

**SENATE, No. 522**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**SYNOPSIS**

Makes child support arrearages collectable anytime by public welfare or other social services board or agency against obligor or obligor's estate based on amount of public assistance provided due to obligor's failure to pay support.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **AN ACT** concerning the collection of child support arrearages by  
2       any State or local welfare or other social services board or  
3       agency, and amending N.J.S.2A:14-5 and P.L.1988, c.111.

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

7  
8       1. N.J.S.2A:14-5 is amended to read as follows:

9       2A:14-5. **[A]**   a Except as set forth in subsection b. of this  
10 section, a judgment in any court of record in this [state] State may  
11 be revived by proper proceedings or an action at law may be  
12 commenced thereon within 20 years next after the date thereof, but  
13 not thereafter. An action may be commenced on a judgment  
14 obtained in any other state or country within 20 years next after the  
15 date thereof or within the period in which a like action might be  
16 brought thereon in that state or country, whichever period is shorter,  
17 but not thereafter.

18       b. There shall be no time limitation imposed for acting to  
19 enforce a judgment or portions of a judgment for child support  
20 against an obligor or obligor's estate when a State or local welfare  
21 or other social services board or agency seeks repayment from the  
22 obligor or obligor's estate of the amount of public assistance it  
23 provided and which accrued due to the obligor's failure to pay child  
24 support as ordered, whether entitled to the repayment on the basis  
25 of the assignment of child support rights to the board or agency  
26 pursuant to section 6 of P.L.1997, c.14 (C.44:10-49) or other basis  
27 under the law.

28 (cf N.J.S.2A:14-5)

29

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

32       1. Any payment or installment of an order for child support, or  
33 those portions of an order which are allocated for child support,  
34 whether ordered in this State or in another state, shall be fully  
35 enforceable and entitled as a judgment to full faith and credit and  
36 shall be a judgment by operation of law on and after the date it is  
37 due. The judgment or portions of a judgment for child support shall  
38 be enforceable, without any time limitation, against an obligor or  
39 obligor's estate, when a State or local welfare or other social  
40 services board or agency seeks repayment of the amount of public  
41 assistance it provided and which accrued due to the obligor's failure  
42 to pay child support as ordered, whether entitled to the repayment  
43 on the basis of the assignment of child support rights to the board or  
44 agency pursuant to section 6 of P.L.1997, c.14 (C.44:10-49) or  
45 other basis under the law. For obligors who reside or own property  
46 in this State, such judgments, once docketed with the Clerk of the

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

Matter underlined thus is new matter.

1 Superior Court, shall have the same force and effect, be enforced in  
2 the same manner and be subject to the same priorities as a civil  
3 money judgment entered by the court. The State shall accord full  
4 faith and credit to child support judgments or liens of other states,  
5 whether arising by operation of law or having been entered by a  
6 court or administrative agency, when a Title IV-D agency, a party,  
7 or other entity seeking to enforce such a judgment or lien in this  
8 State files a Notice of Interstate Lien, in the form prescribed by the  
9 federal Office of Child Support Enforcement, and supporting  
10 documents with the Clerk of the Superior Court. An action to  
11 domesticate a foreign child support judgment or lien shall be  
12 consistent with the "Uniform Enforcement of Foreign Judgments  
13 Act," P.L.1997, c.204 (C.2A:49A-25 et seq.). Liens against real  
14 and personal property shall be subject to the same enforcement  
15 procedures as other civil money judgments except that no judicial  
16 notice or hearing shall be required to enforce the lien. No payment  
17 or installment of an order for child support, or those portions of an  
18 order which are allocated for child support established prior to or  
19 subsequent to the effective date of P.L.1993, c.45 [(C.2A:17-  
20 56.23a)], shall be retroactively modified by the court except with  
21 respect to the period during which there is a pending application for  
22 modification, but only from the date the notice of motion was  
23 mailed either directly or through the appropriate agent. The written  
24 notice will state that a change of circumstances has occurred and a  
25 motion for modification of the order will be filed within 45 days. In  
26 the event a motion is not filed within the 45-day period,  
27 modification shall be permitted only from the date the motion is  
28 filed with the court.

29 The non-modification provision of this section is intended to be  
30 curative and shall apply to all orders entered before, on and after the  
31 effective date of P.L.1993, c.45 [(C.2A:17-56.23a)].  
32 (cf: P.L.1998, c.1, s.25)

33  
34 3. This act shall take effect immediately, and apply to every  
35 order or judgment for child support, or portions of an order or  
36 judgment which are allocated for child support, issued before, on,  
37 or after that date.

#### 40 STATEMENT

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42 This bill would make child support arrearages collectable anytime  
43 by a State or local welfare or other social services board or agency  
44 against an obligor or obligor's estate based on the amount of public  
45 assistance it provided and which accrued due to the obligor's failure to  
46 pay child support as ordered by a court. Pursuant to section 1 of  
47 P.L.1988, c.111 (C.2A:17-56.23a), court-ordered child support  
48 obligations are fully enforceable as a judgment by operation of law on

1 and after the date they are due. All judgments in this State are  
2 currently subject to a 20-year period of enforceability (which can be  
3 renewed for an additional 20-year period). See N.J.S.2A:14-5. The  
4 bill would eliminate this time limitation for enforcing such obligations  
5 when a State or local welfare or other social services board or agency  
6 seeks repayment from the obligor or obligor's estate of the amount of  
7 public assistance it provided in the absence of child support payments  
8 by the obligor.

9 The bill would take effect immediately, and apply to every order or  
10 judgment for child support, or portions of an order or judgment which  
11 are allocated for child support, issued before, on, or after that date.