SENATE, No. 1060

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)

SYNOPSIS

Provides that Probation Division would file child support judgment as a lien only when amount of judgment equals or exceeds amount of child support due for a one-month period.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the docketing of child support orders and amending P.L.1988, c.111 and N.J.S.2A:17-3.

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

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

1. Any payment or installment of an order for child support, or those portions of an order which are allocated for child support, whether ordered in this State or in another state, shall be fully enforceable and entitled as a judgment to full faith and credit and shall be a judgment by operation of law on and after the date it is due. For obligors who reside or own property in this State, such judgments, once docketed with the Clerk of the Superior Court, shall have the same force and effect, be enforced in the same manner and be subject to the same priorities as a civil money judgment entered by the court. The State shall accord full faith and credit to child support judgments or liens of other states, whether arising by operation of law or having been entered by a court or administrative agency, when a Title IV-D agency, a party, or other entity seeking to enforce such a judgment or lien in this State files a Notice of Interstate Lien, in the form prescribed by the federal Office of Child Support Enforcement, and supporting documents with the Clerk of the Superior Court. An action to domesticate a foreign child support judgment or lien shall be consistent with the "Uniform Enforcement of Foreign Judgments Act," P.L.1997, c.204 (C.2A:49A-25 et seq.). Liens against real and personal property shall be subject to the same enforcement procedures as other civil money judgments except that no judicial notice or hearing shall be required to enforce the lien. <u>The Probation Division of the Superior Court shall file a Title IV-D child support judgment</u> <u>established pursuant to this section as a lien with the Clerk of the Superior Court only when the amount of the judgment equals or exceed the amount of child support due for a one-month period. Any subsequent delinquent child support installment shall accrue to such lien on the date that the delinquent installment is reported to the Clerk of the Superior Court. For the purpose of determining the priority among conflicting security interests pursuant to law, the initial date of recording the child support lien shall be the date upon which the lien is first docketed.</u> No payment or installment of an order for child support, or those portions of an order which are allocated for child support established prior to or subsequent to the effective date of P.L.1993, c.45 (C.2A:17-56.23a), shall be retroactively modified by the court except with respect to the period

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 <u>thus</u> is new matter.

during which there is a pending application for modification, but only from the date the notice of motion was mailed either directly or through the appropriate agent. The written notice will state that a change of circumstances has occurred and a motion for modification of the order will be filed within 45 days. In the event a motion is not filed within the 45-day period, modification shall be permitted only from the date the motion is filed with the court.

The non-modification provision of this section is intended to be curative and shall apply to all orders entered before, on and after the effective date of P.L.1993, c.45 (C.2A:17-56.23a).

(cf: P.L.1998, c.1, s.25)

2. N.J.S.2A:17-3 is amended to read as follows:

2A:17-3. Issue of execution without revival of judgment

a. Execution may issue, without a revival of the judgment, at any time within 20 years after its entry.

b. (1) Execution may issue, without revival, on a Title IV-D child support judgment established pursuant to section 1 of P.L.1988, c.111 (C.2A:17-56.23a) at any time within 20 years after the date that the most recent delinquent installment of a child support payment was reported to the Clerk of the Superior Court.

(2) The provisions of this subsection shall apply to any Title IV-D child support judgment established pursuant to section 1 of P.L.1988, c.111 (C.2A:17-56.23a) after the effective date of P.L. , c. (pending before the Legislature as this bill), as well as to any judgment established before the effective date that was enforceable under this section prior to the effective date of P.L. , c. (pending before the Legislature as this bill).

(cf: P.L.1951, c.344)

3. This act shall take effect immediately.

STATEMENT

This bill amends the statutes concerning the docketing of child support judgments. The bill provides that a lien could be filed by the Probation Division only when the amount of a child support judgment equals or exceeds the amount of child support due for a one-month period. It is the intent of this provision to avoid the automatic creation of a lien in situations where an obligor who is making timely payments may nevertheless appear to be in arrears because of timing discrepancies in the way the obligor's employer issues paychecks.

The bill clarifies the date that a child support judgment is deemed to be established. Under the bill, the Probation Division of the Superior Court could file a Title IV-D child support judgment as a lien with the Clerk of the Superior Court only when the amount of

the judgment equals or exceeds the amount of child support due for a one-month period. Any subsequent delinquent child support installment would accrue to the lien on the date that the delinquent installment is reported to the Clerk of the Superior Court.

The bill also provides that, for the purpose of determining the priority among conflicting security interests pursuant to law, the initial date of recording the child support lien would be the date upon which the lien is first docketed.

Section 2 of the bill amends N.J.S.2A:17-3, concerning the execution of judgments. Currently, this statute provides that an execution may issue at any time within 20 years after the entry of a judgment, without a revival of the judgment. The bill provide that an execution may also issue, without revival, on a Title IV-D child support judgment at any time within 20 years after the date of the most recent delinquent child support payment that was reported to the Clerk of the Superior Court.