

[First Reprint]

**SENATE, No. 995**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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INTRODUCED FEBRUARY 4, 2016

**Sponsored by:**

**Senator PETER J. BARNES, III**

**District 18 (Middlesex)**

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**Assemblyman JOHN F. MCKEON**

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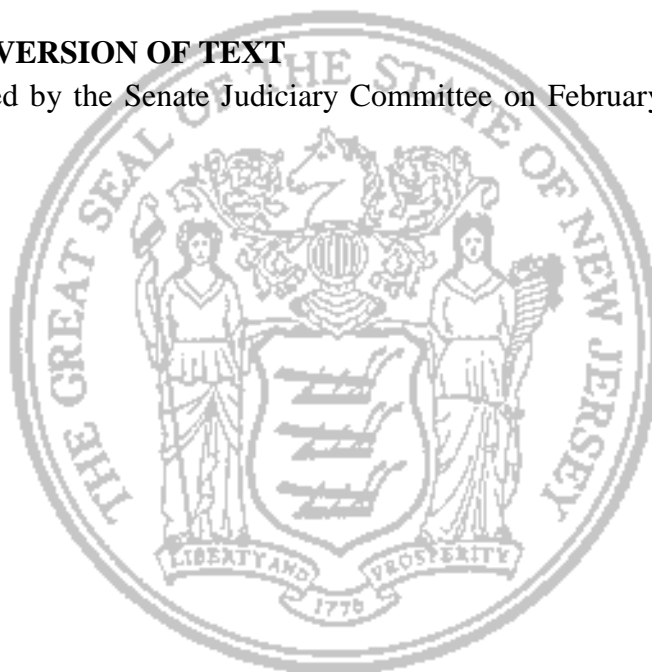
**Senators Bateman and Scutari**

**SYNOPSIS**

Enacts new "Uniform Interstate Family Support Act"; repeals previous uniform law.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee on February 8, 2016, with amendments.



**(Sponsorship Updated As Of: 2/19/2016)**

1 AN ACT concerning support proceedings, supplementing Title 2A of  
2 the New Jersey Statutes, amending P.L.1996, c.7 and P.L.1998,  
3 c.1 and repealing P.L.1998, c.2.

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

7 ARTICLE 1

8 GENERAL PROVISIONS

9  
10 1. (New section) This act may be cited as the “Uniform  
11 Interstate Family Support Act.”

12  
13 2. (New section) Definitions.

14 As used in this act:

15 a. “Child” means an individual, whether over or under the age  
16 of majority, who is or is alleged to be owed a duty of support by the  
17 individual’s parent or who is or is alleged to be the beneficiary of a  
18 support order directed to the parent.

19 b. “Child support order” means a support order for a child,  
20 including a child who has attained the age of majority under the law  
21 of the issuing state or foreign country.

22 c. “Convention” means the Convention on the International  
23 Recovery of Child Support and Other Forms of Family  
24 Maintenance, concluded at The Hague on November 23, 2007.

25 d. “Duty of support” means an obligation imposed or  
26 imposable by law to provide support for a child, spouse, or former  
27 spouse, including an unsatisfied obligation to provide support.

28 e. “Foreign country” means a country, including a political  
29 subdivision thereof, other than the United States, that authorizes the  
30 issuance of support orders and: (1) which has been declared under  
31 the law of the United States to be a foreign reciprocating country;  
32 (2) which has established a reciprocal arrangement for child support  
33 with this State as provided in section 24 of this act; (3) which has  
34 enacted a law or established procedures for the issuance and  
35 enforcement of support orders which are substantially similar to the  
36 procedures under this act; or (4) in which the Convention is in force  
37 with respect to the United States.

38 f. “Foreign support order” means a support order of a foreign  
39 tribunal.

40 g. “Foreign tribunal” means a court, administrative agency, or  
41 quasi-judicial entity of a foreign country which is authorized to  
42 establish, enforce, or modify support orders or to determine  
43 parentage of a child. The term includes a competent authority under  
44 the Convention.

**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>Senate SJU committee amendments adopted February 8, 2016.

- 1 h. "Home state" means the state or foreign country in which a  
2 child lived with a parent or a person acting as parent for at least six  
3 consecutive months immediately preceding the time of filing of a  
4 complaint or comparable pleading for support and, if a child is less  
5 than six months old, the state or foreign country in which the child  
6 lived from birth with any of them. A period of temporary absence of  
7 any of them is counted as part of the six-month or other period.
- 8 i. "Income" includes earnings or other periodic entitlements to  
9 money from any source and any other property subject to  
10 withholding for support under the law of this State.
- 11 j. "Income-withholding order" means an order or other legal  
12 process directed to an obligor's employer, as defined by the "New  
13 Jersey Child Support <sup>1</sup>Program<sup>1</sup> Improvement Act," P.L.1998,  
14 c.1 (C.2A:17-56.7a et al.), to withhold support from the income of  
15 the obligor.
- 16 k. "Initiating tribunal" means the tribunal of a state or foreign  
17 country from which a petition or comparable pleading is forwarded  
18 or in which a petition or comparable pleading is filed for  
19 forwarding to another state or foreign country.
- 20 l. "Issuing foreign country" means the foreign country in  
21 which a tribunal issues a support order or a judgment determining  
22 parentage of a child.
- 23 m. "Issuing state" means the state in which a tribunal issues a  
24 support order or a judgment determining parentage of a child.
- 25 n. "Issuing tribunal" means the tribunal of a state or foreign  
26 country that issues a support order or a judgment determining  
27 parentage of a child.
- 28 o. "Law" includes decisional and statutory law and rules and  
29 regulations having the force of law.
- 30 p. "Obligee" means: (1) an individual to whom a duty of  
31 support is or is alleged to be owed or in whose favor a support order  
32 or a judgment determining parentage of a child has been issued; (2)  
33 a foreign country, state, or political subdivision of a state to which  
34 the rights under a duty of support or support order have been  
35 assigned or which has independent claims based on financial  
36 assistance provided to an individual obligee in place of child  
37 support; (3) an individual seeking a judgment determining  
38 parentage of the individual's child; or (4) a person that is a creditor  
39 under Article 7 of this act (the Convention).
- 40 q. "Obligor" means an individual, or the estate of a decedent  
41 that: (1) owes or is alleged to owe a duty of support; (2) is alleged  
42 but has not been adjudicated to be a parent of a child; (3) is liable  
43 under a support order; or (4) is a debtor in a proceeding under  
44 Article 7 of this act (the Convention).
- 45 r. "Outside this State" means a location in another state or a  
46 country other than the United States, whether or not the country is a  
47 foreign country.

- 1 s. “Person” means an individual, corporation, business trust,  
2 estate, trust, partnership, limited liability company, association,  
3 joint venture, public corporation, government or governmental  
4 subdivision, agency, or instrumentality, or any other legal or  
5 commercial entity.
- 6 t. “Record” means information that is inscribed on a tangible  
7 medium or that is stored in an electronic or other medium and is  
8 retrievable in perceivable form.
- 9 u. “Register” means to file in a tribunal of this State a support  
10 order or judgment determining parentage of a child issued in  
11 another state or a foreign country.
- 12 v. “Registering tribunal” means a tribunal in which a support  
13 order or judgment determining parentage of a child is registered.
- 14 w. “Responding state” means a state in which a petition or  
15 comparable pleading for support or to determine parentage of a  
16 child is filed or to which a petition or comparable pleading is  
17 forwarded for filing from another state or a foreign country.
- 18 x. “Responding tribunal” means the authorized tribunal in a  
19 responding state or foreign country.
- 20 y. “Spousal support order” means a support order for a spouse  
21 or former spouse of the obligor.
- 22 z. “State” means a state of the United States, the District of  
23 Columbia, Puerto Rico, the United States Virgin Islands, or any  
24 territory or insular possession under the jurisdiction of the United  
25 States. The term includes an Indian nation or tribe.
- 26 aa. “State IV-D Agency” means the Department of Human  
27 Services.
- 28 bb.<sup>1</sup> “Support enforcement agency” means a public official,  
29 governmental entity, or private agency authorized to: (1) seek  
30 enforcement of support orders or laws relating to the duty of  
31 support; (2) seek establishment or modification of child support; (3)  
32 request determination of parentage of a child; (4) attempt to locate  
33 obligors or their assets; or (5) request determination of the  
34 controlling child support order.
- 35 <sup>1</sup>**[bb.] cc.**<sup>1</sup> “Support order” means a judgment, decree, order,  
36 decision, or directive, whether temporary, final, or subject to  
37 modification, issued in a state or foreign country for the benefit of a  
38 child, a spouse, or a former spouse, which provides for monetary  
39 support, health care, arrearages, retroactive support, or  
40 reimbursement for financial assistance provided to an individual  
41 obligee in place of child support. The term may include related  
42 costs and fees, interest, income withholding, automatic adjustment,  
43 reasonable attorney’s fees, and other relief.
- 44 <sup>1</sup>**[cc.] dd.**<sup>1</sup> “Tribunal” means a court, administrative agency, or  
45 quasi-judicial entity authorized to establish, enforce, or modify  
46 support orders or to determine parentage of a child.

1 3. (New section) State tribunal and support enforcement  
2 agency.

3 a. The Superior Court, Chancery Division, Family Part is the  
4 tribunal of this State.

5 b. The Probation Division of the Superior Court <sup>1</sup>**['is]** and the  
6 State IV-D Agency are<sup>1</sup> the support enforcement agencies of this  
7 State.

8 <sup>1</sup>**['c. The Department of Human Services is the State IV-D**  
9 **Agency. ]'**

10

11 4. (New section) Remedies cumulative.

12 a. Remedies provided by this act are cumulative and do not  
13 affect the availability of remedies under other law or the recognition  
14 of a foreign support order on the basis of comity.

15 b. This act does not:

16 (1) provide the exclusive method of establishing or enforcing a  
17 support order under the law of this State; or

18 (2) grant a tribunal of this State jurisdiction to render judgment  
19 or issue an order relating to child custody or visitation in a  
20 proceeding under this act.

21

22 5. (New section) Application of act to resident of foreign  
23 country and foreign support proceeding.

24 a. A tribunal of this State shall apply Articles 1 through 6 of  
25 this act and, as applicable, Article 7 of this act, to a support  
26 proceeding involving:

27 (1) a foreign support order;

28 (2) a foreign tribunal; or

29 (3) an obligee, obligor, or child residing in a foreign country.

30 b. A tribunal of this State that is requested to recognize and  
31 enforce a support order on the basis of comity may apply the  
32 procedural and substantive provisions of Articles 1 through 6 of this  
33 act.

34 c. Article 7 applies only to a support proceeding under the  
35 Convention. In such a proceeding, if a provision of Article 7 of this  
36 act is inconsistent with Article 1 through 6 of this act, Article 7 of  
37 this act controls.

38

39

## ARTICLE 2 JURISDICTION

40

41 6. (New section) Bases for jurisdiction over nonresident.

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

46 (1) the individual is personally served with a summons or notice  
47 within this State;

48

1 (2) the individual submits to the jurisdiction of this State by  
2 consent in a record, by entering a general appearance, or by filing a  
3 responsive document having the effect of waiving any contest to  
4 personal jurisdiction;

5 (3) the individual resided with the child in this State;

6 (4) the individual resided in this State and provided prenatal  
7 expenses or support for the child;

8 (5) the child resides in this State as a result of the acts or  
9 directives of the individual;

10 (6) the individual engaged in sexual intercourse in this State and  
11 the child may have been conceived by that act of intercourse;

12 (7) there is any other basis consistent with the constitutions of  
13 this State and the United States for the exercise of personal  
14 jurisdiction.

15 b. The bases of personal jurisdiction set forth in subsection a.  
16 or in any other law of this State may not be used to acquire personal  
17 jurisdiction for a tribunal of this State to modify a child support  
18 order of another state unless the requirements of section 55 are met,  
19 or, in the case of a foreign support order, unless the requirements of  
20 section 59 are met.

21

22 7. (New section) Duration of personal jurisdiction.

23 Personal jurisdiction acquired by a tribunal of this State in a  
24 proceeding under this act or other law of this State relating to a  
25 support order continues as long as a tribunal of this State has  
26 continuing, exclusive jurisdiction to modify its order or continuing  
27 jurisdiction to enforce its order as provided by sections 10, 11 and  
28 16 of this act.

29

30 8. (New section) Initiating and responding tribunal of state.

31 Under this act, a tribunal of this State may serve as an initiating  
32 tribunal to forward proceedings to a tribunal of another state, and as  
33 a responding tribunal for proceedings initiated in another state or a  
34 foreign country.

35

36 9. (New section) Simultaneous proceedings.

37 a. A tribunal of this State may exercise jurisdiction to establish  
38 a support order if the petition or comparable pleading is filed after a  
39 pleading is filed in another state or a foreign country only if:

40 (1) the petition or comparable pleading in this State is filed  
41 before the expiration of the time allowed in the other state or the  
42 foreign country for filing a responsive pleading challenging the  
43 exercise of jurisdiction by the other state or the foreign country;

44 (2) the contesting party timely challenges the exercise of  
45 jurisdiction in the other state or the foreign country; and

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

47 b. A tribunal of this State may not exercise jurisdiction to  
48 establish a support order if the petition or comparable pleading is

1 filed before a petition or comparable pleading is filed in another  
2 state or a foreign country if:

3 (1) the petition or comparable pleading in the other state or  
4 foreign country is filed before the expiration of the time allowed in  
5 this State for filing a responsive pleading challenging the exercise  
6 of jurisdiction by this State;

7 (2) the contesting party timely challenges the exercise of  
8 jurisdiction in this State; and

9 (3) if relevant, the other state or foreign country is the home  
10 state of the child.

11

12 10. (New section) Continuing, exclusive jurisdiction to modify  
13 child support order.

14 a. A tribunal of this State that has issued a child support order  
15 consistent with the law of this State has and shall exercise  
16 continuing, exclusive jurisdiction to modify its child support order  
17 if the order is the controlling order and:

18 (1) at the time of the filing of a request for modification this  
19 State is the residence of the obligor, the individual obligee, or the  
20 child for whose benefit the support order is issued; or

21 (2) even if this State is not the residence of the obligor, the  
22 individual obligee, or the child for whose benefit the support order  
23 is issued, the parties consent in a record or in open court that the  
24 tribunal of this State may continue to exercise jurisdiction to modify  
25 its order.

26 b. A tribunal of this State that has issued a child support order  
27 consistent with the law of this State may not exercise continuing,  
28 exclusive jurisdiction to modify the order if:

29 (1) all of the parties who are individuals file consent in a record  
30 with the tribunal of this State that a tribunal of another state that has  
31 jurisdiction over at least one of the parties who is an individual or  
32 that is located in the state of residence of the child may modify the  
33 order and assume continuing, exclusive jurisdiction; or

34 (2) its order is not the controlling order.

35 c. If a tribunal of another state has issued a child support order  
36 pursuant to the "Uniform Interstate Family Support Act,"  
37 P.L. , c. (C. ) (pending before the Legislature as this bill) or  
38 a law substantially similar to that act which modifies a child support  
39 order of a tribunal of this State, tribunals of this State shall  
40 recognize the continuing, exclusive jurisdiction of the tribunal of  
41 the other state.

42 d. A tribunal of this State that lacks continuing, exclusive  
43 jurisdiction to modify a child support order may serve as an  
44 initiating tribunal to request a tribunal of another state to modify a  
45 support order issued in that state.

46 e. A temporary support order issued ex parte or pending  
47 resolution of a jurisdictional conflict does not create continuing,  
48 exclusive jurisdiction in the issuing tribunal.

1       11. (New section) Continuing jurisdiction to enforce child  
2 support order.

3       a. A tribunal of this State that has issued a child support order  
4 consistent with the law of this State may serve as an initiating  
5 tribunal to request a tribunal of another state to enforce:

6       (1) the order if the order is the controlling order and has not  
7 been modified by a tribunal of another state that assumed  
8 jurisdiction pursuant to the “Uniform Interstate Family Support  
9 Act,” P.L. , c. (C. ) (pending before the Legislature as this  
10 bill); or

11       (2) a money judgment for arrears of support and interest on the  
12 order accrued before a determination that an order of a tribunal of  
13 another state is the controlling order.

14       b. A tribunal of this State having continuing jurisdiction over a  
15 support order may act as a responding tribunal to enforce the order.  
16

17       12. (New section) Determination of controlling child support  
18 order.

19       a. If a proceeding is brought under this act and only one  
20 tribunal has issued a child support order, the order of that tribunal  
21 controls and shall be recognized.

22       b. If a proceeding is brought under this act, and two or more  
23 child support orders have been issued by tribunals of this State,  
24 another state, or a foreign country with regard to the same obligor  
25 and same child, a tribunal of this State having personal jurisdiction  
26 over both the obligor and individual obligee shall apply the  
27 following rules and by order shall determine which order controls  
28 and shall be recognized:

29       (1) If only one of the tribunals would have continuing, exclusive  
30 jurisdiction under this act, the order of that tribunal controls.

31       (2) If more than one of the tribunals would have continuing,  
32 exclusive jurisdiction under this act:

33       (a) an order issued by a tribunal in the current home state of the  
34 child controls; or

35       (b) if an order has not been issued in the current home state of  
36 the child, the order most recently issued controls.

37       (3) If none of the tribunals would have continuing, exclusive  
38 jurisdiction under this act, the tribunal of this State shall issue a  
39 child support order, which controls.

40       c. If two or more child support orders have been issued for the  
41 same obligor and same child, upon request of a party who is an  
42 individual or that is a support enforcement agency, a tribunal of this  
43 State having personal jurisdiction over both the obligor and the  
44 obligee who is an individual shall determine which order controls  
45 under subsection b. The request may be filed with a registration for  
46 enforcement or registration for modification pursuant to Article 6 of  
47 this act, or may be filed as a separate proceeding.



1 d. A request to determine which is the controlling order shall  
2 be accompanied by a copy of every child support order in effect and  
3 the applicable record of payments. The requesting party shall give  
4 notice of the request to each party whose rights may be affected by  
5 the determination.

6 e. The tribunal that issued the controlling order under  
7 subsection a., b., or c. of this section has continuing jurisdiction to  
8 the extent provided in sections 10 or 11 of this act.

9 f. A tribunal of this State that determines by order which is the  
10 controlling order under paragraphs (1) or (2) of subsection b. or  
11 subsection c. of this section, or that issues a new controlling order  
12 under paragraph (3) of subsection b. of this section, shall state in  
13 that order:

14 (1) the basis upon which the tribunal made its determination;

15 (2) the amount of prospective support, if any; and

16 (3) the total amount of consolidated arrears and accrued interest,  
17 if any, under all of the orders after all payments made are credited  
18 as provided by section 14 of this act .

19 g. Within 30 days after issuance of an order determining which  
20 is the controlling order, the party obtaining the order shall file a  
21 certified copy of it in each tribunal that issued or registered an  
22 earlier order of child support. A party or support enforcement  
23 agency obtaining the order that fails to file a certified copy is  
24 subject to appropriate sanctions by a tribunal in which the issue of  
25 failure to file arises. The failure to file does not affect the validity  
26 or enforceability of the controlling order.

27 h. An order that has been determined to be the controlling  
28 order, or a judgment for consolidated arrears of support and interest,  
29 if any, made pursuant to this section shall be recognized in  
30 proceedings under this act.

31

32 13. (New section) Child support orders for two or more  
33 obligees.

34 In responding to registrations or petitions for enforcement of two  
35 or more child support orders in effect at the same time with regard  
36 to the same obligor and different individual obligees, at least one of  
37 which was issued by a tribunal of another state or a foreign country,  
38 a tribunal of this State shall enforce those orders in the same  
39 manner as if the orders had been issued by a tribunal of this State.

40

41 14. (New section) Credit for payments.

42 A tribunal of this State shall credit amounts collected for a  
43 particular period pursuant to any child support order against the  
44 amounts owed for the same period under any other child support  
45 order for support of the same child issued by a tribunal of this State,  
46 another state, or a foreign country.



1 Except as otherwise provided in this act, a responding tribunal of  
2 this State shall:

3 a. apply the procedural and substantive law generally  
4 applicable to similar proceedings originating in this State and may  
5 exercise all powers and provide all remedies available in those  
6 proceedings; and

7 b. determine the duty of support and the amount payable in  
8 accordance with the law and support guidelines of this State.

9

10 20. (New section) Duties of initiating tribunal.

11 a. Upon the filing of a petition authorized by this act, an  
12 initiating tribunal of this State shall forward the petition and its  
13 accompanying documents:

14 (1) to the responding tribunal or appropriate support  
15 enforcement agency in the responding state; or

16 (2) if the identity of the responding tribunal is unknown, to the  
17 state information agency of the responding state with a request that  
18 they be forwarded to the appropriate tribunal and that receipt be  
19 acknowledged.

20 b. If requested by the responding tribunal, a tribunal of this  
21 State shall issue a certificate or other document and make findings  
22 required by the law of the responding state. If the responding  
23 tribunal is in a foreign country, upon request the tribunal of this  
24 State shall specify the amount of support sought, convert that  
25 amount into the equivalent amount in the foreign currency under  
26 applicable official or market exchange rate as publicly reported, and  
27 provide any other documents necessary to satisfy the requirements  
28 of the responding foreign tribunal.

29

30 21. (New section) Duties and powers of responding tribunal.

31 a. When a responding tribunal of this State receives a petition  
32 or comparable pleading from an initiating tribunal or directly  
33 pursuant to subsection b. of section 17 of this act, it shall cause the  
34 petition or pleading to be filed and notify the petitioner where and  
35 when it was filed.

36 b. A responding tribunal of this State, to the extent not  
37 prohibited by other law, may do one or more of the following:

38 (1) establish or enforce a support order, modify a child support  
39 order, determine the controlling child support order, or determine  
40 parentage of a child;

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

43 (3) order income withholding;

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

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

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

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

1 (8) order an obligor to keep the tribunal informed of the  
2 obligor's current residential address, electronic-mail address,  
3 telephone number, employer, address of employment, and telephone  
4 number at the place of employment;

5 (9) issue a bench warrant for an obligor who has failed after  
6 proper notice to appear at a hearing ordered by the tribunal and  
7 enter the bench warrant in any local and state computer systems for  
8 criminal warrants;

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

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

13 (12) grant any other available remedy.

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

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

20 e. If a responding tribunal of this State issues an order under  
21 this act, the tribunal shall send a copy of the order to the petitioner  
22 and the respondent and to the initiating tribunal, if any.

23 f. If requested to enforce a support order, arrears, or judgment  
24 or modify a support order stated in a foreign currency, a responding  
25 tribunal of this State shall convert the amount stated in the foreign  
26 currency to the equivalent amount in dollars under the applicable  
27 official or market exchange rate as publicly reported.

28

29 22. (New section) Inappropriate tribunal.

30 If a petition or comparable pleading is received by an  
31 inappropriate tribunal of this State, the tribunal shall forward the  
32 pleading and accompanying documents to an appropriate tribunal of  
33 this State or another state and notify the petitioner where and when  
34 the pleading was sent.

35

36 23. (New section) Duties of support enforcement agency.

37 a. In a proceeding under this act, a support enforcement agency  
38 of this State, upon request:

39 (1) shall provide services to a petitioner residing in a state;

40 (2) shall provide services to a petitioner requesting services  
41 through a central authority of a foreign country as described in  
42 paragraph (1) or (4) of subsection e. of section 2 of this act; and

43 (3) may provide services to a petitioner who is an individual not  
44 residing in a state.

45 b. A support enforcement agency of this State that is providing  
46 services to the petitioner shall:

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

4 (2) request an appropriate tribunal to set a date, time, and place  
5 for 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 notice in a record 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 communication in a record from the  
14 respondent or the respondent's attorney, send a copy of the  
15 communication to the petitioner; and

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

18 c. A support enforcement agency of this State that requests  
19 registration of a child support order in this State for enforcement or  
20 for modification shall make reasonable efforts:

21 (1) to ensure that the order to be registered is the controlling  
22 order; or

23 (2) if two or more child support orders exist and the identity of  
24 the controlling order has not been determined, to ensure that a  
25 request for such a determination is made in a tribunal having  
26 jurisdiction to do so.

27 d. A support enforcement agency of this State that requests  
28 registration and enforcement of a support order, arrears, or  
29 judgment stated in a foreign currency shall convert the amounts  
30 stated in the foreign currency into the equivalent amounts in dollars  
31 under the applicable official or market exchange rate as publicly  
32 reported.

33 e. A support enforcement agency of this State shall request a  
34 tribunal of this State to issue a child support order and an income-  
35 withholding order that redirect payment of current support, arrears,  
36 and interest if requested to do so by a support enforcement agency  
37 of another state pursuant to section 35 of this act.

38 f. This act does not create or negate a relationship of attorney  
39 and client or other fiduciary relationship between a support  
40 enforcement agency or the attorney for the agency and the  
41 individual being assisted by the agency.

42

43 24. (New section) Duty of the Attorney General.

44 a. If the Attorney General determines that the support  
45 enforcement agency is neglecting or refusing to provide services to  
46 an individual, the Attorney General may<sup>1</sup>:

47 (1) when the support enforcement agency is the Probation  
48 Division of the Superior Court,<sup>1</sup> apply to the Superior Court for an

1 order directing the Probation Division to perform its duties under  
2 this act <sup>1</sup>**【or may】** ; or

3 (2) when the support enforcement agency is the State IV-D  
4 agency, order the State IV-D agency to perform its duties under this  
5 act; or

6 (3)<sup>1</sup> provide those services directly to the individual.

7 b. The Attorney General may determine that a foreign country  
8 has established a reciprocal arrangement for child support with this  
9 State and take appropriate action for notification of the  
10 determination.

11  
12 25. (New section) Private Counsel.

13 An individual may employ private counsel to represent the  
14 individual in proceedings authorized by this act.

15  
16 26. (New section) Duties of State Information Agency.

17 a. The Administrative Office of the Courts <sup>1</sup>**【is】** and the State  
18 IV-D Agency are<sup>1</sup> the State information <sup>1</sup>**【agency】** agencies<sup>1</sup> under  
19 this act.

20 b. The State information agency shall:

21 (1) compile and maintain a current list, including addresses, of  
22 the tribunals in this State which have jurisdiction under this act and  
23 any support enforcement agencies in this State and transmit a copy  
24 to the state information agency of every other state;

25 (2) maintain a register of names and addresses of tribunals and  
26 support enforcement agencies received from other states;

27 (3) forward to the appropriate tribunal in the county in this State  
28 in which the obligee who is an individual or the obligor resides, or  
29 in which the obligor's property is believed to be located, all  
30 documents concerning a proceeding under this act received from  
31 another state or a foreign country; and

32 (4) obtain information concerning the location of the obligor  
33 and the obligor's property within this State not exempt from  
34 execution, by such means as postal verification and federal or state  
35 locator services, examination of telephone directories, requests for  
36 the obligor's address from employers, and examination of  
37 governmental records, including, to the extent not prohibited by  
38 other law, those relating to real property, vital statistics, law  
39 enforcement, taxation, motor vehicles, driver's licenses, and social  
40 security.

41  
42 27. (New section) Pleadings and accompanying documents.

43 a. In a proceeding under this act, a petitioner seeking to  
44 establish a support order, to determine parentage of a child, or to  
45 register and modify a support order of a tribunal of another state or  
46 a foreign country shall file a petition. Unless otherwise ordered  
47 under section 28 of this act, the petition or accompanying  
48 documents shall provide, so far as known, the name, residential

1 address, and social security numbers of the obligor and the obligee  
2 or the parent and alleged parent, and the name, sex, residential  
3 address, social security number, and date of birth of each child for  
4 whose benefit support is sought or whose parentage is to be  
5 determined. Unless filed at the time of registration, the petition  
6 shall be accompanied by a copy of any support order known to have  
7 been issued by another tribunal. The petition may include any other  
8 information that may assist in locating or identifying the  
9 respondent.

10 b. The petition shall specify the relief sought. The petition and  
11 accompanying documents shall conform substantially with the  
12 requirements imposed by the forms mandated by federal law for use  
13 in cases filed by a support enforcement agency.

14  
15 28. (New section) Nondisclosure of information in exceptional  
16 circumstances.

17 If a party alleges in an affidavit or a pleading under oath that the  
18 health, safety, or liberty of a party or child would be jeopardized by  
19 disclosure of specific identifying information, that information shall  
20 be sealed and may not be disclosed to the other party or the public.  
21 After a hearing in which a tribunal takes into consideration the  
22 health, safety, or liberty of the party or child, the tribunal may order  
23 disclosure of information that the tribunal determines to be in the  
24 interest of justice.

25  
26 29. (New section) Costs and fees.

27 a. The petitioner shall not be required to pay a filing fee or  
28 other costs.

29 b. If an obligee prevails, a responding tribunal of this State  
30 may assess against an obligor filing fees, reasonable attorney's fees,  
31 other costs, and necessary travel and other reasonable expenses  
32 incurred by the obligee and the obligee's witnesses. The tribunal  
33 may not assess fees, costs, or expenses against the obligee or the  
34 support enforcement agency of either the initiating or responding  
35 state or foreign country, except as provided by other law.  
36 Attorney's fees may be taxed as costs, and may be ordered paid  
37 directly to the attorney, who may enforce the order in the attorney's  
38 own name. Payment of support owed to the obligee has priority  
39 over fees, costs, and expenses.

40 c. The tribunal shall order the payment of costs and reasonable  
41 attorney's fees if it determines that a hearing was requested  
42 primarily for delay. In a proceeding under Article 6, a hearing is  
43 presumed to have been requested primarily for delay if a registered  
44 support order is confirmed or enforced without change.

45  
46 30. (New section) Limited immunity of petitioner.

47 a. Participation by a petitioner in a proceeding under this act  
48 before a responding tribunal, whether in person, by private attorney,

1 or through services provided by the support enforcement agency,  
2 does not confer personal jurisdiction over the petitioner in another  
3 proceeding.

4 b. A petitioner is not amenable to service of civil process while  
5 physically present in this State to participate in a proceeding under  
6 this act.

7 c. The immunity granted by this section does not extend to  
8 civil litigation based on acts unrelated to a proceeding under this act  
9 committed by a party while physically present in this State to  
10 participate in the proceeding.

11

12 31. (New section) Nonparentage as defense.

13 A party whose parentage of a child has been previously  
14 determined by or pursuant to law may not plead nonparentage as a  
15 defense to a proceeding under this act.

16

17 32. (New section) Special rules of evidence and procedure.

18 a. The physical presence of a nonresident party who is an  
19 individual in a tribunal of this State is not required for the  
20 establishment, enforcement, or modification of a support order or  
21 the rendition of a judgment determining parentage of a child.

22 b. An affidavit, a document substantially complying with  
23 federally mandated forms, or a document incorporated by reference  
24 in any of them, which would not be excluded under the hearsay rule  
25 if given in person, is admissible in evidence if given under penalty  
26 of perjury by a party or witness residing outside this State.

27 c. A copy of the record of child support payments certified as a  
28 true copy of the original by the custodian of the record may be  
29 forwarded to a responding tribunal. The copy is evidence of facts  
30 asserted in it, and is admissible to show whether payments were  
31 made.

32 d. Copies of bills for testing for parentage of a child, and for  
33 prenatal and postnatal health care of the mother and child, furnished  
34 to the adverse party at least 10 days before trial, are admissible in  
35 evidence to prove the amount of the charges billed and that the  
36 charges were reasonable, necessary, and customary.

37 e. Documentary evidence transmitted from outside this State to  
38 a tribunal of this State by telephone, telecopier, or other electronic  
39 means that do not provide an original record may not be excluded  
40 from evidence on an objection based on the means of transmission.

41 f. In a proceeding under this act, a tribunal of this State shall  
42 permit a party or witness residing outside this State to be deposed or  
43 to testify under penalty of perjury by telephone, audiovisual means,  
44 or other electronic means at a designated tribunal or other location.  
45 A tribunal of this State shall cooperate with other tribunals in  
46 designating an appropriate location for the deposition or testimony.



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

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

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

9 j. A voluntary acknowledgment of paternity, certified as a true  
10 copy, is admissible to establish parentage of the child.

11

12 33. (New section) Communications between tribunals

13 A tribunal of this State may communicate with a tribunal outside  
14 this State in a record or by telephone, electronic mail, or other  
15 means, to obtain information concerning the laws, the legal effect of  
16 a judgment, decree, or order of that tribunal, and the status of a  
17 proceeding. A tribunal of this State may furnish similar information  
18 by similar means to a tribunal outside this State.

19

20 34. (New section) Assistance with discovery.

21 A tribunal of this State may:

22 a. request a tribunal outside this State to assist in obtaining  
23 discovery; and

24 b. upon request, compel a person over which it has jurisdiction  
25 to respond to a discovery order issued by a tribunal outside this  
26 State.

27

28 35. (New section) Receipt and disbursement of payments.

29 a. A support enforcement agency or tribunal of this State shall  
30 disburse promptly any amounts received pursuant to a support  
31 order, as directed by the order. The agency or tribunal shall furnish  
32 to a requesting party or tribunal of another state or a foreign country  
33 a certified statement by the custodian of the record of the amounts  
34 and dates of all payments received.

35 b. If neither the obligor, nor the obligee who is an individual, nor  
36 the child resides in this State, upon request from the support  
37 enforcement agency of this State or another state or a tribunal of  
38 this State shall:

39 (1) direct that the support payment be made to the support  
40 enforcement agency in the State in which the obligee is receiving  
41 services; and

42 (2) issue and send to the obligor's employer a conforming  
43 income-withholding order or an administrative notice of change of  
44 payee, reflecting the redirected payments.

45 c. The support enforcement agency of this State receiving  
46 redirected payments from another state pursuant to a law similar to  
47 subsection b. of this section shall furnish to a requesting party or

1 tribunal of the other state a certified statement by the custodian of  
2 the record of the amount and dates of all payments received.

3

4

ARTICLE 4

5

ESTABLISHMENT OF SUPPORT ORDER OR

6

DETERMINATION OF PARENTAGE

7

8 36. (New section) Establishment of support order.

9 a. If a support order entitled to recognition under this act has  
10 not been issued, a responding tribunal of this State with personal  
11 jurisdiction over the parties may issue a support order if:

12 (1) the individual seeking the order resides outside this State; or

13 (2) the support enforcement agency seeking the order is located  
14 outside this State.

15 b. The tribunal may issue a temporary child support order if the  
16 tribunal determines that such an order is appropriate and the  
17 individual ordered to pay is:

18 (1) a presumed father of the child;

19 (2) petitioning to have his paternity adjudicated;

20 (3) identified as the father of the child through genetic testing;

21 (4) an alleged father who has declined to submit to genetic  
22 testing;

23 (5) shown by clear and convincing evidence to be the father of  
24 the child;

25 (6) an acknowledged father as provided by law;

26 (7) the mother of the child; or

27 (8) an individual who has been ordered to pay child support in a  
28 previous proceeding and the order has not been reversed or vacated.

29 c. Upon finding, after notice and opportunity to be heard, that  
30 an obligor owes a duty of support, the tribunal shall issue a support  
31 order directed to the obligor and may issue other orders pursuant to  
32 section 21 of this act.

33

34 37. (New section) Proceeding to determine parentage.

35 A tribunal of this State authorized to determine parentage of a  
36 child may serve as a responding tribunal in a proceeding to  
37 determine parentage of a child brought under this act or a law or  
38 procedure substantially similar to this act.

39

40

ARTICLE 5

41

ENFORCEMENT OF SUPPORT ORDER WITHOUT

42

REGISTRATION

43

44 38. (New section) Employer's receipt of income withholding  
45 order of another state.

46 An income-withholding order issued in another state may be sent  
47 by or on behalf of the obligee, or by the support enforcement  
48 agency, to the person defined as the obligor's employer under

1 P.L.1998, c.1 (C.2A:17-56.7a et al.) without first filing a petition or  
2 comparable pleading or registering the order with a tribunal of this  
3 State.

4  
5 39. (New section) Employer's compliance with income  
6 withholding order of another state.

7 a. Upon receipt of an income-withholding order, the obligor's  
8 employer shall immediately provide a copy of the order to the  
9 obligor.

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

13 c. Except as otherwise provided in subsection d. of this section  
14 and section 40 of this act, the employer shall withhold and  
15 distribute the funds as directed in the withholding order by  
16 complying with terms of the order which specify:

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

19 (2) the person designated to receive payments and the address to  
20 which the payments are to be forwarded;

21 (3) medical support, whether in the form of periodic cash  
22 payment, stated as a sum certain, or ordering the obligor to provide  
23 health insurance coverage for the child under a policy available  
24 through the obligor's employment;

25 (4) the amount of periodic payments of fees and costs for a  
26 support enforcement agency, the issuing tribunal, and the obligee's  
27 attorney, stated as sums certain; and

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

30 d. An employer shall comply with the law of the state of the  
31 obligor's principal place of employment for withholding from  
32 income with respect to:

33 (1) the employer's fee for processing an income-withholding  
34 order;

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

37 (3) the times within which the employer shall implement the  
38 withholding order and forward the child support payment.

39  
40 40. (New section) Employers compliance with two or more  
41 income withholding orders.

42 If an obligor's employer receives two or more income-  
43 withholding orders with respect to the earnings of the same obligor,  
44 the employer satisfies the terms of the orders if the employer  
45 complies with the law of the state of the obligor's principal place of  
46 employment to establish the priorities for withholding and  
47 allocating income withheld for two or more child support obligees.

1       41. (New section) Immunity from civil liability.

2       An employer that complies with an income-withholding order  
3 issued in another state in accordance with this article is not subject  
4 to civil liability to an individual or agency with regard to the  
5 employer's withholding of child support from the obligor's income.

6

7       42. (New section) Penalties for noncompliance.

8       An employer who willfully fails to comply with an income-  
9 withholding order issued in another state and received for  
10 enforcement is subject to the same penalties that may be imposed  
11 for noncompliance with an order issued by a tribunal of this State.

12

13       43. (New section) Contest by obligor.

14       a. An obligor may contest the validity or enforcement of an  
15 income-withholding order issued in another state and received  
16 directly by an employer in this State by registering the order in a  
17 tribunal of this State and filing a contest to that order as provided in  
18 Article 6 of this act, or otherwise contesting the order in the same  
19 manner as if the order had been issued by a tribunal of this State.

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

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

23       (2) each employer that has directly received an income-  
24 withholding order relating to the obligor; and

25       (3) the person designated to receive payments in the income-  
26 withholding order or, if no person is designated, to the obligee.

27

28       44. (New section) Administrative enforcement of orders.

29       a. A party or support enforcement agency seeking to enforce a  
30 support order or an income-withholding order, or both, issued in  
31 another state or a foreign support order may send the documents  
32 required for registering the order to a support enforcement agency  
33 of this State.

34       b. Upon receipt of the documents, the support enforcement  
35 agency, without initially seeking to register the order, shall consider  
36 and, if appropriate, use any administrative procedure authorized by  
37 the law of this State to enforce a support order or an income-  
38 withholding order, or both. If the obligor does not contest  
39 administrative enforcement, the order need not be registered. If the  
40 obligor contests the validity or administrative enforcement of the  
41 order, the support enforcement agency shall register the order  
42 pursuant to this act.

43

44

ARTICLE 6

45

REGISTRATION, ENFORCEMENT, AND MODIFICATION OF  
SUPPORT ORDER

46

47

PART 1 -- REGISTRATION FOR ENFORCEMENT OF

48

SUPPORT ORDER

1       45. (New section) Registration of order for enforcement.

2       A support order or income-withholding order issued in another  
3 state or a foreign support order may be registered in this State for  
4 enforcement.

5

6       46. (New section) Procedure to register order for enforcement.

7       a. Except as otherwise provided in section 66 of this act, a  
8 support order or income-withholding order of another state or a  
9 foreign support order may be registered in this State by sending the  
10 following records to the appropriate tribunal in this State:

11       (1) a letter of transmittal to the tribunal requesting registration  
12 and enforcement;

13       (2) two copies, including one certified copy, of the order to be  
14 registered, including any modification of the order;

15       (3) a sworn statement by the person requesting registration or a  
16 certified statement by the custodian of the records showing the  
17 amount of any arrearage;

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

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

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

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

24       (5) except as otherwise provided in section 28 of this act, the  
25 name and address of the obligee and, if applicable, the person to  
26 whom support payments are to be remitted.

27       b. On receipt of a request for registration, the registering  
28 tribunal shall cause the order to be filed as an order of a tribunal of  
29 another state or a foreign support order, together with one copy of  
30 the documents and information, regardless of their form.

31       c. A petition or comparable pleading seeking a remedy that  
32 shall be affirmatively sought under other law of this State may be  
33 filed at the same time as the request for registration or later. The  
34 pleading shall specify the grounds for the remedy sought.

35       d. If two or more orders are in effect, the person requesting  
36 registration shall:

37       (1) furnish to the tribunal a copy of every support order asserted  
38 to be in effect in addition to the documents specified in this section;

39       (2) specify the order alleged to be the controlling order, if any;  
40 and

41       (3) specify the amount of consolidated arrears, if any.

42       e. A request for a determination of which is the controlling  
43 order may be filed separately or with a request for registration and  
44 enforcement or for registration and modification. The person  
45 requesting registration shall give notice of the request to each party  
46 whose rights may be affected by the determination.

47

48       47. (New section) Effect of registration for enforcement.

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

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

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

10

11 48. (New section) Choice of law.

12 a. Except as otherwise provided in subsection d. of this section,  
13 the law of the issuing state or foreign country governs:

14 (1) the nature, extent, amount, and duration of current payments  
15 under a registered support order;

16 (2) the computation and payment of arrearages and accrual of  
17 interest on the arrearages under the support order; and

18 (3) the existence and satisfaction of other obligations under the  
19 support order.

20 b. In a proceeding for arrears under a registered support order,  
21 the statute of limitations of this State, or of the issuing state or  
22 foreign country, whichever is longer, applies.

23 c. A responding tribunal of this State shall apply the  
24 procedures and remedies of this State to enforce current support and  
25 collect arrears and interest due on a support order of another state or  
26 a foreign country registered in this State.

27 d. After a tribunal of this State or another state determines  
28 which is the controlling order and issues an order consolidating  
29 arrears, if any, a tribunal of this State shall prospectively apply the  
30 law of the state or foreign country issuing the controlling order,  
31 including its law on interest on arrears, on current and future  
32 support, and on consolidated arrears.

33

34 Part 2 -- CONTEST OF VALIDITY OR ENFORCEMENT

35

36 49. (New section) Notice of registration of order.

37 a. When a support order or income-withholding order issued in  
38 another state or a foreign support order is registered, the registering  
39 tribunal of this State shall notify the nonregistering party. The  
40 notice shall be accompanied by a copy of the registered order and  
41 the documents and relevant information accompanying the order.

42 b. A notice shall inform the nonregistering party:

43 (1) that a registered support order is enforceable as of the date  
44 of registration in the same manner as an order issued by a tribunal  
45 of this State;

46 (2) that a hearing to contest the validity or enforcement of the  
47 registered order shall be requested within 20 days after notice  
48 unless the registered order is under section 67 of this act;

1 (3) that failure to contest the validity or enforcement of the  
2 registered order in a timely manner will result in confirmation of  
3 the order and enforcement of the order and the alleged arrearages;  
4 and

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

6 c. If the registering party asserts that two or more orders are in  
7 effect, a notice shall also:

8 (1) identify the two or more orders and the order alleged by the  
9 registering party to be the controlling order and the consolidated  
10 arrears, if any;

11 (2) notify the nonregistering party of the right to a determination  
12 of which is the controlling order;

13 (3) state that the procedures provided in subsection b. apply to  
14 the determination of which is the controlling order; and

15 (4) state that failure to contest the validity or enforcement of the  
16 order alleged to be the controlling order in a timely manner may  
17 result in confirmation that the order is the controlling order.

18 d. Upon registration of an income-withholding order for  
19 enforcement, the support enforcement agency or the registering  
20 tribunal shall notify the obligor's employer pursuant to the "New  
21 Jersey Child Support Program Improvement Act,"  
22 P.L.1998, c.1 (C.2A:17-56.7a et al.).

23

24 50. (New section) Procedure to contest validity or enforcement  
25 of registered support order.

26 a. A nonregistering party seeking to contest the validity or  
27 enforcement of a registered support order in this State shall request  
28 a hearing within the time required by section 49 of this act. The  
29 nonregistering party may seek to vacate the registration, to assert  
30 any defense to an allegation of noncompliance with the registered  
31 order, or to contest the remedies being sought or the amount of any  
32 alleged arrearages pursuant to section 51 of this act.

33 b. If the nonregistering party fails to contest the validity or  
34 enforcement of the registered support order in a timely manner, the  
35 order is confirmed by operation of law.

36 c. If a nonregistering party requests a hearing to contest the  
37 validity or enforcement of the registered support order, the  
38 registering tribunal shall schedule the matter for hearing and give  
39 notice to the parties of the date, time, and place of the hearing.

40

41 51. (New section) Contest of registration or enforcement.

42 a. A party contesting the validity or enforcement of a registered  
43 support order or seeking to vacate the registration has the burden of  
44 proving one or more of the following defenses:

45 (1) the issuing tribunal lacked personal jurisdiction over the  
46 contesting party;

47 (2) the order was obtained by fraud;

- 1 (3) the order has been vacated, suspended, or modified by a later  
2 order;
- 3 (4) the issuing tribunal has stayed the order pending appeal;
- 4 (5) there is a defense under the law of this State to the remedy  
5 sought;
- 6 (6) full or partial payment has been made;
- 7 (7) the statute of limitation under section 48 of this act  
8 precludes enforcement of some or all of the alleged arrearages; or
- 9 (8) the alleged controlling order is not the controlling order.
- 10 b. If a party presents evidence establishing a full or partial  
11 defense under subsection a., a tribunal may stay enforcement of a  
12 registered support order, continue the proceeding to permit  
13 production of additional relevant evidence, and issue other  
14 appropriate orders. An uncontested portion of the registered support  
15 order may be enforced by all remedies available under the law of  
16 this State.
- 17 c. If the contesting party does not establish a defense under  
18 subsection a. to the validity or enforcement of a registered support  
19 order, the registering tribunal shall issue an order confirming the  
20 order.

21

22 52. (New section) Confirmed order.

23 Confirmation of a registered support order, whether by operation  
24 of law or after notice and hearing, precludes further contest of the  
25 order with respect to any matter that could have been asserted at the  
26 time of registration.

27

28 PART 3 -- REGISTRATION AND MODIFICATION OF  
29 CHILD SUPPORT ORDER OF ANOTHER STATE

30

31 53. (New section) Procedure to register child support order of  
32 another state for modification.

33 A party or support enforcement agency seeking to modify, or to  
34 modify and enforce, a child support order issued in another state  
35 shall register that order in this State in the same manner provided in  
36 sections 45 through 52 of this act if the order has not been  
37 registered. A petition for modification may be filed at the same time  
38 as a request for registration, or later. The pleading shall specify the  
39 grounds for modification.

40

41 54. (New section) Effect of registration for modification.

42 A tribunal of this State may enforce a child support order of  
43 another state registered for purposes of modification, in the same  
44 manner as if the order had been issued by a tribunal of this State,  
45 but the registered support order may be modified only if the  
46 requirements of section 55 or 57 of this act have been met.



1       55. (New section) Modification of child support order of  
2 another state.

3       a. If section 57 of this act does not apply, upon petition a  
4 tribunal of this State may modify a child support order issued in  
5 another state which is registered in this State if, after notice and  
6 hearing, the tribunal finds that:

7       (1) the following requirements are met:

8       (a) neither the child, nor the obligee who is an individual, nor  
9 the obligor resides in the issuing state;

10       (b) a petitioner who is a nonresident of this State seeks  
11 modification; and

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

14       (2) this State is the residence of the child, or a party who is an  
15 individual is subject to the personal jurisdiction of the tribunal of  
16 this State, and all of the parties who are individuals have filed  
17 consents in a record in the issuing tribunal for a tribunal of this  
18 State to modify the support order and assume continuing, exclusive  
19 jurisdiction.

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

24       c. A tribunal of this State may not modify any aspect of a child  
25 support order that may not be modified under the law of the issuing  
26 state, including the duration of the obligation of support. If two or  
27 more tribunals have issued child support orders for the same obligor  
28 and same child, the order that controls and shall be so recognized  
29 under section 12 of this act establishes the aspects of the support  
30 order which are nonmodifiable.

31       d. In a proceeding to modify a child support order, the law of  
32 the state that is determined to have issued the initial controlling  
33 order governs the duration of the obligation of support. The  
34 obligor's fulfillment of the duty of support established by that order  
35 precludes imposition of a further obligation of support by a tribunal  
36 of this State.

37       e. On the issuance of an order by a tribunal of this State  
38 modifying a child support order issued in another state, the tribunal  
39 of this State becomes the tribunal having continuing, exclusive  
40 jurisdiction.

41       f. Notwithstanding subsections a. through e. of this section and  
42 subsection b. of section 6 of this act, a tribunal of this State retains  
43 jurisdiction to modify an order issued by a tribunal of this State if:

44       (1) one party resides in another state; and

45       (2) the other party resides outside the United States.

46  
47       56. (New section) Recognition of order modified in another  
48 state.

1 If a child support order issued by a tribunal of this State is  
2 modified by a tribunal of another state which assumed jurisdiction  
3 pursuant to the “Uniform Interstate Family Support Act,”  
4 P.L. , c. (C. ) (pending before the Legislature as this bill), a  
5 tribunal of this State:

6 a. may enforce its order that was modified only as to arrears  
7 and interest accruing before the modification;

8 b. may provide appropriate relief for violations of its order  
9 which occurred before the effective date of the modification; and

10 c. shall recognize the modifying order of the other state, upon  
11 registration, for the purpose of enforcement.

12

13 57. (New section) Jurisdiction to modify child support order of  
14 another state when parties reside in this State.

15 a. If all of the parties who are individuals reside in this State  
16 and the child does not reside in the issuing state, a tribunal of this  
17 State has jurisdiction to enforce and to modify the issuing state’s  
18 child support order in a proceeding to register that order.

19 b. A tribunal of this State exercising jurisdiction under this  
20 section shall apply the provisions of Articles 1 and 2, this article,  
21 and the procedural and substantive law of this State to the  
22 proceeding for enforcement or modification. Articles 3, 4, 5, 7, and  
23 8 of this act do not apply.

24

25 58. (New section) Notice to issuing tribunal of modification.

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

36

37 PART 4 -- REGISTRATION AND MODIFICATION  
38 OF FOREIGN CHILD SUPPORT ORDER

39

40 59. (New section) Jurisdiction to modify child support order of  
41 foreign country.

42 a. Except as otherwise provided in section 71 of this act, if a  
43 foreign country lacks or refuses to exercise jurisdiction to modify  
44 its child support order pursuant to its laws, a tribunal of this State  
45 may assume jurisdiction to modify the child support order and bind  
46 all individuals subject to the personal jurisdiction of the tribunal  
47 whether the consent to modification of a child support order  
48 otherwise required of the individual pursuant to section 55 of this

1 act has been given or whether the individual seeking modification is  
2 a resident of this State or of the foreign country.

3 b. An order issued by a tribunal of this State modifying a  
4 foreign child support order pursuant to this section is the controlling  
5 order.

6  
7 60. (New section) Procedure to register child support order of  
8 foreign country for modification.

9 A party or support enforcement agency seeking to modify, or to  
10 modify and enforce, a foreign child support order not under the  
11 Convention may register that order in this State under sections 45  
12 through 52 of this act if the order has not been registered. A petition  
13 for modification may be filed at the same time as a request for  
14 registration, or at another time. The petition shall specify the  
15 grounds for modification.

16

17 ARTICLE 7

18 SUPPORT PROCEEDING UNDER CONVENTION

19

20 61. (New section) Definitions.

21 As used in this article:

22 “Application” means a request under the Convention by an  
23 obligee or obligor, or on behalf of a child, made through a central  
24 authority for assistance from another central authority.

25 “Central authority” means the entity designated by the United  
26 States or a foreign country described in paragraph (4) of subsection  
27 e. of section 2 of this act to perform the functions specified in the  
28 Convention.

29 “Convention support order” means a support order of a tribunal  
30 of a foreign country described in paragraph (4) of subsection e. of  
31 section 2 of this act.

32 “Direct request” means an application filed by an individual in a  
33 tribunal of this State in a proceeding involving an obligee, obligor,  
34 or child residing outside the United States.

35 “Foreign central authority” means the entity designated by a  
36 foreign country described in paragraph (4) of subsection e. of  
37 section 2 of this act to perform the functions specified in the  
38 Convention.

39 “Foreign support agreement”: means an agreement for support in  
40 a record that: (1) is enforceable as a support order in the country of  
41 origin; (2) has been: (a) formally drawn up or registered as an  
42 authentic instrument by a foreign tribunal; or (b) authenticated by,  
43 or concluded, registered, or filed with a foreign tribunal; and (c)  
44 may be reviewed and modified by a foreign tribunal; and (3)  
45 includes a maintenance arrangement or authentic instrument under  
46 the Convention.

47 “United States central authority” means the Secretary of the  
48 United States Department of Health and Human Services.

1       62. (New section) Applicability.

2       This article applies only to a support proceeding under the  
3       Convention. In such a proceeding, if a provision of this article is  
4       inconsistent with Articles 1 through 6 of this act, this article  
5       controls.

6  
7       63. (New section) Relationship of the State IV-D agency to  
8       United States central authority.

9       The State IV-D Agency or its designee is recognized as the  
10      agency designated by the United States central authority to perform  
11      specific functions under the Convention.

12  
13      64. (New section) Initiation by the State IV-D Agency of  
14      support proceeding under Convention.

15      a. In a support proceeding under this article, the State IV-D  
16      Agency or its designee shall:

17          (1) transmit and receive applications; and

18          (2) initiate or facilitate the institution of a proceeding regarding  
19          an application in a tribunal of this State.

20      b. The following support proceedings are available to an  
21      obligee under the Convention:

22          (1) recognition or recognition and enforcement of a foreign  
23          support order;

24          (2) enforcement of a support order issued or recognized in this  
25          State;

26          (3) establishment of a support order if there is no existing order,  
27          including, if necessary, determination of parentage of a child;

28          (4) establishment of a support order if recognition of a foreign  
29          support order is refused under paragraph (2), (4), or (9) of  
30          subsection b. of section 68 of this act;

31          (5) modification of a support order of a tribunal of this State;  
32          and

33          (6) modification of a support order of a tribunal of another state  
34          or a foreign country.

35      c. The following support proceedings are available under the  
36      Convention to an obligor against which there is an existing support  
37      order:

38          (1) recognition of an order suspending or limiting enforcement  
39          of an existing support order of a tribunal of this State;

40          (2) modification of a support order of a tribunal of this State;  
41          and

42          (3) modification of a support order of a tribunal of another state  
43          or a foreign country.

44      d. A tribunal of this State may not require security, bond, or  
45      deposit, however described, to guarantee the payment of costs and  
46      expenses in proceedings under the Convention.

47

48      65. (New section) Direct request.

1 a. A petitioner may file a direct request seeking establishment  
2 or modification of a support order or determination of parentage of  
3 a child. In the proceeding, the law of this State applies.

4 b. A petitioner may file a direct request seeking recognition  
5 and enforcement of a support order or support agreement. In the  
6 proceeding, sections 66 through 73 of this act.

7 c. In a direct request for recognition and enforcement of a  
8 Convention support order or foreign support agreement:

9 (1) a security, bond, or deposit is not required to guarantee the  
10 payment of costs and expenses; and

11 (2) an obligee or obligor that in the issuing country has  
12 benefited from free legal assistance is entitled to benefit, at least to  
13 the same extent, from any free legal assistance provided for by the  
14 law of this State under the same circumstances.

15 d. A petitioner filing a direct request is not entitled to  
16 assistance from the State IV-D Agency or its designee.

17 e. This article does not prevent the application of laws of this  
18 State that provide simplified, more expeditious rules regarding a  
19 direct request for recognition and enforcement of a foreign support  
20 order or foreign support agreement.

21

22 66. (New section) Registration of Convention support order.

23 a. Except as otherwise provided in this article, a party who is  
24 an individual or a support enforcement agency seeking recognition  
25 of a Convention support order shall register the order in this State  
26 as provided in Article 6.

27 b. Notwithstanding section 27 and subsection a. of section 46  
28 of this act, a request for registration of a Convention support order  
29 shall be accompanied by:

30 (1) a complete text of the support order or an abstract or extract  
31 of the support order drawn up by the issuing foreign tribunal, which  
32 may be in the form recommended by the Hague Conference on  
33 Private International Law;

34 (2) a record stating that the support order is enforceable in the  
35 issuing country;

36 (3) if the respondent did not appear and was not represented in  
37 the proceedings in the issuing country, a record attesting, as  
38 appropriate, either that the respondent had proper notice of the  
39 proceedings and an opportunity to be heard or that the respondent  
40 had proper notice of the support order and an opportunity to be  
41 heard in a challenge or appeal on fact or law before a tribunal;

42 (4) a record showing the amount of arrears, if any, and the date  
43 the amount was calculated;

44 (5) a record showing a requirement for automatic adjustment of  
45 the amount of support, if any, and the information necessary to  
46 make the appropriate calculations; and

47 (6) if necessary, a record showing the extent to which the  
48 applicant received free legal assistance in the issuing country.

1 c. A request for registration of a Convention support order may  
2 seek recognition and partial enforcement of the order.

3 d. A tribunal of this State may vacate the registration of a  
4 Convention support order without the filing of a contest under  
5 section 67 of this act only if, acting on its own motion, the tribunal  
6 finds that recognition and enforcement of the order would be  
7 manifestly incompatible with public policy.

8 e. The tribunal shall promptly notify the parties of the  
9 registration or the order vacating the registration of a Convention  
10 support order.

11

12 67. (New section) Contest of registered Convention support  
13 order.

14 a. Except as otherwise provided in this article, sections 49  
15 through 52 of this act apply to a contest of a registered Convention  
16 support order.

17 b. A party contesting a registered Convention support order  
18 shall file a contest not later than 30 days after notice of the  
19 registration, but if the contesting party does not reside in the United  
20 States, the contest shall be filed not later than 60 days after notice  
21 of the registration.

22 c. If the nonregistering party fails to contest the registered  
23 Convention support order by the time specified in subsection b., the  
24 order is enforceable.

25 d. A contest of a registered Convention support order may be  
26 based only on grounds set forth in section 68 of this act. The  
27 contesting party bears the burden of proof.

28 e. In a contest of a registered Convention support order, a  
29 tribunal of this State:

30 (1) is bound by the findings of fact on which the foreign tribunal  
31 based its jurisdiction; and

32 (2) may not review the merits of the order.

33 f. A tribunal of this State deciding a contest of a registered  
34 Convention support order shall promptly notify the parties of its  
35 decision.

36 g. A challenge or appeal, if any, does not stay the enforcement  
37 of a Convention support order unless there are exceptional  
38 circumstances.

39

40 68. (New section) Recognition and enforcement of registered  
41 Convention support order.

42 a. Except as otherwise provided in subsection b., a tribunal of  
43 this State shall recognize and enforce a registered Convention  
44 support order.

45 b. The following grounds are the only grounds on which a  
46 tribunal of this State may refuse recognition and enforcement of a  
47 registered Convention support order:

1 (1) recognition and enforcement of the order is manifestly  
2 incompatible with public policy, including the failure of the issuing  
3 tribunal to observe minimum standards of due process, which  
4 include notice and an opportunity to be heard;

5 (2) the issuing tribunal lacked personal jurisdiction consistent  
6 with section 6 of this act ;

7 (3) the order is not enforceable in the issuing country;

8 (4) the order was obtained by fraud in connection with a matter  
9 of procedure;

10 (5) a record transmitted in accordance with section 66 of this act  
11 lacks authenticity or integrity;

12 (6) a proceeding between the same parties and having the same  
13 purpose is pending before a tribunal of this State and that  
14 proceeding was the first to be filed;

15 (7) the order is incompatible with a more recent support order  
16 involving the same parties and having the same purpose if the more  
17 recent support order is entitled to recognition and enforcement  
18 under this act in this State;

19 (8) payment, to the extent alleged arrears have been paid in  
20 whole or in part;

21 (9) in a case in which the respondent neither appeared nor was  
22 represented in the proceeding in the issuing foreign country:

23 (a) if the law of that country provides for prior notice of  
24 proceedings, the respondent did not have proper notice of the  
25 proceedings and an opportunity to be heard; or

26 (b) if the law of that country does not provide for prior notice of  
27 the proceedings, the respondent did not have proper notice of the  
28 order and an opportunity to be heard in a challenge or appeal on fact  
29 or law before a tribunal; or

30 (10) the order was made in violation of section 71 of this act.

31 c. If a tribunal of this State does not recognize a Convention  
32 support order under paragraph (2), (4) or (9) of subsection b. of this  
33 section:

34 (1) the tribunal may not dismiss the proceeding without  
35 allowing a reasonable time for a party to request the establishment  
36 of a new Convention support order; and

37 (2) the State IV-D Agency or its designee shall take all  
38 appropriate measures to request a child support order for the obligee  
39 if the application for recognition and enforcement was received  
40 under section 64 of this act.

41

42 69. (New section) Partial enforcement.

43 If a tribunal of this State does not recognize and enforce a  
44 Convention support order in its entirety, it shall enforce any  
45 severable part of the order. An application or direct request may  
46 seek recognition and partial enforcement of a Convention support  
47 order.

- 1       70. (New section) Foreign support agreement.
- 2       a. Except as otherwise provided in subsections c. and d., a  
3 tribunal of this State shall recognize and enforce a foreign support  
4 agreement registered in this State.
- 5       b. An application or direct request for recognition and  
6 enforcement of a foreign support agreement shall be accompanied  
7 by:
- 8       (1) a complete text of the foreign support agreement; and  
9       (2) a record stating that the foreign support agreement is  
10 enforceable as an order of support in the issuing country.
- 11       c. A tribunal of this State may vacate the registration of a  
12 foreign support agreement only if, acting on its own motion, the  
13 tribunal finds that recognition and enforcement would be manifestly  
14 incompatible with public policy.
- 15       d. In a contest of a foreign support agreement, a tribunal of this  
16 State may refuse recognition and enforcement of the agreement if it  
17 finds:
- 18       (1) recognition and enforcement of the agreement is manifestly  
19 incompatible with public policy;
- 20       (2) the agreement was obtained by fraud or falsification;
- 21       (3) the agreement is incompatible with a support order involving  
22 the same parties and having the same purpose in this State, another  
23 state, or a foreign country if the support order is entitled to  
24 recognition and enforcement under this act in this State; or
- 25       (4) the record submitted under subsection b. lacks authenticity  
26 or integrity.
- 27       e. A proceeding for recognition and enforcement of a foreign  
28 support agreement shall be suspended during the pendency of a  
29 challenge to or appeal of the agreement before a tribunal of another  
30 state or a foreign country.
- 31
- 32       71. (New section) Modification of Convention child support  
33 order.
- 34       a. A tribunal of this State may not modify a Convention child  
35 support order if the obligee remains a resident of the foreign  
36 country where the support order was issued unless:
- 37       (1) the obligee submits to the jurisdiction of a tribunal of this  
38 State, either expressly or by defending on the merits of the case  
39 without objecting to the jurisdiction at the first available  
40 opportunity; or
- 41       (2) the foreign tribunal lacks or refuses to exercise jurisdiction  
42 to modify its support order or issue a new support order.
- 43       b. If a tribunal of this State does not modify a Convention child  
44 support order because the order is not recognized in this State,  
45 subsection c. of section 68 of this act applies.
- 46
- 47       72. (New section) Personal information; limit on use.



1 Personal information gathered or transmitted under this article  
2 may be used only for the purposes for which it was gathered or  
3 transmitted.

4  
5 73. (New section) Record in original language; English  
6 translation.

7 A record filed with a tribunal of this State under this article shall  
8 be in the original language and, if not in English, shall be  
9 accompanied by an English translation.

10

11

ARTICLE 8

12

INTERSTATE RENDITION

13

14 74. (New section) Grounds for rendition.

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

18 b. The Governor of this State may:

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

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

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

29

30 75. (New section) Conditions of rendition.

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

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

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

7  
8 ARTICLE 9  
9 MISCELLANEOUS PROVISIONS  
10

11 76. (New section) Uniformity of application and construction.

12 In applying and construing this uniform act, consideration shall  
13 be given to the need to promote uniformity of the law with respect  
14 to its subject matter among states that enact it.

15  
16 77. (New section) Transitional provision.

17 a. This act applies to proceedings begun on or after the  
18 effective date of this act to establish a support order or determine  
19 parentage of a child or to register, recognize, enforce, or modify a  
20 prior support order, determination, or agreement, whenever issued  
21 or entered.

22 b. The repeal of P.L.1981, c.243 (C.2A:4-30.24 et seq.) and  
23 sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-  
24 56.19) and the repeal of the former "Uniform Interstate Family  
25 Support Act," P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123)  
26 and its replacement with this act does not affect pending actions,  
27 rights, duties or liabilities based on those repealed laws, nor does it  
28 alter, discharge, release or extinguish any penalty, forfeiture, or  
29 liability incurred under those laws. After the effective date of this  
30 act, all laws repealed shall be treated as remaining in full force and  
31 effect for the purpose of sustaining any pending actions or rights  
32 filed prior to the effective date of this act and the enforcement of  
33 any rights, duties, penalties, forfeitures, or liabilities under the  
34 repealed laws.

35  
36 78. (New section) Severability.

37 If any provision of this act or its application to any person or  
38 circumstance is held invalid, the invalidity does not affect other  
39 provisions or applications of this act which can be given effect  
40 without the invalid provision or application, and to this end the  
41 provisions of this act are severable.

42  
43 79. Section 11 of P.L.1996, c.7 (C.2A:17-56.49) is amended to  
44 read as follows:

45 11. The license revocation provisions of P.L.1996, c.7 (C.2A:17-  
46 56.41 et seq.) apply to all orders issued before or after the effective  
47 date of P.L.1996, c.7 (C.2A:17-56.41 et seq.). All child support  
48 arrearage and health care coverage provisions in existence on or

1 before the effective date of P.L.1996, c.7 (C.2A:17-56.41 et seq.)  
2 shall be included in determining whether a case is eligible for  
3 enforcement in accordance with P.L.1996, c.7 (C.2A:17-56.41 et  
4 seq.). P.L.1996, c.7 (C.2A:17-56.41 et seq.) applies to all child  
5 support obligations ordered by any state, territory or district of the  
6 United States that are being enforced by the Probation Division,  
7 that are payable directly to the obligee, or have been registered in  
8 this State in accordance with the "Uniform Interstate Family  
9 Support Act," originally enacted as P.L.1998, c.2 (C.2A:4-30.65 et  
10 seq.), and repealed and replaced by P.L. \_\_\_\_\_, c. \_\_\_\_\_ (pending before  
11 the Legislature as this bill).  
12 (cf: P.L.1998, c.1, s.31)  
13

14 80. Section 3 of P.L.1998, c.1 (C.2A:17-56.52) is amended to  
15 read as follows:

16 3. As used in P.L.1998, c.1 (C.2A:17-56.7a et al.), P.L.1981,  
17 c.417 (C.2A:17-56.8 et al.), P.L.1988, c.111 (C.2A:17-56.23a),  
18 sections 13, 17 through 20 and 22 of P.L.1985, c.278 (C.2A:17-  
19 56.16, 2A:17-56.20 through 2A:17-56.23, and 2A:17-56.25),  
20 P.L.1990, c.53 (C.2A:17-56.13a), sections 5 and 6 of P.L.1990,  
21 c.92 (C.2A:17-56.9a and 2A:17-56.9b), P.L.1995, c.287 (C.2A:17-  
22 56.11a), P.L.1995, c.290 (C.2A:17-56.11b), P.L.1995,  
23 c.322 (C.2A:17-56.34 et seq.) and P.L.1996, c.7 (C.2A:17-56.41 et  
24 seq.):

25 "Account" means a demand deposit account, checking or  
26 negotiable order of withdrawal account, savings account, time  
27 deposit account, or money market mutual fund account. "Account"  
28 also includes an equity securities account if permitted under federal  
29 law.

30 "Administrative enforcement" means the use of high volume  
31 automated data processing to search various State data bases,  
32 including, but not limited to, license records, employment service  
33 data and State new hire registries, to determine whether information  
34 is available in response to a request made by another jurisdiction to  
35 enforce a support order.

36 "Appropriate enforcement methods" means mechanisms such as  
37 income withholding, withholding of civil lawsuits, and execution of  
38 the assets of the obligor which can result in immediate payment of  
39 the child support arrearage when available. In appropriate cases,  
40 the license revocation process may be used as an alternative to Rule  
41 5:7-5 of the court rules.

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

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

1 "Child support" means the amount required to be paid under a  
2 judgment, decree, or order, whether temporary, final or subject to  
3 modification, issued by the Superior Court, Chancery Division,  
4 Family Part or a court or administrative agency of competent  
5 jurisdiction of another state, for the support and maintenance of a  
6 child, or the support and maintenance of a child and the parent with  
7 whom the child is living, which provides monetary support, health  
8 care coverage, any arrearage or reimbursement, and which may  
9 include other related costs and fees, interest and penalties, income  
10 withholding, attorney's fees and other relief.

11 "Child support related warrant" means an outstanding warrant for  
12 the arrest of a child support obligor or putative father issued by the  
13 court for failure to pay child support as ordered, failure to appear at  
14 a hearing to establish paternity or child support, or failure to appear  
15 at a hearing to enforce a child support order.

16 "Commissioner" means the Commissioner of Human Services.

17 "Court" means the Superior Court, Chancery Division, Family  
18 Part.

19 "Court order" means an order of the court or an order from an  
20 administrative or judicial tribunal in another state that is competent  
21 to enter or modify orders for paternity or child support.

22 "Court rules" means the Rules Governing the Courts of the State  
23 of New Jersey.

24 "Credit reporting agency" means a nationally recognized credit  
25 reporting agency as approved by the commissioner and defined in  
26 the federal Fair Credit Reporting Act (15 U.S.C. s. 1681a(f)) as any  
27 entity which, for monetary fees, dues, or on a cooperative nonprofit  
28 basis, regularly engages in whole or in part in the practice of  
29 assembling or evaluating consumer credit information or other  
30 information on consumers for the purpose of furnishing reports to  
31 third parties and which uses any means or facility of interstate  
32 commerce for the purpose of preparing or furnishing consumer  
33 reports.

34 "Custodial parent" means the parent or other person who has  
35 legal and physical custody of a child for the majority of the time.  
36 The custodial parent is responsible for the day-to-day decisions  
37 related to the child and for providing the basic needs of the child on  
38 a daily basis. The custodial parent is the person to whom child  
39 support is payable. In shared parenting situations, the custodial  
40 parent is known as the Parent of Primary Residence.

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

44 "Department" means the Department of Human Services.

45 "Employee" means an individual who is an employee within the  
46 meaning of chapter 24 of the Internal Revenue Code of 1986.  
47 Employee does not include an employee of a federal or state agency  
48 performing intelligence or counter-intelligence functions, if the

1 head of such agency has determined that reporting could endanger  
2 the safety of the employee or compromise an ongoing investigation  
3 or intelligence mission.

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

7 "Financial institution" means: a depository institution as defined  
8 in 12 U.S.C. s.1813(c); an institution affiliated party as defined in  
9 12 U.S.C. s.1813(u); a federal or State credit union as defined in  
10 12 U.S.C. s.1752, including an institution affiliated party of a credit  
11 union as defined in 12 U.S.C. s.1786(r); a benefit association,  
12 insurance company, safe deposit company, money market mutual  
13 fund, or similar entity authorized to do business in this State.  
14 "Financial institution" also includes an investment and loan  
15 corporation if permitted under federal law.

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

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

35 "Labor organization" means a labor organization as defined in  
36 paragraph (5) of section 2 of the federal "National Labor Relations  
37 Act" (29 U.S.C. s.152) and includes any entity used by the  
38 organization and an employer to carry out the requirements of  
39 paragraph (3) of subsection (f) of section 8 of that act  
40 (29 U.S.C. s.158(f)(3)) or an agreement between the organization  
41 and the employer.

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

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

1 goods or services for compensation, to operate a motor vehicle, or  
2 for 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  
5 parenting situations, the non-custodial parent is known as the Parent  
6 of Alternate 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  
9 issued or a judgment determining parentage has been rendered; a  
10 state or political subdivision to which the rights under a duty of  
11 support or support order have been assigned or which has  
12 independent claims based on financial assistance provided to an  
13 individual obligee; or an individual seeking a judgment determining  
14 parentage of the individual's child or providing for the support of a  
15 child.

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

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

22 "Probation Division" means the Probation Division of the  
23 Superior Court, Chancery Division, Family Part.

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

27 "Spousal support" means a legally enforceable obligation  
28 assessed against a person for the support of a spouse or former  
29 spouse.

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

33 "State IV-D agency" means the Department of Human Services.

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

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

43 A support order shall be issued by the court or a court or  
44 administrative agency of another state.

45 "TANF" means the "Temporary Assistance to Needy Families"  
46 program established pursuant to Title IV-A of the federal Social  
47 Security Act (42 U.S.C. s.601 et seq.). TANF includes the Work

1 First New Jersey program for dependent children and their parents  
2 established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

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

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

13 "UIFSA" means the "Uniform Interstate Family Support Act,"  
14 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (pending before the Legislature as this bill), to be  
15 adopted by each state to replace RURESA pursuant to Pub.L.104-  
16 193 and the former "Uniform Interstate Family Support Act,"  
17 P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123).  
18 (cf: P.L. 1998, c.1, s.3)

19

20 81. (New section) Repealer.

21 Sections 1 through 58 of P.L.1998, c.2 (C.2A:4-30.65 through  
22 2A:4-30.123) are repealed.

23

24 82. Effective date.

25 This act shall take effect on April 1, 2016.