

ASSEMBLY RESOLUTION No. 143

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Urges probation system records review prior to use of certain enforcement tools in child support cases.

CURRENT VERSION OF TEXT

As introduced.



AR143 DANCER

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1 **AN ASSEMBLY RESOLUTION** urging the New Jersey Supreme Court
2 to establish certain procedures in child support enforcement
3 cases.

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5 **WHEREAS**, The New Jersey Child Support Program processes child
6 support payments through the centralized Family Support Payment
7 Center; and

8 **WHEREAS**, According to an annual statistics report published by the
9 New Jersey Department of Human Services, Division of Family
10 Development, the total collection for the Child Support Services
11 Program was about \$312 million for the quarter including October
12 2016 to December 2016; and

13 **WHEREAS**, Due to the large volume of child support payments
14 processed annually through the centralized payment system, though
15 an infrequent occurrence, credit from a variety of sources, such as
16 from a downward modification of a support order, for a payment or
17 installment of an order for child support, can, through no failure or
18 delinquency on the part of the obligor, end up not being recorded as
19 a timely payment; and

20 **WHEREAS**, The New Jersey Probation Services Division, the
21 enforcement arm within the New Jersey Court system, monitors and
22 enforces support orders, including those for child support; and

23 **WHEREAS**, The enforcement tools available to the Probation Division,
24 include the use of income withholding which can take many forms
25 including garnishment of wages, unemployment benefits, workers
26 compensation, commissions, retirement benefits and any other
27 earning and entitlement to money from any other source; and

28 **WHEREAS**, While the use of any, some or all of the enforcement tools
29 facilitates the performance of the enforcement function, in instances
30 where a court ordered obligor payment credit is not integrated into
31 the child support system, enforcement may not be the appropriate
32 immediate remedy after a new source of income is identified; and

33 **WHEREAS**, A preliminary manual search of court records for a
34 payment credit by the Probation Division with certification that the
35 manual process has been completed, as a matter of process, prior to
36 systematically engaging automated enforcement tools from a
37 possible new source of income could locate any existing obligor
38 payment credit within the child support system and avoid the use of
39 enforcement resources until the account is balanced; now, therefore,

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41 **BE IT RESOLVED** *by the General Assembly of the State of New*
42 *Jersey:*

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44 1. The New Jersey Supreme Court is respectfully urged to
45 establish a procedure which requires that prior to engaging any
46 other enforcement tool from a possible new source of income, the
47 Probation Division shall undertake a preliminary search of internal
48 records, and certify completion of the search, to discover the

1 existence and availability of an obligor credit to offset a misdirected
2 or otherwise not credited payment.

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4 2. Copies of this resolution, as filed with the Secretary of State,
5 shall be transmitted by the Clerk of the General Assembly to the
6 Chief Justice of the New Jersey Supreme Court, and the
7 Administrative Director of the Courts.

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10 STATEMENT

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12 This resolution respectfully urges the New Jersey Supreme Court
13 in child support enforcement matters to establish a procedure
14 whereby internal records of the court are searched for an existing
15 obligor credit prior to engaging any other enforcement tools from a
16 possible new source of income. Credit from a variety of sources,
17 such as from a downward modification of a support order, for a
18 payment or installment of an order for child support, can, through
19 no failure or delinquency on the part of the obligor, end up being
20 not recorded as a timely payment in an automated, high volume
21 child support payment system. If a possible new source of income
22 is identified the credit may go unrecognized.

23 This resolution seeks to address these rare occurrences by
24 requesting the Probation Division to take the preliminary step of
25 examining internal records, and certify completion of the search as
26 a matter of process, prior to engaging any enforcement tool, in
27 search of an obligor credit that may satisfy a missed payment or
28 installment.