>3</sup>, or from petitioning the court to contest the  
 22 extension of child support for a child beyond the date the child  
 23 reaches 19 years of age<sup>3,3</sup> as provided in P.L. , c. (C. )  
 24 (pending before the Legislature as this bill).<sup>2</sup>

25  
 26 <sup>3</sup>7. The Administrative Office of the Courts and the State IV-D  
 27 agency shall cooperatively prepare and make available to the public  
 28 information regarding the termination of child support obligations  
 29 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
 30 this bill), including but not limited to: how parents may establish  
 31 an alternative termination age or event; how support may be  
 32 extended beyond the age of 19 under certain circumstances; and  
 33 how parents may contest the continuation or termination of support  
 34 as provided in P.L. , c. (C. ) (pending before the Legislature  
 35 as this bill).<sup>3</sup>

36  
 37 <sup>2</sup>[6.] <sup>3</sup>[7.<sup>2</sup>] 8.<sup>3</sup> The Supreme Court may adopt Rules of Court  
 38 appropriate or necessary to effectuate the purposes of this act.

39  
 40 <sup>2</sup>[7.] <sup>3</sup>[8.<sup>2</sup>] 9.<sup>3</sup> The Commissioner of Human Services may  
 41 adopt rules and regulations pursuant to the “Administrative  
 42 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate  
 43 the purposes of this act.

44  
 45 <sup>2</sup>[8.] <sup>3</sup>[9.<sup>2</sup>] 10.<sup>3</sup> This act shall take effect <sup>2</sup>[180 days] on the  
 46 first day of the 13th month<sup>2</sup> after enactment and shall be applicable

1 to all child support orders issued prior to, on, or after the effective  
2 date. <sup>2</sup>The Department of Human Services and the Administrative  
3 Office of the Courts shall cooperate to take any appropriate  
4 anticipatory administrative action, including action concerning the  
5 notice requirements of subsection d. of section 1 of P.L. \_\_\_\_\_,  
6 c. \_\_\_\_\_) (pending before the Legislature as this bill), in  
7 advance of the effective date as shall be necessary for the  
8 implementation of this act.<sup>2</sup>