

ASSEMBLY, No. 1164

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman JOHN E. ROONEY

District 39 (Bergen)

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

SYNOPSIS

"Uniform Interstate Family Support Act," and "New Jersey Child Support Program Improvement Act."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/19/1998)

1 AN ACT concerning child support reform and revising parts of the
2 statutory law.

3
4 **BE IT ENACTED** by the senate and General Assembly of the State
5 of New Jersey:

6
7 ARTICLE 1
8 GENERAL PROVISIONS

9
10 1. As used in sections 1 through 60 of P.L. , c. (C.)(pending
11 before the Legislature as this bill):

12 "Child" means a person, whether over or under the age of majority,
13 who is or is alleged to be owed a duty of support by the person's
14 parent or who is or is alleged to be the beneficiary of a support order
15 directed to the parent.

16 "Child support order" means a support order for a child, including
17 a child who has attained the age of majority under the law of the
18 issuing state.

19 "Duty of support" means an obligation imposed or imposable by law
20 to provide support for a child, spouse, or former spouse, including an
21 unsatisfied obligation to provide support.

22 "Home state" means the state in which a child lived with a parent
23 or a person acting as parent for at least six consecutive months
24 immediately preceding the time of filing of a complaint or comparable
25 pleading for support and, if a child is less than six months old, the state
26 in which the child lived from birth with any of them. A period of
27 temporary absence of any of them is counted as part of the six-month
28 or other period.

29 "Income" includes earnings or other periodic entitlements to money
30 from any source and any other property subject to withholding for
31 support under the law of this State. For the purposes of establishing
32 or modifying a child support order, income is defined by the New
33 Jersey Support Guidelines (Rule 5:6A and Appendix IX of the Rules
34 Governing the Courts of the State of New Jersey).

35 "Income-withholding order" means an order or other legal process
36 directed to an obligor's employer as defined by the "New Jersey Child
37 Support Improvement Act," P.L. , c. (C.)(Pending before the
38 Legislature as this bill) to withhold support from the income of the
39 obligor.

40 "Initiating state" means a state from which a proceeding is
41 forwarded in which a proceeding is filed for forwarding to a
42 responding state under this act or a law or procedure substantially
43 similar to this act, or under a law or procedure substantially similar to

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

Matter underlined thus is new matter.

1 the "Uniform Reciprocal Enforcement of Support Act," or the
2 "Revised Uniform Reciprocal Enforcement of Support Act."

3 "Initiating tribunal" means the authorized tribunal in an initiating
4 state.

5 "Issuing state" means the state in which a tribunal issues a support
6 order or renders a judgment determining parentage.

7 "Issuing tribunal" means the tribunal that issues a support order or
8 renders a judgment determining parentage.

9 "Law" includes decisional and statutory law, and rules and
10 regulations having the force of law.

11 "Obligee" means an individual to whom a duty of support is or is
12 alleged to be owed or in whose favor a support order has been issued
13 or a judgment determining parentage has been rendered; a state or
14 political subdivision to which the rights under a duty of support or
15 support order have been assigned or which has independent claims
16 based on financial assistance provided to an individual obligee; or an
17 individual seeking a judgment determining parentage of the individual's
18 child or providing for the support of a child.

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

23 "Register" means to record a support order or judgment
24 determining parentage in the registering tribunal.

25 "Registering tribunal" means a tribunal in which a support order is
26 registered.

27 "Responding state" means a state in which a proceeding is filed or
28 to which a proceeding is forwarded for filing from an initiating state
29 under this act or a law substantially similar to this act, or under a law
30 or procedure substantially similar to the "Uniform Reciprocal
31 Enforcement of Support Act," or the "Revised Uniform Reciprocal
32 Enforcement of Support Act."

33 "Responding tribunal" means the authorized tribunal in a responding
34 state.

35 "Spousal-support order" means a support order for a spouse or
36 former spouse of the obligor.

37 "State" means a state of the United States, the District of Columbia,
38 the Commonwealth of Puerto Rico, or any territory or insular
39 possession subject to the jurisdiction of the United States. State
40 includes:

41 a. an Indian tribe; and

42 b. a foreign jurisdiction that has enacted a law or established
43 procedures for issuance and enforcement of support orders which are
44 substantially similar to the procedures under this act or the procedures
45 under the "Uniform Reciprocal Enforcement of Support Act," or the
46 "Revised Uniform Reciprocal Enforcement of Support Act."

1 "Support enforcement agency" means a public official or agency
2 authorized to seek enforcement of support orders or laws relating to
3 the duty of support; establishment or modification of child support;
4 determination of parentage; or to locate obligors or their assets. In
5 this State, the Division of Child Support Services in the Department
6 of Human Services, established pursuant to P.L. , c. (C.)(Pending
7 before the Legislature as Bill No.) shall be the support
8 enforcement agency.

9 "Support order" means a judgment, decree, or order, whether
10 temporary, final, or subject to modification, for the benefit of a child,
11 a spouse, or a former spouse, which provides for monetary support,
12 health care coverage, arrearages, or reimbursement, and may include
13 related costs and fees, interest, income withholding, attorney's fees,
14 and other relief.

15 "Tribunal" means a court, administrative agency, or quasi-judicial
16 entity authorized to establish, enforce, or modify support orders or to
17 determine parentage.

18
19 2. The Superior Court, Chancery Division, Family Part shall be the
20 tribunal for the establishment, enforcement, or modification of support
21 orders.

22
23 3. Remedies provided by this act are cumulative and do not affect
24 the availability of remedies under other law.

25
26 ARTICLE 2
27 JURISDICTION

28
29 PART A
30 EXTENDED PERSONAL JURISDICTION

31
32 4. In a proceeding to establish, enforce, or modify a support order
33 or to determine parentage, a tribunal of this State may exercise
34 personal jurisdiction over a nonresident individual or the individual's
35 guardian or conservator if:

36 a. the individual is personally served with a summons or notice
37 within this State;

38 b. the individual submits to the jurisdiction of this State by consent,
39 by entering a general appearance, or by filing a responsive document
40 having the effect of waiving any contest to personal jurisdiction;

41 c. the individual resided with the child in this State;

42 d. the individual resided in this State and provided prenatal expense
43 or support for the child;

44 e. the child resides in this State as a result of the acts or directives
45 of the individual;

46 f. the individual engaged in sexual intercourse in this State and the

1 child may have been conceived by that act of intercourse; or
2 g. there is any other basis consistent with the constitutions of this
3 State and the United States for the exercise of personal jurisdiction.
4

5 5. A tribunal of this State exercising personal jurisdiction over a
6 nonresident under section 4 of this act may apply section 28 of this act
7 to receive evidence from another state, and section 30 of this act to
8 obtain discovery through a tribunal of another state. In all other
9 respects, sections 13 through 53 of this act do not apply and the
10 tribunal shall apply the procedural and substantive law of this State,
11 including the rules on choice of law other than those established by
12 this act.
13

14 PART B

15 PROCEEDINGS INVOLVING TWO OR MORE STATES
16

17 6. Under this act, a tribunal of this State may serve as an initiating
18 tribunal to forward proceedings to another state and as a responding
19 tribunal for proceedings initiated in another state.
20

21 7. a. A tribunal of this State may exercise jurisdiction to establish
22 a support order if the complaint, petition or comparable pleading is
23 filed after a complaint or comparable pleading is filed in another state
24 only if:

25 (1) the complaint, petition or comparable pleading in this State is
26 filed before the expiration of the time allowed in the other state for
27 filing a responsive pleading challenging the exercise of jurisdiction by
28 the other state;

29 (2) the contesting party timely challenges the exercise of
30 jurisdiction in the other state; and

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

32 b. A tribunal of this State may not exercise jurisdiction to establish
33 a support order if the complaint, petition or comparable pleading is
34 filed before a petition or comparable pleading is filed in another state
35 if:

36 (1) the complaint, petition or comparable pleading in the other
37 state is filed before the expiration of the time allowed in this State for
38 filing a responsive pleading challenging the exercise of jurisdiction by
39 this State;

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

42 (3) if relevant, the other state is the home state of the child.
43

44 8. a. A tribunal of this State issuing a support order consistent
45 with the law of this State has continuing, exclusive jurisdiction over a
46 child support order:

1 (1) as long as this State remains the residence of the obligor, the
2 individual obligee, or the child for whose benefit the support order is
3 issued; or

4 (2) until all of the parties who are individuals have filed written
5 consents with the tribunal of this State for a tribunal of another state
6 to modify the order and assume continuing, exclusive jurisdiction.

7 b. A tribunal of this State issuing a child support order consistent
8 with the law of this State may not exercise its continuing jurisdiction
9 to modify the order if the order has been modified by a tribunal of
10 another state pursuant to this act or a law substantially similar to this
11 act.

12 c. If a child support order of this State is modified by a tribunal of
13 another state pursuant to this act or a law substantially similar to this
14 act, a tribunal of this State loses its continuing, exclusive jurisdiction
15 with regard to prospective enforcement of the order issued in this
16 State and may only:

17 (1) enforce the order that was modified as to amounts accruing
18 before the modification;

19 (2) enforce nonmodifiable aspects of that order; and

20 (3) provide other appropriate relief for violations of that order
21 which occurred before the effective date of the modification.

22 d. A tribunal of this State shall recognize the continuing, exclusive
23 jurisdiction of a tribunal of another state which has issued a child
24 support order pursuant to this act or a law substantially similar to this
25 act.

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

29 f. A tribunal of this State issuing a support order consistent with
30 the law of this State has continuing, exclusive jurisdiction over a
31 spousal support order throughout the existence of the support
32 obligation. A tribunal of this State may not modify a spousal support,
33 custody visitation, or non-child support provisions of an order issued
34 by a tribunal of another state having continuing, exclusive jurisdiction
35 over that order under the law of that state.

36

37 9. a. A tribunal or the support enforcement agency of this State
38 may serve as an initiating tribunal to request a tribunal of another state
39 to enforce or modify a support order issued in that state.

40 b. A tribunal of this State having continuing, exclusive jurisdiction
41 over a support order may act as a responding tribunal to enforce or
42 modify the order. If a party subject to the continuing, exclusive
43 jurisdiction of the tribunal no longer resides in the issuing state, in
44 subsequent proceedings the tribunal may apply section 28 of this act
45 to receive evidence from another state and section 30 of this act to
46 obtain discovery through a tribunal of another state.

1 c. A tribunal of this State which lacks continuing, exclusive
2 jurisdiction over a spousal support order may not serve as a
3 responding tribunal to modify a spousal support order of another state.

4
5 PART C

6 RECONCILIATION OF MULTIPLE OBLIGATIONS

7
8 10. a. If a proceeding is brought under this act, and only one
9 tribunal has issued a child support order, the order of that tribunal
10 controls and shall be so recognized.

11 b. If a proceeding is brought under this act, and two or more child
12 support orders have been issued by tribunals of this State or another
13 state with regard to the same obligor and child, a tribunal or the
14 support enforcement agency of this State shall apply the following
15 rules in determining which order to recognize for purposes of
16 continuing, exclusive jurisdiction:

17 (1) If only one of the tribunals would have continuing, exclusive
18 jurisdiction under this act, the order of that tribunal controls and shall
19 be so recognized.

20 (2) If more than one of the tribunals would have continuing,
21 exclusive jurisdiction under this act, an order issued by a tribunal in
22 the current home state of the child shall be recognized, but if an order
23 has not been issued in the current home state of the child, the order
24 most recently issued controls and shall be recognized.

25 (3) If none of the tribunals would have continuing, exclusive
26 jurisdiction under this act, the tribunal of this State having jurisdiction
27 over the parties, shall issue a child support order which controls and
28 shall be so recognized.

29 c. If two or more child support obligations have been issued for the
30 same obligor and child and if the obligor or the individual obligee
31 resided in this State, a party may request a tribunal or the support
32 enforcement agency of this State to determine which order controls
33 and shall be recognized under subsection b. of this section. The
34 request shall be accompanied by a certified copy of every support
35 order in effect. The requesting party shall give notice of the request
36 to each party whose rights may be affected by a determination.

37 d. The tribunal that issued the controlling order that shall be
38 recognized as controlling under subsection a., b., or c. of this section
39 is the tribunal that has continuing, exclusive jurisdiction.

40 e. A tribunal of this State which determines by order the identity
41 of the controlling order under paragraphs (1) or (2) of subsection b.
42 of this section or which issues a new controlling order under paragraph
43 (3) of subsection b. of this section shall state in that order the basis
44 upon which the tribunal made its determination.

45 f. Within 30 days after issuance of the order determining the
46 identity of the controlling order, the party obtaining that order shall

1 file a certified copy of it with each tribunal that issued or registered an
2 earlier order of child support. A party who obtains the order and fails
3 to file a certified copy, is subject to appropriate sanctions by a tribunal
4 in which the issue of failure to file arises, but that failure has no effect
5 on the validity or enforceability of the controlling order.

6
7 11. In responding to multiple registrations or petitions for
8 enforcement of two or more child support orders in effect at the same
9 time with regard to the same obligor and different individual obligees,
10 at least one of which was issued by a tribunal of another state, a
11 tribunal or the support enforcement agency of this State shall enforce
12 those orders in the same manner as if the multiple orders had been
13 issued by a tribunal of this State.

14
15 12. Amounts collected and credited for a particular period pursuant
16 to a support order issued by a tribunal of another state must be
17 credited against the amounts accruing or accrued for the same period
18 under a support order issued by a tribunal of this State.

19
20 ARTICLE 3

21 CIVIL PROVISIONS OF GENERAL APPLICATION

22
23 13. a. Except as otherwise provided in this act, this article applies
24 to all proceedings under this act.

25 b. This act provides for the following proceedings:

26 (1) establishment of an order for spousal support or child support
27 pursuant to section 32 of this act;

28 (2) enforcement of a support order and income-withholding order
29 of another state without registration pursuant to sections 33 through
30 39 of this act;

31 (3) registration of an order for spousal support or child support of
32 another state for enforcement pursuant to sections 40 through 53 of
33 this act;

34 (4) modification of an order for child support or spousal support
35 issued by a tribunal of this State pursuant to sections 6 through 9 of
36 this act;

37 (5) registration of an order for child support of another state for
38 modification pursuant to sections 40 through 53 of this act;

39 (6) determination of parentage pursuant to section 54 of this act;
40 and

41 (7) assertion of jurisdiction over nonresidents pursuant to sections
42 4 and 5 of this act.

43 c. An individual or a support enforcement agency may commence
44 a proceeding authorized under this act by filing a complaint, petition
45 or comparable pleading in an initiating tribunal for forwarding to a
46 responding tribunal or by filing a complaint, petition or a comparable

1 pleading directly in a tribunal of another state which has or can obtain
2 personal jurisdiction over the respondent.

3

4 14. A minor parent, or a guardian or other legal representative of
5 a minor parent, may maintain a proceeding on behalf of or for the
6 benefit of the minor's child.

7

8 15. Except as otherwise provided by this act, a responding tribunal
9 of this State:

10 a. shall apply the procedural and substantive law, including the
11 rules on choice of law, generally applicable to similar proceedings
12 originating in this State and may exercise all powers and provide all
13 remedies available in those proceedings; and

14 b. shall determine the duty of support and the amount payable in
15 accordance with the law and support guidelines of this State.

16

17 16. a. Upon the filing of a complaint, petition or comparable
18 pleading authorized by this act, an initiating tribunal or the support
19 enforcement agency of this State shall forward three copies of the
20 complaint, petition or comparable pleading and its accompanying
21 documents:

22 (1) to the responding tribunal or appropriate support enforcement
23 agency in the responding state; or

24 (2) if the identity of the responding tribunal is unknown, to the
25 state information agency of the responding state with a request that
26 they be forwarded to the appropriate tribunal and that receipt be
27 acknowledged.

28 b. If a responding state has not enacted this act or a law or
29 procedure substantially similar to this act, a tribunal of this State may
30 issue a certificate or other documents and make findings required by
31 the law of the responding state. If the responding state is a foreign
32 jurisdiction, the tribunal may specify the amount of support sought and
33 provide other documents necessary to satisfy the requirements of the
34 responding state.

35

36 17. a. When a responding tribunal of this State receives a
37 complaint, petition or comparable pleading from an initiating tribunal
38 or directly pursuant to subsection c. of section 13 of this act, it shall
39 cause the complaint, petition or comparable pleading to be filed and
40 notify the petitioner where and when it was filed.

41 b. A responding tribunal of this State, to the extent otherwise
42 authorized by law, may do one or more of the following:

43 (1) issue or enforce a support order, modify a child support order,
44 or render a judgment to determine parentage;

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

- 1 (3) order income withholding;
- 2 (4) determine the amount of any arrearages, and specify a method
3 of payment;
- 4 (5) enforce orders by civil or criminal contempt, or both;
- 5 (6) set aside property for satisfaction of the support order;
- 6 (7) place liens and order execution on the obligor's property;
- 7 (8) order an obligor to keep the tribunal informed of the obligor's
8 current residential address, telephone number, employer, address of
9 employment, and telephone number at the place of employment;
- 10 (9) issue a bench warrant for an obligor who has failed after proper
11 notice to appear at a hearing ordered by the tribunal and enter the
12 bench warrant in any local and State computer systems for criminal
13 warrants;
- 14 (10) order the obligor to seek appropriate employment by specified
15 methods;
- 16 (11) award reasonable attorney's fees and other fees and costs; and
17 (12) grant any other available remedy.
- 18 c. A responding tribunal of this State shall include in a support
19 order issued under this act, or in the documents accompanying the
20 order, the calculations on which the support order is based.
- 21 d. A responding tribunal of this State may not condition the
22 payment of a support order issued under this act upon compliance by
23 a party with provisions for visitation.
- 24 e. If a responding tribunal of this State issues an order under this
25 act, the tribunal shall send a copy of the order to the petitioner and the
26 respondent and to the initiating tribunal, if any, or may deliver a copy
27 to the parties at the conclusion of a proceeding.
28
- 29 18. If a complaint, petition or comparable pleading is received by
30 an inappropriate tribunal of this State, it shall forward the pleading and
31 accompanying documents to an appropriate tribunal in this State or
32 another state and notify the petitioner and the initiating tribunal, if any,
33 where and when the pleading was sent.
34
- 35 19. a. A support enforcement agency of this State, upon request,
36 shall provide services to a petitioner in a proceeding under this act.
- 37 b. A support enforcement agency that is providing services to the
38 petitioner, as appropriate, shall:
 - 39 (1) take all steps necessary to enable an appropriate tribunal in this
40 State or another state to obtain jurisdiction over the respondent;
 - 41 (2) request an appropriate tribunal to set a date, time, and place for
42 a hearing;
 - 43 (3) make a reasonable effort to obtain all relevant information,
44 including information as to income and property of the parties;
 - 45 (4) within two days, exclusive of Saturdays, Sundays, and legal
46 holidays, after receipt of a written notice from an initiating,

1 responding, or registering tribunal, send a copy of the notice to the
2 petitioner;

3 (5) within two days, exclusive of Saturdays, Sundays, and legal
4 holidays, after receipt of a written communication from the respondent
5 or the respondent's attorney, send a copy of the communication to the
6 petitioner; and

7 (6) notify the petitioner if jurisdiction over the respondent cannot
8 be obtained.

9 c. This act does not create or negate a relationship of attorney and
10 client or other fiduciary relationship between a support enforcement
11 agency or the attorney for the agency and the individual being assisted
12 by the agency.

13

14 20. If the Attorney General determines that the support
15 enforcement agency is neglecting or refusing to provide services to an
16 individual, the Attorney General may order the agency to perform its
17 duties under this act or may provide those services directly to the
18 individual.

19

20 21. An individual may employ private counsel to represent the
21 individual in proceedings authorized by this act. If the tribunal of this
22 State is acting as a responding tribunal and the petitioner or initiating
23 support enforcement agency has not employed private counsel in this
24 State, the Division of Child Support Services in the Department of
25 Human Services, P.L. , c. (C.)(Pending before the Legislature as
26 this bill), shall provide legal representation in IV-D cases to the
27 petitioner or the initiating support enforcement agency, if any, in all
28 proceedings brought under this act. The Division of Child Support
29 Services shall not assess fees or other costs on the petitioner or the
30 initiating support enforcement agency, if any, for such representation.

31

32 22. a. The Division of Child Support Services in the Department
33 of Human Services, P.L. , c. (C.)(Pending before the Legislature as
34 Bill No.) is the State information agency under this act.

35 b. The State information agency shall:

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

40 (2) maintain a register of tribunals and support enforcement
41 agencies received from other states;

42 (3) forward to the appropriate tribunal in the place in this State in
43 which the individual obligee or the obligor resides, or in which the
44 obligor's property is believed to be located, all documents concerning
45 a proceeding under this act received from the initiating tribunal or the
46 state information agency of the initiating state; and

1 (4) obtain information concerning the location of the obligor and
2 the obligor's property within this State not exempt from execution, by
3 such means as postal verification and federal or state parent locator
4 services, examination of telephone directories, requests for the
5 obligor's address from employers, and examination of governmental
6 records, including to the extent not prohibited by other law, those
7 relating to real property, vital statistics, law enforcement, taxation,
8 motor vehicles, driver's licenses and social security.

9
10 23. a. A petitioner seeking to establish or modify a support order
11 or to determine parentage in a proceeding under this act shall verify
12 the complaint, petition or comparable pleading. Unless otherwise
13 ordered under section 24 of this act, the complaint, petition or
14 comparable pleading or accompanying documents shall provide, so far
15 as known, the name, residential address, and social security numbers
16 of the obligor and the obligee, and the name, sex, residential address,
17 social security number, and date of birth of each child for whom
18 support is sought. The complaint, petition or comparable pleading
19 shall be accompanied by a certified copy of any support order in effect.
20 The complaint, petition or comparable pleading may include any other
21 information that may assist in locating or identifying the respondent.

22 b. The complaint, petition or comparable pleading shall specify the
23 relief sought. The complaint, petition or comparable pleading and
24 accompanying documents shall conform substantially with the
25 requirements imposed by the forms mandated by federal law for use in
26 cases filed by a support enforcement agency.

27
28 24. Upon a finding, which may be made ex parte, that the health,
29 safety, or liberty of a party or child would be unreasonably put at risk
30 by the disclosure of identifying information, or if any existing order so
31 provides, a tribunal shall order that the address of the child or party or
32 other identifying information not be disclosed in a pleading or other
33 document filed in a proceeding under this act.

34
35 25. a. The petitioner may not be required to pay a filing fee or
36 other costs.

37 b. If an obligee prevails, a responding tribunal may assess against
38 an obligor filing fees, reasonable attorney's fees, other costs, and
39 necessary travel and other reasonable expenses incurred by the obligee
40 and the obligee's witnesses. The tribunal may not assess fees, costs,
41 or expenses against the obligee or the support enforcement agency of
42 either the initiating or responding state, except as provided by other
43 law. Attorney's fees may be taxed as costs, and may be ordered paid
44 directly to the attorney, who may enforce the order in the attorney's
45 own name. Payment of support owed to the obligee has priority over
46 fees, costs and expenses.

1 c. The tribunal shall order the payment of costs and reasonable
2 attorney's fees if it determines that a hearing was requested primarily
3 for delay. In a proceeding under sections 33 through 46 of this act,
4 a hearing is presumed to have been requested primarily for delay if a
5 registered support order is confirmed or enforced without change.

6

7 26. a. Participation by a petitioner in a proceeding before a
8 responding tribunal, whether in person, by private attorney, or through
9 services provided by the support enforcement agency, does not confer
10 personal jurisdiction over the petitioner in another proceeding.

11 b. A petitioner is not amenable to service of civil process while
12 physically present in this State to participate in a proceeding under this
13 act.

14 c. The immunity granted by this section does not extend to civil
15 litigation based on acts unrelated to a proceeding under this act
16 committed by a party while present in this State to participate in the
17 proceeding.

18

19 27. A party whose parentage of a child has been previously
20 determined by or pursuant to law may not plead nonparentage as a
21 defense to a proceeding under this act.

22

23 28. a. The physical presence of the petitioner in a responding
24 tribunal of this State is not required for the establishment,
25 enforcement, or modification of a support order or the rendition of a
26 judgment determining parentage.

27 b. A verified complaint, petition or comparable pleading, affidavit,
28 document substantially complying with federally mandated forms, or
29 a document incorporated by reference in any of them, not excluded
30 under the hearsay rule if given in person, is admissible in evidence if
31 given under oath by a party or witness residing in another state.

32 c. A copy of the record of child support payments certified as a
33 true copy of the original by the custodian of the record may be
34 forwarded to a responding tribunal. This copy is evidence of facts
35 asserted in it, and is admissible to show whether payments were made.

36 d. Copies of bills for testing for parentage, and for prenatal and
37 postnatal health care of the mother and child, furnished to the adverse
38 party at least 10 days before the hearing or voluntary consent
39 conference, are admissible in evidence to prove the amount of the
40 charges billed and that the charges were reasonable, necessary and
41 customary.

42 e. Documentary evidence transmitted from another state to a
43 tribunal of this State by telephone, telecopier, or other means that do
44 not provide an original writing may not be excluded from evidence on
45 an objection based on the means of transmission.

46 f. In a proceeding under this act, a tribunal of this State may permit

1 a party or witness residing in another state to be deposed or to testify
2 by telephone, audiovisual means, or other electronic means at a
3 designated tribunal or other location in that state. A tribunal of this
4 State shall cooperate with tribunals of other states in designating an
5 appropriate location for the deposition or testimony.

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

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

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

14

15 29. A tribunal of this State may communicate with a tribunal of
16 another state in writing, or by telephone or other means, to obtain
17 information concerning the laws of that state, the legal effects of a
18 judgment, decree, or order of that tribunal, and the status of a
19 proceeding in the other state. A tribunal of this State may furnish
20 similar information by similar means to a tribunal of another state.

21

22 30. A tribunal of this State may:

23 a. request a tribunal of another state to assist in obtaining
24 discovery; and

25 b. upon request, compel a person over whom it has jurisdiction to
26 respond to a discovery order issued by a tribunal of another state.

27

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

33

34

ARTICLE 4

35

ESTABLISHMENT OF SUPPORT ORDER

36

37 32. a. If a support order entitled to recognition under this act has
38 not been issued, a responding tribunal of this State may issue a support
39 order if:

40 (1) the individual seeking the order resides in another state; or

41 (2) the support enforcement agency seeking the order is located in
42 another state.

43 b. The tribunal may issue a temporary child support order if:

44 (1) the respondent has signed a verified statement acknowledging
45 parentage;

46 (2) the respondent has been determined by or pursuant to law to be

1 the parent; or

2 (3) there is other clear and convincing evidence that the respondent
3 is the child's parent.

4 c. Upon finding, after notice and opportunity to be heard, that an
5 obligor owes a duty of support, the tribunal shall issue a support order
6 directed to the obligor and may issue other orders pursuant to section
7 17 of this act.

8

9

ARTICLE 5

10 DIRECT ENFORCEMENT OF ORDER OF ANOTHER
11 STATE WITHOUT REGISTRATION

12

13 33. An income-withholding order issued in another state may be
14 sent to the person or entity defined as the obligor's payor under
15 P.L.1981, c.417 (C.2A:17-56.7 et al.), P.L.1985, c.278 (C.2A:17-
16 56.16 et seq.) and P.L. c. (C.)(Pending before the Legislature as
17 Bill No.) without first filing a complaint, petition or comparable
18 pleading or registering the order with a tribunal of this State.

19

20 34. a. Upon receipt of an income-withholding order, the obligor's
21 employer shall immediately provide a copy of the order to the obligor.

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

25 c. Except as otherwise provided in subsection d. of this section and
26 section 35 of this act, the employer shall withhold and distribute the
27 funds as directed in the withholding order by complying with terms of
28 the order, which specify:

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

31 (2) the person or agency designated to receive payments and the
32 address to which the payments are to be forwarded;

33 (3) health care coverage, whether in the form of periodic cash
34 payment, stated as a sum certain, or ordering the obligor to provide
35 health insurance coverage for the child under a policy available
36 through the obligor's employment;

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

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

42 d. The employer shall comply with the law of the state of the
43 obligor's principal place of employment for withholding from income
44 with respect to:

45 (1) the employer's fee for processing an income-withholding
46 obligation;

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

3 (3) the time periods within which the employer must implement the
4 withholding order and forward the child support payments.

5

6 35. If an obligor's employer receives multiple orders to withhold
7 support from the earnings of the same obligor, the employer shall be
8 deemed to have satisfied the terms of the multiple orders if the law of
9 the state of the obligor's principal place of employment to establish the
10 priorities for withholding and allocating income withheld for multiple
11 child support obligees is complied with.

12

13 36. An employer who complies with an income-withholding order
14 issued in another state in accordance with this article is not subject to
15 civil liability to an individual or agency with regard to the employer's
16 withholding child support from the obligor's income.

17

18 37. An employer who willfully fails to comply with an income-
19 withholding order issued by another state and received for
20 enforcement is subject to the same penalties that may be imposed for
21 noncompliance with an order issued by a tribunal of this State.

22

23 38. a. An obligor may contest the validity or enforcement of an
24 income-withholding order issued in another state and received directly
25 by an employer in this State in the same manner as if the order had
26 been issued by a tribunal of this State. Section 44 of this act applies
27 to the contest.

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

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

30 (2) each employer that has directly received an income-withholding
31 obligation; and

32 (3) the person or agency designated to receive payments in the
33 income-withholding order or, if no person or agency is designated, to
34 the obligee.

35

36 39. a. A party seeking to enforce a support order or an
37 income-withholding order, or both, issued by a tribunal of another
38 state may send the documents required for registering the order to a
39 support enforcement agency of this State.

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

1 enforcement agency shall register the order pursuant to this act.

2

3

ARTICLE 6

4

ENFORCEMENT AND MODIFICATION OF SUPPORT

5

ORDER AFTER REGISTRATION

6

PART A

7

REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

8

9 40. A support order or an income-withholding order issued by a
10 tribunal of another state may be registered in this State for
11 enforcement.

12

13 41. a. A support order or income-withholding order of another
14 state may be registered in this State by sending the following
15 documents and information to the appropriate tribunal in this State:

16 (1) a letter of transmittal to the tribunal requesting registration and
17 enforcement;

18 (2) two copies, including one certified copy, of all orders to be
19 registered, including any modification of an order;

20 (3) a sworn statement by the party seeking registration or a
21 certified statement by the custodian of the records showing the amount
22 of any arrearage;

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

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

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

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

29 (5) the name and address of the obligee and, if applicable, the
30 agency or person to whom support payments are to be remitted.

31 b. On receipt of a request for registration, the registering tribunal
32 shall cause the order to be filed as a foreign judgment, together with
33 one copy of the documents and information, regardless of their form.

34 c. A complaint, petition or comparable pleading seeking a remedy
35 that must be affirmatively sought under other laws of this State may
36 be filed at the same time as the request for registration or later. The
37 pleading must specify the grounds for the remedy sought.

38

39 42. a. A support order or income-withholding order issued in
40 another state is registered when the order is filed in the registering
41 tribunal of this State.

42 b. A registered order issued in another state is enforceable in the
43 same manner and is subject to the same procedures as an order issued
44 by a tribunal of this State.

45 c. Except as otherwise provided in this article, a tribunal of this
46 State shall recognize and enforce, but not modify, a registered order

1 if the issuing tribunal had jurisdiction.

2

3 43. a. The law of the issuing state governs the nature, extent,
4 amount, and duration of current payments and other obligations of
5 support and the payment of arrearages under the order.

6 b. In a proceeding for arrearages, the statute of limitation under the
7 laws of this State or of the issuing state, whichever is longer, applies.

8

9

PART B

10 CONTEST OF VALIDITY OR ENFORCEMENT

11

12 44. a. When a support order or income-withholding order issued
13 in another state is registered, the registering tribunal shall notify the
14 nonregistering party. The notice shall be accompanied by a copy of
15 the registered order and the documents and relevant information
16 accompanying the order.

17 b. The notice shall inform the nonregistering party:

18 (1) that a registered order is enforceable as of the date of
19 registration in the same manner as an order issued by a tribunal of this
20 State;

21 (2) that a hearing to contest the validity or enforcement of the
22 registered order shall be requested within 20 days after the date of
23 mailing or personal service of the notice;

24 (3) that failure to contest the validity or enforcement of the
25 registered order in a timely manner will result in confirmation of the
26 order and enforcement of the order and the alleged arrearages and
27 precludes further contest of that order with respect to any matter that
28 could have been asserted; and

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

30 c. Upon registration of an income-withholding order for
31 enforcement, the registering tribunal shall notify the support
32 enforcement agency or the obligor's employer pursuant to the "New
33 Jersey Child Support Program Improvement Act," P.L. , c.
34 (C.)(Pending before the Legislature as Bill No.), P.L.1981,
35 c.417 (C.2A:17-56.7 et al.) and P.L.1985, c.278 (C.2A:17-56.16 et
36 seq.).

37

38 45. a. A nonregistering party seeking to contest the validity or
39 enforcement of a registered order in this State shall request a hearing
40 within 20 days after the date of mailing or personal service of notice
41 of the registration. The nonregistering party may seek to vacate the
42 registration, to assert any defense to an allegation of noncompliance
43 with the registered order, or to contest the remedies being sought or
44 the amount of any alleged arrearages pursuant to section 46 of this act.

45 b. If the nonregistering party fails to contest the validity or
46 enforcement of the registered order in a timely manner, the order is

1 confirmed by operation of law.

2 c. If a nonregistering party requests a hearing to contest the
3 validity or enforcement of the registered order, the registering tribunal
4 shall schedule the matter for hearing and give notice to the parties of
5 the date, time and place of the hearing.

6

7 46. a. A party contesting the validity or enforcement of a
8 registered order or seeking to vacate the registration has the burden
9 of proving one or more of the following defenses:

10 (1) the issuing tribunal lacked personal jurisdiction over the
11 contesting party;

12 (2) the order was obtained by fraud;

13 (3) the order has been vacated, suspended, or modified by a later
14 order;

15 (4) the issuing tribunal has stayed the order pending appeal;

16 (5) there is a defense under the law of this State to the remedy
17 sought;

18 (6) full or partial payment has been made; or

19 (7) the statute of limitation under section 43 of this act precludes
20 enforcement of some or all of the arrearages.

21 b. If a party presents evidence establishing a full or partial defense
22 under subsection a. of this section, a tribunal may stay enforcement of
23 the registered order, continue the proceeding to permit production of
24 additional relevant evidence, or issue other appropriate orders. An
25 uncontested portion of the registered order may be enforced by all
26 remedies available under the law of this State.

27 c. If the contesting party does not establish a defense under
28 subsection a. of this section to the validity or enforcement of the
29 order, the registering tribunal shall issue an order confirming the order.

30

31 47. Confirmation of a registered order, whether by operation of
32 law or after notice and hearing or voluntary consent conference,
33 precludes further contest of the order with respect to any matter that
34 could have been asserted at the time of registration.

35

36

PART C

37

REGISTRATION AND MODIFICATION OF

38

CHILD SUPPORT ORDER

39

40 48. A party or support enforcement agency seeking to modify, or
41 to modify and enforce, a child support order issued in another state
42 shall register that order in this State in the same manner provided in
43 sections 40 through 43 of this act if the order has not been registered.
44 A complaint, petition or comparable pleading for modification may be
45 filed at the same time as a request for registration, or later. The
46 pleading must specify the grounds for modification.

1 49. A tribunal of this State may enforce a child support order of
2 another state registered for purposes of modification, in the same
3 manner as if the order had been issued by a tribunal of this State, but
4 the registered order may be modified only if the requirements of
5 section 50 of this act have been met.

6

7 50. a. After a child support order issued in another state has been
8 registered in this State, the registering tribunal of this State may
9 modify that order only if section 52 of this act does not apply and after
10 notice and hearing it finds that:

11 (1) the following requirements are met:

12 (a) the child, the individual obligee, and the obligor do not reside
13 in the issuing state;

14 (b) a petitioner who is a nonresident of this State seeks
15 modification; and

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

18 (2) the child or a party who is an individual is subject to the
19 personal jurisdiction of the tribunal of this State and all of the
20 individual parties have filed written consents in the issuing tribunal for
21 a tribunal of this State to modify the support order and assume
22 continuing, exclusive jurisdiction over the order. However, if the
23 issuing state is a foreign jurisdiction which has not enacted a law or
24 established procedures essentially similar to the procedures under this
25 act, the consent otherwise required of an individual party residing in
26 this State is not required for the tribunal to assume jurisdiction to
27 modify the child support order.

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

32 c. A tribunal of this State may not modify any aspect of a child
33 support order that may not be modified under the law of the issuing
34 state. If two or more tribunals have issued child support orders for the
35 same obligor and child, the order that controls and shall be recognized
36 under the provisions of section 10 of this act establishes the
37 unmodifiable aspects of the support order.

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

41

42 51. A tribunal of this State shall recognize a modification of its
43 earlier child support order by a tribunal of another state which
44 assumed jurisdiction pursuant to this act or a law substantially similar
45 to this act and, upon request, except as otherwise provided in this act,
46 shall:

- 1 a. enforce the order that was modified only as to amounts accruing
2 before the modification;
3 b. enforce only nonmodifiable aspects of that order;
4 c. provide other appropriate relief only for violations of that order
5 which occurred before the effective date of the modification; and
6 d. recognize the modifying order of the other state, upon
7 registration, for the purpose of enforcement.

8
9 52. a. If all of the individual parties reside in this State and the
10 child does not reside in the issuing state, a tribunal of this State has
11 jurisdiction to enforce and to modify the issuing state's child support
12 order in a proceeding to register that order.

13 b. A tribunal of this State exercising jurisdiction as provided in this
14 section shall apply the provisions of sections 1 through 12 of this act
15 and this section to the enforcement or modification proceeding.
16 Sections 13 through 39 and sections 54 through 56 of this act do not
17 apply and the tribunal shall apply the procedural and substantive law
18 of this State.

19
20 53. Within 30 days after issuance of a modified child support order,
21 the party obtaining the modification shall file a certified copy of the
22 obligation with the issuing tribunal which had continuing, exclusive
23 jurisdiction over the earlier order, and in each tribunal in which the
24 party knows the earlier order has been registered. A party who
25 obtains the order and fails to file a certified copy, is subject to
26 appropriate sanctions by a tribunal in which the issue of failure to file
27 arises. Failure does not affect the validity or enforceability of the
28 modified order of the new tribunal of having continuing, exclusive
29 jurisdiction.

30

31

ARTICLE 7

32

DETERMINATION OF PARENTAGE

33

34 54. a. A tribunal of this State may serve as an initiating or
35 responding tribunal in a proceeding brought under this act or a law or
36 procedure substantially similar to this act, or under a law or procedure
37 substantially similar to the "Uniform Reciprocal Enforcement of
38 Support Act," or the "Revised Uniform Reciprocal Enforcement of
39 Support Act" to determine that the petitioner is a parent of a particular
40 child or to determine that a respondent is a parent of that child.

41 b. In a proceeding to determine parentage, a responding tribunal of
42 this State shall apply the procedural and substantive law of this State,
43 and the rules of this State on choice of law.

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ARTICLE 9
MISCELLANEOUS PROVISIONS

57. This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

58. Sections 1 through 60 of this act may be cited as the "Uniform Interstate Family Support Act."

59. P.L.1981, c.243 (C.2A:4-30.24 et seq.) is repealed.

60. The repeal of P.L.1981, c.243 (C.2A:4-30.24 et seq.) and sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-56.19) does not affect pending actions, rights, duties or liabilities based on those repealed laws, nor does it alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under those laws. After the effective date of this act, all laws repealed shall be treated as remaining in full force and effect for the purpose of sustaining any pending actions or rights filed prior to the effective date of this act and the enforcement of any rights, duties, penalties, forfeitures, or liabilities under the repealed laws.

61. (New section) Sections 61 through 151 of this act shall be known and may be cited as the "New Jersey Child Support Program Improvement Act."

62. (New section) The Legislature finds and declares that:

a. Title III of the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, provides New Jersey with the authority and guidance to structure and administer an effective and efficient child support program that is accessible to all the citizens of this State needing its services;

b. Work and the timely payment of child support promote the best interests of all families with children;

c. The expeditious establishment of paternity and child support obligations is integral to the development of a safety net for participants in the Work First New Jersey program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) and their children. With the implementation of the Work First New Jersey program and its time-limited benefits, the establishment of child support orders and the collection of child support are essential to the ability of families to achieve and maintain self-sufficiency;

d. The early establishment of paternity and child support orders creates a basis for individual security and family stability, and fosters an understanding of personal responsibility in children and teenagers;

1 e. The clear delineation of responsibility and accurate
2 communication among State agencies and other entities providing
3 child support services best serves the citizens of New Jersey;

4 f. The efficient establishment of paternity and support obligations,
5 and the effective enforcement and collection of child support
6 obligations pursuant to the provisions of Pub.L.104-193, will
7 maximize the federal funding available to New Jersey for these
8 services;

9 g. The provisions of this act incorporate and expand the
10 fundamental concepts of P.L.1981, c.417 (C.2A:17-56.7 et al.) and
11 comply with the federal initiatives embodied in Pub.L.104-193;

12 h. The most important resource of the child support program and
13 its related services is its personnel; and it is appropriate that the
14 counties, the Judiciary and the Department of Human Services work
15 together with representatives of employees of the county welfare
16 agencies, county probation departments and the Administrative Office
17 of the Courts who provide child support and related services to create
18 a consolidated child support system for Title IV-D and related services
19 in the Department of Human Services and assure an efficient and
20 effective transfer and direction of these employees to this new unified
21 child support system; and

22 i. Therefore, it is fitting and proper to transfer employees of the
23 county probation departments and the Administrative Office of the
24 Courts who provide child support and related services to a new
25 Division of Child Support Services to be established in the Department
26 of Human Services pursuant to this act, and to provide that the
27 division shall direct existing county welfare agency employees who
28 provide child support services and establish a means by which these
29 employees may voluntarily transfer to the division.

30
31 63. (New section) As used in sections 63 through 150 of P.L. ,
32 c. (C.)(pending before the Legislature as this bill), P.L.1981, c.417
33 (C.2A:17-56.7 et al.), P.L.1988, c.111 (C.2A:17-56.23a), sections 13,
34 17 through 20 and 22 of P.L.1985, c.278 (C.2A:17-56.16, 2A:17-
35 56.20 through 2A:17-56.23, and 2A:17-56.25), P.L.1990, c.53
36 (C.2A:17-56.13a), sections 5 and 6 of P.L.1990, c.92 (C.2A:17-56.9a
37 and 2A:17-56.9b), P.L.1995, c.287 (C.2A:17-56.11a), P.L.1995,
38 c.290 (C.2A:17-56.11b), P.L.1995, c.322 (C.2A:17-56.34 et seq.) and
39 P.L.1996, c.7 (C.2A:17-56.40 et al.):

40 "Account" means a demand deposit account, checking or negotiable
41 order of withdrawal account, savings account, time deposit account,
42 equity securities account or money market mutual fund account.

43 "Administrative enforcement" means the use of high volume
44 automated data processing to search various State data bases,
45 including, but not limited to, license records, employment service data
46 and State new hire registries, to determine whether information is

1 available in response to a request made by another jurisdiction to
2 enforce a support order.

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

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

12 "Central registry" means the registry maintained by the Division of
13 Child Support Services in the Department of Human Services which
14 receives, disseminates and has oversight responsibility for the
15 processing of incoming interstate Title IV-D cases, including
16 RURESA or UIFSA petitions.

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

21 "Child support" means the amount required to be paid under a
22 judgment, decree, or order, whether temporary, final or subject to
23 modification, issued by the Superior Court, Chancery Division, Family
24 Part or a court or administrative agency of competent jurisdiction of
25 another state, for the support and maintenance of a child, or the
26 support and maintenance of a child and the parent with whom the child
27 is living, which provides monetary support, health care coverage, any
28 arrearage or reimbursement, and which may include other related costs
29 and fees, interest and penalties, income withholding, attorney's fees
30 and other relief.

31 "Child support related warrant" means an outstanding warrant for
32 the arrest of a child support obligor or putative father issued by the
33 court for failure to pay child support as ordered, failure to appear at
34 a hearing to establish paternity or child support, or failure to appear
35 at a hearing to enforce a child support order.

36 "Commissioner" means the Commissioner of Human Services.

37 "Court" means the Superior Court, Chancery Division, Family Part.

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

41 "Court rules" means the Rules Governing the Courts of the State of
42 New Jersey.

43 "Credit reporting agency" means a nationally recognized credit
44 reporting agency as approved by the commissioner and defined in the
45 federal Fair Credit Reporting Act (15 U.S.C.s.1681a(f)) as any entity
46 which, for monetary fees, dues, or on a cooperative nonprofit basis,

1 regularly engages in whole or in part in the practice of assembling or
2 evaluating consumer credit information or other information on
3 consumers for the purpose of furnishing reports to third parties and
4 which uses any means or facility of interstate commerce for the
5 purpose of preparing or furnishing consumer reports.

6 "Custodial parent" means the parent or other person who has legal
7 and physical custody of a child for the majority of the time. The
8 custodial parent is responsible for the day-to-day decisions related to
9 the child and for providing the basic needs of the child on a daily basis.
10 The custodial parent is the person to whom child support is payable.
11 In shared parenting situations, the custodial parent is known as the
12 Parent of Primary Residence.

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

16 "Department" means the Department of Human Services.

17 "Division" means the Division of Child Support Services in the
18 Department of Human Services established pursuant to this act.

19 "Employee" means an individual who is an employee within the
20 meaning of chapter 24 of the Internal Revenue Code of 1986.
21 Employee does not include an employee of a federal or state agency
22 performing intelligence or counter-intelligence functions, if the head
23 of such agency has determined that reporting could endanger the
24 safety of the employee or compromise an ongoing investigation or
25 intelligence mission.

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

29 "Financial institution" means any depository institution, insured
30 depository institution, institutions of any uninsured branch or agency
31 of a foreign bank or a commercial lending company owned or
32 controlled by a foreign bank, insurance company, federal depository
33 institution, state depository institution and any institution-affiliated
34 party including any director, officer, employee or controlling
35 stockholder, other than a bank holding company of, or agent for, an
36 insured depository institution; any other person who has filed or is
37 required to file a change-in-control with the appropriate federal
38 banking agency; any shareholder, other than a bank holding company,
39 consultant, joint venture partner, and any other person as determined
40 by the appropriate federal banking agency, who participates in the
41 conduct of the affairs of an insured contractor, including any attorney,
42 appraiser, or accountant, who knowingly or recklessly participates in:
43 a. any violation of any law or regulation; b. any breach of fiduciary
44 duty; or c. any unsafe or unsound practice, which caused or is likely
45 to cause more than a minimal financial loss to, or a significant adverse
46 effect on, the insured depository institution; Federal Credit Union or

1 State Credit Union, including an institution-affiliated party of such a
2 credit union; any benefit association, insurance company, safe deposit
3 company, money-market mutual fund, investment and loan corporation
4 or similar entity authorized to do business in the State or any other
5 entity subject to the provisions of Title 17 of the Revised Statutes, or
6 as defined in 12 U.S.C.s.1813(u), 12 U.S.C.s.1752, 12 U.S.C.s.
7 1786(r), and 12 U.S.C.1813 (c).

8 "Health care coverage" means cash medical support, health
9 insurance, dental insurance, eye care, pharmaceutical assistance and
10 other types of medical support which are ordered by the court to
11 maintain the health coverage of a child.

12 "Income" for the purposes of enforcing a support order, means, but
13 is not limited to, commissions, salaries, earnings, wages, rent monies,
14 unemployment compensation, workers compensation, any legal or
15 equitable interest or entitlement owed that was acquired by a cause of
16 action, suit, claim or counterclaim, insurance benefits, claims,
17 accounts, assets of estates, inheritances, trusts, federal or State income
18 tax refunds, homestead rebates, State lottery prizes, casino and
19 racetrack winnings, annuities, retirement benefits, veteran's benefits,
20 union benefits, or any other source that may be defined as income or
21 other property subject to withholding for child support pursuant to
22 State law.

23 For the purposes of establishing a support order, income is defined
24 pursuant to the child support guidelines in Appendix IX of the court
25 rules.

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

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

36 "Licensing authority" means any department, division, board,
37 agency or other instrumentality of State government that issues a
38 license, registration, certificate or other authorization to provide
39 goods or services for compensation, to operate a motor vehicle, or for
40 recreational or sporting purposes.

41 "Non-custodial parent" means the parent who does not have
42 physical custody of the child on a day-to-day basis. In shared parenting
43 situations, the non-custodial parent is known as the Parent of Alternate
44 Residence.

45 "Obligee" means an individual to whom a duty of support is or is
46 alleged to be owed or in whose favor a support order has been issued

1 or a judgment determining parentage has been rendered; a state or
2 political subdivision to which the rights under a duty of support or
3 support order have been assigned or which has independent claims
4 based on financial assistance provided to an individual obligee; or an
5 individual seeking a judgment determining parentage of the individual's
6 child or providing for the support of a child.

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

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

13 "Program" means the New Jersey Child Support Program
14 administered by the Division of Child Support Services pursuant to
15 this act.

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

19 "Spousal support" means a legally enforceable obligation assessed
20 against a person for the support of a spouse or former spouse who is
21 the custodial parent of a child to whom the person owes child support.

22 "State case registry" means the automated system maintained by the
23 division that contains federally required information on child support
24 cases.

25 "State IV-D agency" means the Division of Child Support Services
26 in the Department of Human Services.

27 "Support guidelines" means the set of presumptive standards for
28 determining the amount of child support as established by the court in
29 court rules.

30 "Support order" means a judgment, decree or order, whether
31 temporary, final or subject to modification, for the benefit of a child,
32 a spouse or a former spouse, issued by the court or a court or
33 administrative agency of another state, which provides for monetary
34 support, health care coverage, arrearages or reimbursement, and may
35 include related costs and fees, interest, income withholding, attorney's
36 fees and other relief.

37 "TANF" means the "Temporary Assistance to Needy Families"
38 program established pursuant to Title IV-A of the federal Social
39 Security Act, (42 U.S.C.s.601 et seq.). TANF includes the Work First
40 New Jersey program for dependent children and their parents
41 established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.)

42 "Title IV-D" means Title IV-D of the federal Social Security Act
43 (42 U.S.C. §651 et seq.).

44 "Title IV-D case" means a case under Title IV-A of the federal
45 Social Security Act (42 U.S.C.s.601 et seq.) that involves an
46 assignment of support rights, an appropriate referral under Title IV-E

1 of the federal Social Security Act (42 U.S.C.s.670 et seq.), a non-
2 public assistance case or a Medicaid only case, in which an application
3 for Title IV-D services has been filed and a fee paid, as appropriate,
4 with the division, or an interstate case referred to the division by
5 another jurisdiction.

6 "UIFSA" means the "Uniform Interstate Family Support Act" to be
7 adopted by each state to replace RURESA pursuant to Pub.L.104-193.

8 "Voluntary consent conference" means an in-person conference to
9 resolve paternity and child support through the agreement of the
10 parties involved.

11 "Voluntary consent agreement" means a written agreement between
12 the parties involved setting the amount, terms and conditions of child
13 support. A voluntary consent agreement shall be submitted to the
14 court for review and incorporation into a court order in order to be
15 legally enforceable.

16

17 64. (New section) a. Effective January 1, 1999, there is established
18 a Division of Child Support Services in the Department of Human
19 Services. The division is designated as the State IV-D agency and
20 shall administer the New Jersey Child Support Program, including all
21 child support functions and activities heretofore performed by county
22 welfare agencies, which services included: the location of non-
23 custodial parents, the voluntary acknowledgment of paternity, the
24 enforcement of support orders, any other duty or function specifically
25 authorized by Title IV-D and, through the court, the establishment and
26 modification of support orders.

27 Until such time as the division is established, the department,
28 through the Division of Family Development, shall assume the powers,
29 duties and responsibilities of the division.

30 b. The administrator and head of the division shall be a director
31 who shall be known as the Director of the Division of Child Support
32 Services. The director shall be a person qualified by training and
33 experience to perform the duties of the office and shall devote his
34 entire time to the performance of those duties. The director shall be
35 appointed by the commissioner and shall receive such compensation as
36 provided by law.

37 The commissioner shall appoint and remove officers and employees
38 of the division subject to the provisions of Title 11A of the New Jersey
39 Statutes and other applicable statutes as are necessary to enable the
40 division to perform its duties pursuant to this act and he shall fix their
41 compensation within the limits of available appropriations and as is
42 provided by law.

43 c. All employees, and equivalent portions thereof, who conduct
44 child support functions within the Judiciary shall be transferred to the
45 division, effective January 1, 1999, except those employees who work
46 directly for the Superior Court, Chancery Division, Family Part or the

1 hearing officer program within the Judiciary, or specific personnel as
2 determined by agreement between the department and the Judiciary.

3 d. The commissioner shall contract with county welfare agencies
4 to utilize county welfare agency employees who currently perform
5 child support functions. These employees shall remain as county
6 welfare agency employees and shall continue to be eligible for
7 promotional opportunities for county welfare agency positions,
8 including positions in child support services, but shall be under the
9 direction of the division to assure consistency within the State's child
10 support system. Direction shall include, but not be limited to,
11 determination of policy and procedure, administrative supervision and
12 work location within the county. During calendar year 1999, any
13 county welfare agency employee who conducts child support functions
14 and who chooses not to remain as a county welfare agency employee,
15 shall notify the county welfare agency of this request in writing and
16 shall be transferred to State employment as governed under provisions
17 for intergovernmental transfer, as established by the Department of
18 Personnel.

19 (1) Except as provided in paragraph (2) of this subsection, with
20 regard to county welfare agency employees who are performing child
21 support functions on the effective date of P.L. , c. (C.)(pending
22 before the Legislature as this bill), the commissioner and the county
23 welfare agency or county shall enter into an agreement with each
24 county welfare agency or county, as appropriate, pursuant to
25 P.L.1967, c.77 (C.52:14-6.10 et seq.) to provide for the governmental
26 interchange of these employees. The provisions of subsections (a),
27 (b), (c), (d) and (f) of section 5 of P.L.1967, c.77 (C.52:14-6.14) shall
28 not apply to the agreement or to the agreement entered into under
29 paragraph (2) of this subsection.

30 (2) Notwithstanding the provisions of P.L.1944, c.20 (C.52:17A-1
31 et seq.) to the contrary, the commissioner, with the approval of the
32 Attorney General, shall enter into an agreement pursuant to P.L.1967,
33 c.77 (52:14-6.10 et seq.) with the county welfare agency or county, as
34 appropriate, with regard to attorney-employees who are performing
35 child support functions on January 1, 1999. The agreement shall
36 provide that the attorney-employees shall be subject to the exclusive
37 supervision and control of the Attorney General with regard to the
38 performing of child support functions.

39 (3) The State shall, in an interchange agreement entered into
40 pursuant to this subsection, agree to provide for the defense of and
41 indemnification for an employee of a county welfare agency or a
42 county, as appropriate, covered by the agreement. The amount and
43 type of defense and indemnification shall be agreed to by the Attorney
44 General, in consultation with the commissioner, and shall not be
45 greater than or less than the amount and type of indemnification
46 provided by the county welfare agency or county of its other

1 employees.

2 (4) During calendar year 1999, a county welfare agency employee,
3 other than an attorney-employee, who is exclusively performing child
4 support functions on the effective date of P.L. , c. (C.)(pending
5 before the Legislature as this bill), shall be afforded the opportunity to
6 elect to transfer to State employment with the division. An employee
7 who elects to transfer shall give written notice to the county welfare
8 agency or county, as appropriate, and to the commissioner. The
9 transfer shall not deprive the employee of any tenure rights or any
10 right or protection provided in Title 11A of the New Jersey Statutes
11 or any pension law or retirement system.

12 (5) Except as specifically provided in this subsection, nothing in
13 P.L. , c. (C.)(pending before the Legislature as this bill) shall
14 derogate from the authority of the Attorney General pursuant to
15 P.L.1944, c.20 (C.52:17A-1 et seq.).

16 (6) Nothing in this section shall be construed to abrogate, reduce
17 or diminish any rights a county welfare agency employee has under
18 Title 11A of the New Jersey Statutes, P.L.1941, c.100 (C.34:13A-1
19 et seq.) Title 43 of the Revised Statutes or any other law, including,
20 but not limited to, rights, powers, privileges or benefits as to salary,
21 seniority, promotion, re-employment retirement or pension, or any
22 rights an employee has pursuant to a collectively negotiated
23 agreement.

24 e. During calendar year 1998, the commissioner is authorized to
25 conduct Title IV-D demonstration projects in one or more counties to
26 test model organizational structures and work processes for child
27 support enforcement in order to maximize State and local efficiency in
28 conducting child support services pursuant to Pub.L.104-193. All
29 demonstrations must be cooperative in nature and there must be
30 mutual agreement between the county welfare agency, the Judiciary
31 and the department.

32 f. Nothing in this section shall be construed to authorize the
33 involuntary transfer of a child support employee from a county to the
34 division.

35

36 65. (New section) Unless otherwise authorized by the Supreme
37 Court or stated in this act, all complaints, pleadings and motions to
38 establish or modify child support shall be initiated in the court.
39 Nothing in this act shall be construed to impair the court's authority
40 or continuing jurisdiction over paternity, child support, or other
41 family-related issues.

42

43 66. (New Section) The division is authorized to:

44 a. enter into cooperative agreements with public entities for the
45 purposes of this act.

46 b. conduct investigations to locate non-custodial parents,

1 determine if paternity has been established, provide for
2 acknowledgment of paternity, and require genetic testing within the
3 time period established by Title IV-D.

4 c. conduct a voluntary consent conference at the request of any of
5 the parties involved to facilitate an agreement regarding paternity or
6 child support;

7 d. pursuant to a voluntary consent conference at which the parties
8 involved have agreed to child support, prepare a voluntary support
9 agreement and support complaint and file with the court for review
10 and, if appropriate, entry of an order;

11 e. file, or in non-TANF cases assist a party in filing, with the court
12 a support complaint immediately after the party requests child support
13 services from the division; and

14 f. maintain records, collect and distribute collections in all Title IV-
15 D and non-IV-D cases referred by the court, including non-IV-D
16 alimony only cases.

17

18 67. (New section) In cases in which a party has assigned the rights
19 to support to the State under the TANF program, or a party has filed
20 an application for child support services, the division may use any
21 method available to establish and collect support including, but not
22 limited to, the following:

23 a. seek to be joined in a civil action as a party in any outstanding
24 dissolution or non-dissolution complaint or petition that involves
25 paternity or support;

26 b. seek to modify the child support provisions of a court order or
27 judgment when the rights to support have been assigned to the State
28 or a party has requested modification services from the division under
29 section 5 of P.L.1990, c.92 (C.2A:17-56.9a);

30 c. initiate contempt proceedings with the court for failure to
31 comply with a support order;

32 d. intervene or appear in dissolution, non-dissolution or paternity
33 proceedings to make the court aware of the State's financial interest
34 in the outcome of the action when either or both parties involved or
35 their child is receiving TANF, or has received TANF, if an arrearage
36 is owed to the State pursuant to an existing court order or judgment
37 for support;

38 e. file a complaint to establish paternity and support if no action is
39 pending or has been adjudicated, and take action to enforce any
40 support order previously issued by a court of competent jurisdiction
41 by initiating contempt or other proceedings;

42 f. file a criminal complaint on behalf of an obligee or the State for
43 willful non-support pursuant to N.J.S.2C:24-5.

44

45 68. (New Section) a. The commissioner shall take such actions as
46 are necessary to ensure that the program meets the requirements to

1 qualify for and obtain the maximum amount of federal funds due the
2 State under the provisions of Pub.L.104-193.

3 b. All federal child support incentive funds received by the State
4 shall be utilized by the department in accordance with federal law and
5 regulation for the program and other child support purposes, which
6 may include activities with the court. Any State funds that become
7 available for uses other than for the program and other child support
8 purposes as a result of the receipt of Title IV-D federal incentive
9 funds, shall be utilized by the department for Work First New Jersey
10 program activities designed to assist recipients of Work First New
11 Jersey benefits to successfully transition to unsubsidized employment.
12 The incentive funds shall not be utilized as any part of the State's
13 required maintenance of effort under the federal TANF program, nor
14 shall the incentive funds be utilized in any way to benefit, directly or
15 indirectly, the State General Fund.

16 c. The department shall:

17 (1) reimburse a county welfare agency for 100% of the costs
18 incurred by the agency for child support activities consistent with the
19 agency's budget as approved by the department under R.S.30:1-12.
20 Reimbursement shall include direct costs and indirect costs incurred by
21 both the county welfare agency and county government, as calculated
22 by the applicable cost allocation plan prepared in accordance with
23 State and federal requirements;

24 (2) make payments each year to a county welfare agency in an
25 amount equal to the amount of indirect cost reimbursement received
26 by the county welfare agency due to child support activities in calendar
27 year 1997. There shall be a one-time adjustment of the calendar year
28 amount based on the 1997 increase adjusted upward by the 1997
29 increase in the Bureau of Labor Statistics All Urban Consumer Price
30 Index for the New York-Northeastern New Jersey region, minus the
31 following:

32 (a) the amount of indirect cost reimbursement received by the
33 county welfare agency due to child support activities in any succeeding
34 calendar year;

35 (b) the amount of increase in indirect cost reimbursement from
36 State and federal sources due to relative decreases in child support
37 costs in any succeeding year; and

38 (c) the amount by which county funding for child support activities
39 in calendar year 1997 exceeded the amount of federal child support
40 incentive funds received by a county in 1997; and

41 (3) make payments each year to a county welfare agency in the
42 amount by which federal child support incentive payments exceeded
43 budgeted costs for child support activities, including indirect costs, in
44 calendar year 1997.

45

46 69. (New section) The division shall respond to a request made by

1 another state to enforce a support order through electronic means,
2 when feasible.

3
4 70. (New Section) Subject to appropriate procedural due process
5 requirements including, as appropriate, notice, the opportunity to
6 contest and notice of the right to appeal to the court, the division is
7 authorized to take the following actions without the necessity of
8 obtaining an order from the court, and to recognize and enforce the
9 authority of state agencies of other states to take the following
10 actions:

11 a. require genetic testing for the purpose of paternity establishment;

12 b. subpoena any financial or other information needed for the
13 establishment, modification or enforcement of a support order;

14 c. impose a civil penalty for failure to respond to a subpoena which
15 shall be: \$20, or, if the failure to respond is the result of a conspiracy
16 between the entity and the non-custodial parent not to supply the
17 required information or to supply inaccurate or incomplete
18 information, \$500.

19 Payment of the penalty may not be required, however, if in response
20 to the imposition of the penalty, the person or entity complies
21 immediately with the subpoena. All penalties assessed under this
22 section shall be payable to the State Treasurer. All penalties imposed
23 under this subsection may be recovered in a summary proceeding
24 pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.;

25 d. upon providing notice and an opportunity to contest to the
26 obligor and obligee, direct the obligor or payor to change the payee to
27 the department in cases where support is subject to an assignment or
28 an application for Title IV-D services has been filed;

29 e. secure assets to satisfy arrearages by:

30 (1) intercepting or seizing periodic or lump sum payments from:
31 State or local agencies, including unemployment compensation, or
32 other benefits; workers compensation, civil lawsuits, judgments and
33 settlements; and inheritances and lotteries;

34 (2) developing a bank information matching program and attaching
35 and seizing assets of the obligor held in financial institutions located
36 in this State in accordance with the provisions of this act;

37 (3) attaching public and private retirement funds as permitted
38 under State law; and

39 (4) imposing a lien and initiating an execution or levy to force the
40 sale of property and distribution of proceeds in accordance with
41 N.J.S.2A:17-1 through N.J.S.2A:17-4, N.J.S.2A:17-57 through
42 N.J.S.2A:17-76 and applicable court rules;

43 f. transfer a case between local division offices without the need
44 for additional filing by the petitioner or service of process upon the
45 respondent to retain jurisdiction over the parties. Notice shall be
46 provided to the parties advising of the transfer; and

1 g. increase the amount of monthly support payment to include
2 amounts for arrearages unless otherwise ordered by the court.

3
4 71. (New Section) Subject to appropriate procedural due process
5 requirements including, as appropriate, notice, opportunity to contest
6 and notice of the right to appeal to the court, the division is authorized
7 to take the following actions without the necessity of obtaining an
8 order from the court:

9 a. request that any entity including for-profit, nonprofit and
10 government employers, respond promptly to a request by the division
11 or any out-of-State IV-D agency for information on the employment,
12 compensation and benefits of any individual employed by the entity as
13 an employee or contractor.

14 b. impose a civil penalty for failure to respond to any request which
15 shall be: \$20, or, if failure to respond is the result of a conspiracy
16 between the entity and the non-custodial parent not to supply the
17 required information or to supply inaccurate or incomplete
18 information, \$500.

19 Payment of the penalty may not be required, however, if in response
20 to the imposition of the penalty, the person or entity complies
21 immediately with the subpoena. All penalties assessed under this
22 section shall be paid to the State Treasurer. All penalties imposed
23 under this subsection may be recovered in a summary proceeding
24 pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.;

25 c. access information subject to safeguards on privacy and
26 information security of this State, and subject to the nonliability of
27 entities that afford access contained in the following records, including
28 automated access when feasible:

29 (1) records of other State and local government agencies including,
30 but not limited to:

31 (a) the Bureau of Vital Statistics in the Department of Health and
32 Senior Services, and other agencies that collect vital statistics,
33 including marriage, death and birth records;

34 (b) the Division of Taxation in the Department of the Treasury,
35 and local tax and revenue records including address, employer, income
36 and assets;

37 (c) records concerning real and titled personal property;

38 (d) records of occupational, professional, recreational and sporting
39 licenses and records concerning the ownership and control of
40 corporations, partnerships and other business entities;

41 (e) the Department of Labor, including wage, unemployment,
42 disability and workers compensation records;

43 (f) agencies administering public assistance programs;

44 (g) the Division of Motor Vehicles in the Department of
45 Transportation, including, but not limited to, motor vehicle and
46 commercial license and registration records; and

1 (h) the Department of Corrections, including records related to
2 State-sentenced inmates and parolees;

3 (2) records held by private entities with respect to individuals who
4 owe or are owed support, or against or with respect to whom a
5 support obligation is sought, including:

6 (a) the names and addresses of the individuals and the names and
7 addresses of the employers of the individuals appearing in customer
8 records of public utilities and cable television companies pursuant to
9 an administrative subpoena; and

10 (b) information on the assets and liabilities of individuals held by
11 financial institutions.

12 d. require each party subject to a paternity or child support
13 proceeding to provide information, including, but not limited to: Social
14 Security number, telephone number, driver's license number,
15 residential and mailing addresses, and the name, address, and
16 telephone number of the party's employer.

17

18 72. (New Section) For the purposes of enforcing a support
19 provision in an order or judgment, procedural due process
20 requirements may be deemed to have been met with respect to the
21 party upon delivery of written notice to that party's most recent
22 residential or employer address on file with the division, if there is a
23 sufficient showing that diligent efforts have been made to locate the
24 party by making inquiries that may include, but are not limited to, the
25 United States Postal Service, Division of Motor Vehicles in the
26 Department of Transportation, the Department of Labor, and the
27 Department of Corrections. A certification documenting unsuccessful
28 efforts to locate a party shall be provided to the court before any
29 adverse action is taken based on failure of the party to respond to a
30 notice. For the purposes of establishing or modifying the child support
31 provision of a court order or judgment, service of process shall be
32 consistent with court rules or applicable statutes.

33

34 73. (New Section) In accordance with rules adopted by the
35 commissioner, the division shall make the determination as to whether
36 an individual who has applied for or is receiving public assistance or
37 assistance under the State Medicaid program pursuant to P.L.1968,
38 c.413 (C.30:4D-1 et seq.) or the Title IV-E program is cooperating
39 in good faith in establishing the paternity of, or in establishing,
40 modifying or enforcing a support order for any child of the individual
41 by providing the name of the non-custodial parent and such other
42 information as may be required for this purpose.

43 The division shall notify the individual and appropriate State or
44 county entities administering TANF and appropriate State or county
45 entities administering the State Medicaid program of each
46 determination, and if noncooperation is determined, the basis therefor.

1 74. (New Section) In any case in which an obligor owes past-due
2 child support with respect to a child receiving assistance under a State
3 program funded under TANF, the division is authorized to develop a
4 a voluntary consent agreement to be issued by the court as an order,
5 or to petition the court to issue an order that requires the obligor: to
6 pay the support in accordance with a plan approved by the court; or
7 to participate in work activities as ordered by the court, if the obligor
8 is subject to such a plan and is not incapacitated.

9
10 75. (New Section) a. The division shall require financial institutions
11 doing business in the State to develop and operate a data match
12 system, using automated data exchanges to the maximum extent
13 feasible, in which the financial institution is required to provide on a
14 quarterly basis the name, address of record, Social Security number,
15 tax identification number, and other identifying information as
16 determined by regulations adopted by the commissioner for each non-
17 custodial parent who maintains an account at the financial institution
18 and who owes past due support.

19 b. In response to a notice of lien or levy from the division, pursuant
20 to procedures adopted by the commissioner, and in accordance with
21 appropriate procedural due process requirements and court rules, a
22 financial institution shall encumber or surrender assets held by the
23 institution on behalf of any obligor who is subject to a child support
24 lien.

25 c. A financial institution shall not be liable under any federal or
26 State law to any person for disclosing any financial record of an
27 individual to the department or the division, attempting to establish,
28 modify, or enforce a support obligation of the individual, for failure to
29 disclose to a depositor or account holder that the name of the person
30 was included in a list furnished by the division or in a report furnished
31 by the institution to the division, or for encumbering or surrendering
32 assets held by the institution, in response to a notice of lien or levy
33 issued by the division.

34 d. In obtaining any financial record of an individual from a financial
35 institution, the division may only disclose the financial information for
36 the purpose of, and to the extent necessary to, establish, modify or
37 enforce a child support obligation of the individual.

38 e. If any officer or employee of the division knowingly, or by
39 reason of negligence, discloses a financial record of an individual in
40 violation of subsection d. of this section, the injured individual may
41 bring a civil action for damages against the officer or employee.
42 Unauthorized release of information shall also be cause for
43 administrative discipline of any employee who engages in an
44 unauthorized release.

45 f. No liability shall arise under this section with respect to any
46 disclosure which results in a good faith but erroneous interpretation.

1 76. (New Section) a. The division shall establish and maintain a
2 State case registry. The division shall regularly monitor cases in the
3 registry with respect to which services are being provided under the
4 State Title IV-D plan. The registry shall include information on:

5 (1) the amount and frequency of support owed and other amounts
6 due or overdue under the support order, including arrearages, interest
7 or late payment penalties and fees;

8 (2) any amounts described in paragraph (1) of this subsection that
9 have been collected;

10 (3) the distribution of collected amounts;

11 (4) the date of birth of any child for whom the support order
12 requires support;

13 (5) the amount of any lien imposed;

14 (6) information on administrative actions and administrative and
15 judicial proceedings and court orders relating to paternity and support;

16 (7) information obtained from comparison with federal, State, or
17 local sources of information; and

18 (8) any other relevant information.

19 b. Beginning October 1, 1998, the court shall transmit to the State
20 case registry a copy of every judgment or order that includes a
21 provision for child support.

22

23 77. (New Section) All federal and State agencies conducting
24 activities under the program pursuant to the requirements of Title IV-
25 D, shall have access through the division to any system used by the
26 Division of Motor Vehicles in the Department of Transportation and
27 law enforcement agencies in the State to locate an individual. The
28 information shall be made available to the division through electronic
29 means when feasible.

30

31 78. (New Section) The Social Security number of an applicant for
32 any professional or occupational license, recreational or sporting
33 license, commercial driver's license, or marriage license shall be
34 recorded on the application. The Social Security number shall also be
35 placed in the record relating to: a divorce decree; support order in a
36 divorce decree; support order and paternity determination or
37 acknowledgment; and on a death certificate. The Social Security
38 number shall be made available to the division through electronic
39 means when feasible.

40

41 79. (New Section) When representing the interests of the State in
42 TANF cases or an indigent parent in a non-TANF case, the division
43 shall be exempt from all fees provided in chapter 2 of Title 22A of the
44 New Jersey Statutes when services related to the establishment of
45 paternity or the establishment, modification or enforcement of child
46 support orders are being provided. In non-TANF cases in which the

1 division files a motion on behalf of a party who is not indigent, the
2 party represented by the division shall be required to pay the
3 appropriate fees as required by chapter 2 of Title 22A of the New
4 Jersey Statutes.

5
6 80. (New Section) a. After a complaint is filed or, in appropriate
7 cases, concurrent with the filing but before the date of a court hearing,
8 the division may contact the parties involved to determine if they wish
9 the division to facilitate a mutual agreement, through a voluntary
10 consent conference, regarding paternity, child support, and health care
11 coverage issues. A voluntary consent conference shall be attempted
12 only when paternity, child support, or health care coverage are the sole
13 reliefs being sought; it shall not be attempted in cases involving
14 domestic violence, divorce, parenting issues such as custody or
15 visitation, or when the court has determined that such a conference is
16 not in the best interests of the child or one of the parties. Failure of
17 a parent to appear, or agree to a child support amount at a voluntary
18 consent conference shall not result in the entry of an order by default.
19 The proposed support agreement resulting from a voluntary consent
20 conference shall be consistent with the State's support guidelines and
21 shall be submitted to the court for review prior to the date of the
22 scheduled hearing. If appropriate, the court shall incorporate the
23 terms of the agreement into the court order. A voluntary consent
24 conference conducted by the division is available to the parties
25 involved, in addition to mediation services provided by the court or
26 private entities.

27 b. The court shall provide notice of court proceedings in which
28 support, paternity, child support, and health care coverage or other
29 related domestic relations issues might be established or modified. The
30 notice provided by the court shall also advise the parties that they have
31 an opportunity to participate in a voluntary consent conference
32 through the division prior to the scheduled court proceeding.

33 c. The court shall provide the parties and the division with a copy
34 of any order establishing, enforcing or modifying a child support
35 obligation or dismissing a complaint or motion.

36
37 81. (New Section) a. All employers and labor organizations doing
38 business in the State shall report to the division:

39 (1) the hiring of, or contracting with, any person who works in this
40 State and to whom the employer anticipates paying earnings; and

41 (2) the re-hiring or return to work of any employee who is laid off,
42 furloughed, separated, granted a leave without pay, or terminated from
43 employment in this State.

44 b. An employer shall submit the information required in this
45 subsection within 20 days of the hiring, re-hiring, or return to work of
46 the employee, except that an employer who transmits reports

1 magnetically or electronically shall report every 15 days in accordance
2 with rules adopted by the commissioner. The report shall contain:

3 (1) the employee's name, address, date of birth and Social Security
4 number; and

5 (2) the employer's name, address, and federal tax identification
6 number.

7 c. An employer who fails to report, as required in this section, shall
8 be given a written warning by the division for the first violation and
9 shall be subject to a civil penalty which shall not exceed: \$25 per
10 violation, or, if the failure to report is the result of a conspiracy
11 between the employer and the employee to not supply the required
12 report or to supply a false or incomplete report, \$500.

13 Payment of the penalty may not be required, however, if in response
14 to the imposition of the penalty, the person or entity complies
15 immediately with the new hire reporting requirements. All penalties
16 assessed under this section shall be payable to the State Treasurer. All
17 penalties imposed under this subsection may be recovered in a
18 summary proceeding pursuant to "the penalty enforcement law,"
19 N.J.S.2A:58-1 et seq.

20 d. The information provided pursuant to this section may be shared
21 with any federal or State agency as deemed appropriate by the
22 commissioner.

23

24 82. (New Section) In any case in which the division knows of a
25 transfer by a child support judgment debtor pursuant to the "Uniform
26 Fraudulent Transfer Act," P.L.1988, c.74 (C.25:2-20 et seq.) with
27 respect to which a prima facie case is established, the division shall
28 seek to void the transfer or obtain a settlement in the best interest of
29 the child support creditor.

30

31 83. (New Section) a. The division shall be responsible for the
32 collection and disbursement of payments under support orders in all
33 Title IV-D cases, and in all non-Title IV-D cases in which the support
34 order was initially issued in the State on or after January 1, 1994, and
35 in which the income of the non-custodial parent is subject to income
36 withholding.

37 b. The division shall provide employers with one location to which
38 income withholding shall be sent.

39 c. The division shall use automated procedures, electronic processes
40 and computer driven technology to the maximum extent feasible, for
41 efficient and economical collection and disbursement of support
42 payments. All payments shall be disbursed in accordance with federal
43 requirements.

44

45 84. (New Section) a. A judgment for child support entered
46 pursuant to section 1 of P.L.1988, c.111 (C.2A:17-56.23a) and

1 docketed with the Clerk of the Superior Court shall be a lien against
2 the net proceeds of any settlement negotiated prior or subsequent to
3 the filing of a lawsuit, civil judgment, civil arbitration award or
4 workers' compensation award and shall have priority over all other
5 civil judgments unless otherwise provided by law. The lien shall stay
6 the distribution of the net proceeds to the prevailing party until the
7 child support judgment is satisfied. As used in this section "net
8 proceeds" means any amount of money in excess of \$2,000, payable
9 to the prevailing party after attorney fees, witness fees, court costs,
10 fees for health care providers, reimbursement to employees or workers
11 compensation insurance carriers as provided in R.S.34:15-40, and
12 other costs related to the lawsuit or settlement are deducted from the
13 award, and "prevailing party" shall not include a partnership,
14 corporation, government entity or minor child.

15 b. Before distributing any net proceeds of a settlement, judgment
16 or award to the prevailing party: (1) the prevailing party shall provide
17 the attorney or insurance company responsible for the final distribution
18 of such funds with a certification that includes the prevailing party's
19 full name, mailing address, date of birth and Social Security number;
20 and (2) the attorney representing the prevailing party shall initiate a
21 search of child support judgments, through a private judgment search
22 company that maintains information on child support judgments, to
23 determine if the prevailing party is a child support judgment debtor.
24 If the prevailing party is not represented by an attorney, the judgment
25 search shall be initiated by the opposing attorney or an insurance
26 company before the proceeds are distributed to the prevailing party.
27 In a workers' compensation action, the insurance company shall initiate
28 the judgment search. The judgment search company shall provide a
29 certification to the attorney, insurance company or party initiating the
30 lawsuit identifying whether or not the prevailing party is a child
31 support judgment debtor.

32 If there are no attorneys representing either party in a civil lawsuit,
33 the party bringing the lawsuit shall initiate the judgment search and
34 shall be required to file the certification with the court at least 10
35 working days prior to the trial or with the stipulation that the
36 certification shall be filed at the time of the settlement or dismissal of
37 the lawsuit.

38 For monies deposited with the court, no distribution of funds shall
39 be made until the attorney or prevailing party provides the Clerk of the
40 Superior Court with a copy of the certification showing that the
41 prevailing party is not a child support judgment debtor.

42 The fee for a judgment search is chargeable against the net proceeds
43 as a cost of the settlement, judgment or award.

44 c. If the certification shows that the prevailing party is not a child
45 support judgment debtor, the net proceeds may be paid to the
46 prevailing party immediately. If the certification shows that the

1 prevailing party is a child support judgment debtor, the attorney or
2 insurance company that initiated the search shall contact the division
3 to arrange for the satisfaction of the child support judgment. The
4 attorney or insurance company shall notify the prevailing party of the
5 intent to satisfy the child support judgment prior to the disbursement
6 of any funds to the prevailing party. Upon receipt of a Warrant of
7 Satisfaction for the child support judgment, the attorney or insurance
8 company shall pay the balance of the settlement, judgment or award to
9 the prevailing party. If the net proceeds are less than the amount of
10 the child support judgment, the entire amount of the net proceeds shall
11 be paid to the division as partial satisfaction of the judgment.

12 If there are no attorneys representing either party in a civil lawsuit
13 and the certification filed with the court shows that the prevailing
14 party is a child support judgment debtor, the court shall order that the
15 opposing party pay the amount of the child support judgment to the
16 division before any funds are paid to the prevailing party. The
17 opposing party shall also ensure that any judgment related to the
18 lawsuit docketed with the Clerk of the Superior Court reflects the
19 division's superior claim to such funds.

20 d. An attorney or insurance company shall not be liable for
21 distributing net proceeds to the prevailing party based on the results
22 of a judgment certification showing the prevailing party is not the
23 debtor of a child support judgment, if it is later shown that the
24 prevailing party provided inaccurate personal information on the
25 initial certification to the attorney or the insurer.

26 e. An attorney who, in accordance with this section, satisfies a
27 child support judgment from the net proceeds of a settlement,
28 judgment or award, shall not be liable for payments which otherwise
29 would have been made pursuant to subsection a. of this section which
30 were not so identified to the attorney at the time of satisfaction.

31 f. An attorney or insurance company that, in accordance with this
32 section, satisfies a child support judgment from the net proceeds of a
33 settlement, judgment or award, shall not be liable to the prevailing
34 party or to the prevailing party's creditors.

35 g. An attorney shall not be required to challenge a child support
36 judgment unless retained by the prevailing party to do so.

37 h. A private judgment search company is prohibited from using any
38 information provided by an attorney or insurance company in
39 accordance with this section for any purpose other than: (1)
40 determining if the prevailing party is the debtor of a child support
41 judgment; and (2) preparing a certification as required pursuant to
42 subsection b. of this section.

43

44 85. (New Section) If there is more than one income withholding
45 against the same obligor, the amount withheld shall be allocated
46 among all obligees by the department on a prorated basis. Current

1 support obligations for all obligees shall be paid before withheld
2 amounts are allocated to pay arrearages. Withheld amounts that
3 remain after the current support is satisfied shall be allocated among
4 all obligees to pay arrearages in accordance with federal distribution
5 requirements provided in section 302 of Pub.L.104-193 (42 U.S.C.
6 s.657).

7

8 86. (New section) a. The division shall use administrative
9 enforcement, to the same extent as used for interstate cases, in
10 response to a request made by another state to enforce a support
11 order, and shall promptly report the results of the enforcement
12 procedure to the requesting state.

13 b. the division may, by electronic or other means, transmit to
14 another state a request for assistance in enforcing support orders
15 through administrative enforcement. The request shall:

16 (1) include such information as will enable the state to which the
17 request is transmitted to compare the information about the case to the
18 information in the databases of the state; and

19 (2) constitute a certification by the State:

20 (a) of the amount of support under an order that the payment of
21 which is in arrears;

22 (b) that the requesting state has complied with all procedural due
23 process requirements applicable to each case;

24 (c) if the division provides assistance to another state pursuant to
25 this subsection with respect to a case, neither state shall consider the
26 case to be transferred to the caseload of the other state; and

27 (d) the division shall maintain records of : (i) the number of
28 requests for assistance received by the State; (ii) the number of cases
29 for which the State collected support in response to the request;
30 and(iii) the amount of support collected.

31

32 87. (New Section) To ensure continued federal funding for the
33 program, the division shall submit copies of appropriate
34 documentation, including, but not limited to, statutes, court rules and
35 regulations, relating to child support operations to the federal
36 government as part of the State Title IV-D plan. The Administrative
37 Office of the Courts and other participating State agencies shall
38 cooperate with the division in its efforts to ensure that the State Title
39 IV-D plan complies with federal Title IV-D requirements.

40

41 88. (New section) The department shall periodically publish in
42 newspapers in the State the names of obligors who have failed to make
43 a required, current obligation child support payment for a period of at
44 least four consecutive months. The department shall establish
45 procedures to ensure that the names of such obligors are published in
46 one or more newspapers that serve the county in which the obligor

1 lives, and if the obligor lives out-of-State but is employed in this
2 State, the county in which the obligor is employed.

3
4 89. (New Section) Any employee transferred to the division who
5 had immediately prior to the transfer been represented in a collective
6 bargaining unit, shall become a member of the appropriate collective
7 bargaining unit presently representing similarly situated employees in
8 the Executive Branch.

9
10 90. (New Section) a. All transferred employees who are placed into
11 a collective bargaining unit shall be governed by the existing collective
12 bargaining agreement, including all the benefits, rights and
13 responsibilities that flow therefrom, and any additional negotiated
14 agreements pursuant to P.L. , c. (C.) (pending before the
15 Legislature as this bill).

16 b. Notwithstanding the provisions of subsection a. of this section
17 to the contrary, an employee who is eligible for special payments as
18 described in section 12b of the "Letter of Agreement" dated December
19 28, 1994 entered into between the Judiciary and its unions, as
20 amended by any subsequent Judiciary negotiated contract executed
21 prior to December 31, 1998, shall continue to be eligible for the same
22 payments after the child support functions of the Judiciary are
23 transferred to the division.

24
25 91. (New Section) a. During calendar years 1999 through 2003,
26 there shall be no privatization displacement as a result of any
27 privatization initiative regarding child support services currently being
28 performed by a county welfare agency or Judiciary employee. For the
29 purposes of this section, "no privatization displacement" means that
30 the department shall not enter into a contract with a private entity for
31 the performance of services actually being performed by a county
32 welfare agency or division employee in the State's child support
33 program at the time the contract is initiated, which contract results in
34 the loss of employment by a county welfare agency or division
35 employee; and "loss of employment" means that an employee who is
36 performing child support services is laid off or demoted from that
37 position or involuntarily reassigned to another county.

38 b. No public employee performing child support services shall be
39 laid off as an immediate and direct result of P.L. , c. (C.)(pending
40 before the Legislature as this bill) during the three month period after
41 transfer.

42 c. If the State's relative ranking on all except one of the federal
43 child support performance standards for federal fiscal year 2003 is
44 among the best performing 13 states, during calendar years 2004
45 through 2006, there shall not be any privatization displacement as a
46 result of any privatization initiative regarding child support services

1 currently being performed by public employees unless the privatization
2 would achieve substantial savings from other than per employee wage
3 and benefit costs.

4 If the State's relative ranking on all except one of the federal child
5 support performance standards for federal fiscal year 2006 is among
6 the best performing 13 states, during calendar years 2007 through
7 2008, there shall not be any privatization displacement as a result of
8 any privatization initiative regarding child support services currently
9 being performed by public employees unless the privatization would
10 achieve substantial savings from other than per employee wage and
11 benefit costs.

12 d. In order to maximize the likelihood that the State will deliver
13 child support services at a high performance level, the division shall
14 annually report to the standing Legislative reference committees on
15 budget and appropriations on the State's performance in the preceding
16 12 month period and shall include in the report, as appropriate,
17 recommendations to improve the State's performance. The
18 recommendations may include, but not be limited to, any legislation
19 that may be needed and any technology and resources that may be
20 needed. The division shall provide copies of the report to the majority
21 representatives of employees performing child support services and
22 shall make a copy of the report available to the public.

23

24 92. (New Section) a. A Judicial employee who will be transferred
25 to the division and is employed by the Judiciary on the effective date
26 of P.L. , c. (C.)(pending before the Legislature as this bill) shall
27 be notified by the Judiciary, 30 days prior to the transfer, of any
28 Judiciary vacancy in the employee's county that is funded, that the
29 Judiciary intends to fill, and that the employee is eligible to fill. Within
30 10 working days of notification by the Judiciary of an eligible vacancy,
31 an employee shall advise the Judiciary in writing of the employee's
32 intention to be considered for the vacancy. An employee shall have
33 the right to remain in the Judiciary in the vacancy unless there are
34 more employees who apply than there are vacancies available, in which
35 case, the Judiciary shall select, using seniority, which employees shall
36 fill the vacancies. All appointments that impact the career service are
37 subject to review by the Department of Personnel.

38 b. Within two years of the date of the transfer, if: (1) there is a
39 vacancy in the same county or in the Administrative Office of the
40 Courts in the same title held by a transferred employee of the
41 Judiciary, (2) the vacancy is funded, and (3) the Judiciary in its
42 discretion intends to fill the vacancy, the transferred employee shall
43 be able to transfer back to that vacancy. The transferred employee
44 shall transfer back to that position ahead of any persons on special
45 reemployment lists that may pertain to that vacancy. For the purposes
46 of this subsection, only those employees who are employed by the

1 Judiciary on the effective date of P.L. , c. (C.)(pending before the
2 Legislature as this bill) shall be eligible to transfer back to the
3 Judiciary. If more employees desire to transfer back to the Judiciary
4 than there are vacancies available, the Judiciary shall interview and
5 select which employees shall be able to transfer back. An employee
6 who transfers back to the Judiciary shall receive the same salary and
7 benefits received in that position prior to transfer, plus any
8 adjustments thereto that would have occurred under the Judiciary
9 Classification and Compensation Plan.

10 c. Under the same pay and benefits conditions provided in
11 subsection b. of this section, a transferred Judicial child support
12 employee may transfer back to the Judiciary for up to five years from
13 the date of transfer, upon the discretion of the Judiciary. After the five
14 year period, the transfer provisions under Title 11A of the New Jersey
15 Statutes shall apply.

16

17 93. (New Section) a. Upon transfer to the division, the employee
18 shall continue to receive the salary the employee otherwise would have
19 received in the Judiciary as of January 1, 1999, except that:

20 (1) an employee, who, immediately prior to the time of transfer,
21 was earning less than the minimum of the range on which the employee
22 will be placed, shall at the time of transfer be placed on the minimum
23 step of the range;

24 (2) a transferred employee, who, immediately prior to the time of
25 transfer was earning more than the maximum of the range on which
26 the employee will be placed, shall at the time of transfer, have the
27 employee's salary "red circled" off the range, and shall continue to be
28 permitted to earn the salary the employee was earning just prior to the
29 time of transfer;

30 (3) in the case of a transferred employee who does not already
31 have an anniversary date, the transferred employee's anniversary date,
32 for purposes of eligibility for future increments, shall be the date of
33 transfer to the division; and

34 (4) a transferred employee who, immediately prior to the time of
35 transfer was earning more than the minimum in the range on which the
36 employee shall be placed, but less than the maximum of the range,
37 shall be placed on the next highest step to the salary the employee was
38 earning at the time of transfer.

39 b. A transferred employee shall be subject to the classification and
40 compensation program determined by the Department of Personnel.

41 c. The division's personnel practices shall be governed by the State
42 Government Services provisions of Title 11A of the New Jersey
43 Statutes and the rules promulgated thereunder, except as otherwise
44 provided in P.L. , c. (C.) (pending before the Legislature as this
45 bill). A transferred employee holding provisional, permanent or
46 probationary civil service status at the time of transferring to the

1 division shall retain such status and attendant rights as are available in
2 those categories under State career service. A transferred employee
3 who was in a provisional title under the provisions of subsection b. of
4 N.J.S.11A:4-13 prior to transferring to the division, shall not be
5 subject to displacement by persons on preexisting State eligible lists,
6 including special reemployment, regular reemployment and open
7 competitive lists, for the title held by the provisional employee.

8 d. The title of an employee who is in the unclassified service prior
9 to a transfer shall be reviewed by the Department of Personnel to
10 determine service allocation and classification following the transfer.
11 An employee whose position is determined to be in the career service,
12 or a provisional employee, either of whom have been continuously
13 employed for the former jurisdiction for a period of at least one year
14 prior to the effective date of transfer, including an employee on an
15 approved leave of absence, shall be considered a permanent employee
16 under Title 11A of the New Jersey Statutes, and the rules promulgated
17 thereunder as of the effective date of the transfer, and the employee's
18 seniority calculation shall be based upon the length of the employee's
19 continuous service in the jurisdiction from which the employee was
20 transferred.

21 e. Prior to the effective date of the transfer of employees to the
22 division, the Department of Personnel shall certify any appropriate
23 open competitive and promotional lists against provisional appointees
24 in all titles affected by the transfer in impacted entities.

25 f. Following the effective date of the transfer of employees to the
26 division, preexisting eligible lists shall not be used for appointments to
27 the division.

28 g. The Judiciary shall forward to the commissioner and the
29 Commissioner of Personnel a list of all employees who are to be
30 transferred to the division six months prior to the date of the transfer
31 and again 30 days prior to that date.

32
33 94. (New section) a. Transferred employees who become State
34 employees shall receive State credit for years of employment service
35 retroactive to the date utilized by the county of employment or the
36 Judiciary as of December 31, 1998, to determine credit for
37 employment service and computation of Supplemental Compensation
38 on Retirement (SCOR).

39 b. Notwithstanding the provisions of sections 7 and 8 of P.L.1981,
40 c.417 (C.2A:17-56.13 and C.2A:17-56.14) to the contrary, beginning
41 January 1, 1999, the State shall honor and accept all wage garnishment
42 and child support orders entered against all transferred employees at
43 the time of the transfer. Judgment creditors and county probation
44 departments with wage garnishments and child support orders in place
45 against transferred employees shall not be required to re-serve the
46 State with the appropriate order or notice to maintain the garnishment

1 or child support order in place at the time of the transition. Each
2 county shall be required 45 days before the transition to provide the
3 State with the names of those transferred employees subject to
4 garnishments, either under court order or by notice of the county
5 probation department, and copies of each order or notice to enable the
6 State to honor the garnishment or child support order. Each county
7 shall be solely responsible for complying fully with the terms of all
8 wage garnishment and child support orders in effect up until and
9 through December 31, 1998.

10 c. Accumulated vacation leave and sick leave for transferred
11 employees shall be transferred and credited to their State leave
12 accounts immediately upon their becoming State employees, but no
13 employee may bring to State service more vacation leave time than
14 that amount normally allotted to that employee in that county in
15 calendar year 1998. Compensatory time and personal or administrative
16 leave as well as accumulated vacation leave in excess of time earned
17 in calendar year 1998 in county-funded employment shall not be
18 transferable to State service but shall remain a county welfare agency
19 obligation. Transferred employees who become State employees
20 pursuant to this act shall not be considered new employees, and any
21 legislation requiring State residency of new State employees or which
22 limits any benefits of new State employees shall not apply to them.

23 d. A transferred employee who was in pay status on the employee's
24 former employer's payroll shall be paid for the holiday January 1, 1999
25 by the division.

26

27 95. (New section) a. Any transferred employee who is a member
28 of a county pension fund or retirement system shall become a member
29 of the Public Employees' Retirement System (PERS) on January 1,
30 1999, subject to the same conditions and entitled to the same rights
31 and benefits applicable to other employees of the State. Any credit for
32 public service which has been established in the county pension fund
33 or retirement system for the transferred employee shall be credited to
34 the transferred employee under PERS. The contribution rate of the
35 member of PERS shall be determined in the manner set forth in section
36 25 of P.L.1954, c.84 (C.43:15A-25).

37 b. No later than May 1, 1999, the county pension fund or
38 retirement system in which a transferred employee is a member shall
39 remit to PERS the accumulated deductions of the transferred employee
40 to the county pension fund or retirement system, and a pro rata part
41 of the employer contributions to the fund or system constituting the
42 employer's obligation to the fund or system for the transferred
43 employee. The actuary of PERS shall determine the liability for
44 service under a county pension fund or retirement system credited
45 under PERS under this act. If the sum of the accumulated transferred
46 employee deductions and the pro rata part of the employer

1 contributions are less than the liability determined by the actuary, the
2 difference shall be paid by the county in the same manner and over the
3 remaining time period for the accrued liability of PERS as provided in
4 section 24 of P.L.1954, c.84 (C.43:15A-24). The county and the
5 county pension fund or retirement system shall provide the Division of
6 Pensions and Benefits any information it may require to administer this
7 act.

8
9 96. (New section) Immediately upon becoming a State employee,
10 all transferred employees shall become eligible for New Jersey
11 Temporary Disability Insurance and Unemployment Insurance benefits
12 consistent with the regulations of those programs. Employment
13 service with the county shall be credited toward any waiting periods
14 for coverage or eligibility for benefits under New Jersey Temporary
15 Disability Insurance and Unemployment Insurance.

16
17 97. (New section) a. Immediately upon becoming a State
18 employee, all transferred employees shall receive all health and medical
19 benefits, including dental and prescription drug plans, on the same
20 basis as other State employees. Employment service with the county
21 or the Judiciary shall be credited toward any waiting periods for
22 coverage or eligibility for benefits under the State program and plans
23 for transferred employees who elect coverage at the time they become
24 Department of Human Services employees.

25 b. All health and medical benefits otherwise provided for in either
26 county-negotiated collective negotiations agreements or in accordance
27 with county past practice or individual county policies or both shall be
28 pre-empted for transferred county welfare agency employees effective
29 January 1, 1999.

30
31 98. (New section) Any transferred employee who:
32 a. was a member of a county pension fund or retirement system on
33 December 31, 1998;
34 b. retires from employment as a State employee;
35 c. is eligible for and receives State payment of the premium or
36 periodic charges for health care benefits after retirement; and
37 d. pays the premium charges under Part A and Part B of the
38 federal Medicare program covering the retirant and the retirant's
39 spouse,
40 shall be reimbursed by the State for the premium charges under Part
41 A.

42
43 99. (New section) A transferred employee shall be eligible for
44 health care benefits after retirement on the same basis as other State
45 employees under the "New Jersey State Health Benefits Program Act,"
46 P.L.1961, c.49 (C.52:14-17.25 et seq.). In addition, notwithstanding

1 the provisions of section 8 of P.L.1961, c.49 (C.52:14-17.32) or
2 section 6 of P.L.1996, c.8 (C.52:14-17.28b) to the contrary, the State
3 shall pay the premium or periodic charges for health care benefits after
4 retirement for a transferred employee and the transferred employee's
5 dependents covered under the State health benefits program, but not
6 including survivors, if the transferred employee has at least 10 years
7 of service credited in the Public Employees' Retirement System
8 (PERS) or a county pension fund or retirement system as of December
9 31, 1998, retires from employment as a State employee, and is at least
10 62 years of age at the time of retirement, as follows:

11 a. for a transferred employee formerly employed by a county of
12 the fifth class having a population of not less than 220,000 but not
13 more than 230,000 according to the 1990 federal census, who has at
14 least 15 years of service with the county alone or in combination with
15 service as a State employee credited in PERS, for three years;

16 b. for a transferred employee formerly employed by a county of
17 the second class having a population of not less than 390,000 but not
18 more than 400,000 according to the 1990 federal census, who has at
19 least 15 years of service with the county alone or in combination with
20 service as a State employee credited in PERS, for 90 days;

21 c. for a transferred employee formerly employed by a county of
22 the second class having a population of not less than 500,000 but not
23 more than 510,000 according to the 1990 federal census, who has at
24 least 15 years of service with the county alone or in combination with
25 service as a State employee credited in PERS;

26 d. for a transferred employee formerly employed by a county of the
27 third class having a population of not less than 135,000 but not more
28 than 145,000 according to the 1990 federal census, who is a veteran
29 as defined in section 6 of P.L.1954, c.84 (C.43:15A-6) and has at least
30 20 years of service with the county alone or in combination with
31 service as a State employee credited in PERS;

32 e. for a transferred employee formerly employed by a county of
33 the second class having a population of not less than 420,000 but not
34 more than 430,000 according to the 1990 federal census, who has at
35 least 15 years of service with the county alone or in combination with
36 service as a State employee credited in PERS, and shall reimburse the
37 employee for premium charges under Part B of the federal Medicare
38 program covering the retired employee and the employee's spouse;

39 f. for a transferred employee formerly employed by a county of the
40 third class having a population of not less than 60,000 but not more
41 than 70,000 according to the 1990 federal census, who has at least 15
42 years of service with the county alone or in combination with service
43 as a State employee credited in PERS, and shall reimburse the
44 employee for premium charges under Part B of the federal Medicare
45 program covering the retired employee and the employee's spouse; and

46 g. for a transferred employee formerly employed by a county of

1 the third class having a population of not less than 90,000 but not
2 more than 100,000 according to the 1990 federal census, who has at
3 least 20 years of service with the county alone or in combination with
4 service as a State employee credited in PERS.

5
6 100. (New section) For the purposes of application of all
7 provisions of this act, the Commissioner of Human Services shall
8 review and recommend and the Commissioner of Personnel may void
9 as against public policy, any extraordinary adjustments made during
10 1997 and 1998 in employee salary, other compensation or benefits or
11 computation of years of credit of employment services, except that this
12 shall not apply to any collectively negotiated agreement.

13
14 101. The commissioner shall adopt regulations pursuant to the
15 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
16 necessary to carry out the purposes of sections 61 through 151 of this
17 act.

18
19 102. Section 2 of P.L.1981, c.417 (C.2A:17-56.8) is amended to
20 read as follows:

21 2. Every complaint, notice or pleading for the entry or
22 modification of **[an] a support order [of a] and every court order**
23 which includes child support shall include a written notice to the
24 obligor stating that the child support provision of the order shall, and
25 the **[medical support] health care coverage** provision may, as
26 appropriate, be enforced by an income withholding upon the current
27 or future income due from the obligor's employer or successor
28 employers and upon the unemployment compensation benefits due the
29 obligor and against debts, income, trust funds, profits or income from
30 any other source due the obligor except as provided in section 3 of
31 P.L.1981, c.417 (C.2A:17-56.9). The written notice shall also state
32 that the driver's license and professional or occupational licenses, or
33 recreational or sporting license in accordance with P.L.1996, c.7
34 (C.2A:17-56.40 et seq.), held or applied for by the obligor may be
35 denied, suspended or revoked if: the child support arrearage is equal
36 to or exceeds the amount of child support payable for six months; the
37 obligor fails to provide health **[insurance] care coverage** for the
38 children as ordered by the court for six months; or the obligor fails to
39 respond to a subpoena relating to a paternity or child support
40 proceeding; or a warrant for the obligor's arrest has been issued by the
41 court due to failure to pay child support as ordered, failure to appear
42 at a hearing to establish paternity or child support, or failure to appear
43 at a hearing to enforce a child support order and said warrant remains
44 outstanding. The written notice shall also state that the amount of a
45 Title IV-D child support order and the provisions for [medical
46 support] health care coverage shall be reviewed and updated, as

1 necessary, at least every three years. The court shall advise the parties
2 of the availability of enforcement services and the triennial review
3 program provided by the division and shall make an application for
4 Title IV-D services available upon request.

5 The court shall ensure that in the case of each obligor against whom
6 a support order is or has been issued or modified, the obligor's income
7 shall be withheld to comply with the order. An amount shall be
8 withheld to pay the support obligation and it shall include an amount
9 to be applied toward liquidation of arrearages reduced to judgments,
10 payments for paternity testing procedures and provisions for **medical**
11 **support** health care coverage when applicable. These provisions shall
12 also be applicable to all orders issued on or before the effective date
13 of **[this act]** P.L.1985, c.278417 (C.2A:17-56.16 et seq.).

14 A support provision contained in an order or judgment issued by
15 the court shall be paid by income withholding unless the order or
16 judgment specifically provides for an alternative payment arrangement
17 to which the parties agree in writing or the obligor or obligee
18 demonstrates and the court finds good cause for establishing an
19 alternative arrangement.

20 (cf: P.L.1996, c.7, s.1)

21

22 103. Section 3 of P.L.1981, c.417 (C.2A:17-56.9) is amended to
23 read as follows:

24 3. **[The income withholding shall be initiated by the probation**
25 **department of the county in which the obligor resides immediately**
26 **after the court order has been issued; except that immediate**
27 **withholding shall not apply in those cases in which the obligor and**
28 **obligee agree in writing to an alternative arrangement or the obligor**
29 **or obligee demonstrates and the court finds good cause for**
30 **establishing an alternative arrangement.] For support obligations that**
31 **are payable through the division, the division shall mail the notice of**
32 **immediate withholding to the payor if the payor is known. If the**
33 **obligor's source of income is unknown at the time the division receives**
34 **the support order, the division shall mail the notice to the payor within**
35 **the time frame required pursuant to federal law. If an [immediate**
36 **withholding is not ordered, due to the above exception] alternative**
37 **payment arrangement has been ordered as provided in section 2 of**
38 **P.L.1981, c.417 (C.2A:17-56.8) or [an] a support order entered prior**
39 **to the effective date of [this act] P.L.1990, c.92 (C.2A:17-56.9a et**
40 **seq.), the income withholding shall be initiated by the division when**
41 **the obligor has failed to make [a] the required child support payment**
42 **[allocated or unallocated that] and has arrearages accrued equal to the**
43 **amount of the support payable for 14 days. Subject to the provisions**
44 **of [this act, the] P.L.1981, c.417 (C.2A:17-56.7 et seq.), an income**
45 **withholding shall be initiated by the division and shall take effect**

1 without amendment to the support order or further court or
2 quasi-judicial action and without regard to any alternative
3 arrangements entered into by the parties or ordered by the court.

4 The total amount of income to be withheld shall not exceed the
5 maximum amount permitted under section 303 (b) of the federal
6 Consumer Credit Protection Act (15 U.S.C. s. 1673 (b)). The income
7 withholding shall be carried out in full compliance with all procedural
8 due process requirements. The **【Administrative Office of the Courts】**
9 division shall establish procedures for promptly terminating the
10 withholding when necessary and for promptly refunding amounts
11 which have been improperly withheld.

12 If an obligor under a support order issued in another state has
13 income derived from within this State, the division shall comply with
14 the applicable provisions of chapter 17 of Title 2A of the New Jersey
15 Statutes and promptly implement withholding. The payor shall be
16 required to comply with the income withholding notice serviced upon
17 the payor pursuant to section 5 of P.L.1981, c.417 (C.2A:17-56.11).
18 If the obligor terminates employment within the State, the division
19 shall notify the state in which the order was issued of the obligor's
20 termination of employment and the obligor's new employer and any
21 new address, if known.

22 When an income withholding decision has been issued in this State,
23 it shall promptly be forwarded to the appropriate child support agency
24 in the payor's state. All procedural due process requirements of the
25 state Title IV-D agency where the obligor has income shall apply to
26 the income withholding.

27 (cf: P.L.1990, c.92, s.2)

28

29 104. Section 5 of P.L.1990, c.92 (C. 2A:17-56.9a) is amended to
30 read as follows:

31 5. At least once every three years **【all IV-D orders for child**
32 **support payments shall be subject to】** , unless the State has developed
33 an automatic cost-of-living adjustment for support payments, the
34 parties subject to a Title IV-D support order shall be provided notice
35 of their right to request a review, which shall be conducted in
36 accordance with the rules promulgated by the **【IV-D Agency】** division
37 in consultation with the Supreme Court. Such review shall take into
38 account any changes in the financial situation or related circumstances
39 of both parties and whether the order of child support is in full
40 compliance with the **【Child Support Guidelines set forth in the Rules**
41 **Governing the Courts of the State of New Jersey, R.5:6A】** child
42 support guidelines.

43 Upon completing the review and if a change in the amount of child
44 support is recommended, the **【State IV-D or designee】** division shall
45 so notify the obligor and obligee in writing of the child support amount
46 that is recommended. The obligor and obligee shall be afforded **【not**

1 less than] 30 days after such notification to file with the [IV-D agency
2 and the court] division a challenge to such proposed adjustment or
3 determination. [The] If proof exists that the obligor and obligee have
4 been provided with notice of the proposed adjustment, the court shall
5 adjust the child support amount [will be adjusted accordingly by the
6 court] as proposed by the division if either party does not challenge
7 the recommended award within the prescribed time or fails to show
8 good cause why the adjustment should not occur.

9 In accordance with section 351 of Pub.L.104-193, a proof or
10 showing of a change in circumstances shall not be required prior to
11 commencement of a review under the three-year review process;
12 however, a proof or showing of a substantial change in circumstances
13 shall be required prior to commencement of a review outside the three-
14 year review process.

15 (cf: P.L.1990, c.92, s.5)

16

17 105. Section 6 of P.L.1990, c.92 (C. 2A:17-56.9b) is amended to
18 read as follows:

19 6. a. The Commissioner of Human Services shall, in accordance
20 with the "Administrative Procedure Act," P.L.1968, c.410
21 (C.52:14B-1 et seq.), adopt and promulgate such rules and regulations
22 as may be necessary for the implementation of [this act] P.L.1990,
23 c.92 (C.2A:17-56.9a et seq.).

24 b. The Supreme Court shall promulgate rules and procedures as
25 may be necessary for the implementation of [this act] P.L.1990, c.92
26 (C.2A:17-56.9a et seq.) by the courts [and probation departments].

27

28 (cf: P.L.1990, c.92, s.6)

29

30 106. Section 4 of P.L.1981, c.417 (C.2A:17-56.10) is amended to
31 read as follows:

32 4. a. [The probation department] If an income withholding
33 initiated by the division is required pursuant to section 3 of P.L.1981,
34 c.417 (C.2A:17-56.9), the division shall notify the obligor of the
35 income withholding by [certified or registered] regular mail [with
36 return receipt requested] to the obligor's last known address. The
37 notice to the obligor shall be [postmarked no later than 10 days after
38 the date on which the application was filed] mailed at the same time
39 as the notice to the payor, and shall inform the obligor that the
40 withholding [shall take effect 10 days after the postmark date of the
41 notice unless the obligor contests the withholding] has commenced in
42 accordance with section 314 of Pub.L.104-193. The notice to the
43 obligor shall also include all of the information regarding the
44 withholding that is included in the notice to the payor. An obligor may
45 contest a withholding only on the basis of mistake of fact. The notice

1 to the obligor shall include but need not be limited to: the amount to
2 be withheld, including an amount to be applied toward liquidation of
3 arrearages; a statement that the withholding applies to current and
4 subsequent sources of income; the methods available for contesting the
5 withholding on the grounds that the withholding is not proper because
6 of mistake of fact; the period within which the **【probation department**
7 **shall】** division may be contacted in order to contest the withholding
8 **【and that failure to do so will result in notifying the payor to begin**
9 **withholding; and the actions the probation department will take if the**
10 **individual contests the withholding】** ; and the procedures to follow if
11 the obligor desires to contest the withholding on the grounds that the
12 withholding or the amount thereof is improper due to a mistake of
13 fact.

14 If an obligor contests the proposed withholding, the **【probation**
15 **department】** division shall schedule a **【hearing】** review within 20 days
16 after receiving notice of contest of the withholding. If it is determined
17 that the withholding is to **【occur】** continue, the **【probation**
18 **department】** division shall provide notice to the obligor. **【Notice to**
19 **the obligor shall include the time within which the withholding is to**
20 **begin.】** Notice to the obligor shall also include all of the information
21 that is included in the notice to the payor in section 5 of **【this act】**
22 P.L.1981, c.417 (C.2A:17-56.11). The division shall notify the obligor
23 **【shall be notified by the probation department】** of the results of the
24 review within five days of the **【determination made at the hearing】**
25 date of the review.

26 b. **【The probation department shall prepare the income**
27 **withholding notice the obligor does not contest the withholding or has**
28 **exhausted all procedures established by the Administrative Office of**
29 **the Courts for contesting the withholding】**. The income withholding
30 shall include requirements that a payor withhold the amount, and
31 enroll the child in the obligor's health care coverage plan, if available,
32 as specified in the notice and shall include a statement that the total
33 amount **【actually】** withheld for support and for other purposes may
34 not be in excess of the amount allowed under section 303(b) of the
35 federal Consumer Credit Protection Act (15 U.S.C.s.1673(b)). **【On**
36 **any】** If the court enters an order modifying alimony, maintenance or
37 child support **【based upon changed circumstances】**, the division shall
38 amend the income withholding amount **【shall also be changed】**
39 accordingly. This income withholding shall have priority over any
40 other withholdings and garnishments without regard to the dates **【of】**
41 that the other income withholdings or garnishments were issued.

42 c. An income withholding made under **【this act】** P.L.1981, c.417
43 (C.2A:17-56.7 et seq.) shall continue **【in full force and effect until**
44 **such time as a court order to the contrary is entered upon the**
45 **liquidation of all arrearages】** until terminated by a court or noticed by

1 the division.

2 d. Where there is more than one support order for withholding
3 against a single obligor, the payor shall withhold the payments to fully
4 comply with the court orders on a pro rata basis to the extent that the
5 total amount withheld from the obligor's **【wages】** income does not
6 exceed the limits allowed under section 303(b) of the federal
7 Consumer Credit Protection Act (15 U.S.C.s.1673(b)). Payors may
8 combine withheld amounts in a single payment **【for each appropriate**
9 **probation department requesting withholding】** and separately identify
10 the portion of the payment which is attributable to each **【individual】**
11 obligor.

12 (cf: P.L.1985, c.278, s.4)

13

14 107. Section 5 of P.L.1981, c.417 (C.2A:17-56.11) is amended to
15 read as follows:

16 5. a. An income withholding made under **【this act】** P.L.1981,
17 c.417 (C.2A:17-56.7 et seq.) and provisions for **【medical support】**
18 health care coverage shall be binding upon the payor and successor
19 payors immediately after service upon the payor by the **【probation**
20 **department】** division of a copy of the income withholding and an
21 order for the provision of **【medical support】** health care coverage~~【, by~~
22 ~~registered or certified mail with return receipt requested until further~~
23 ~~order】~~. The payor is to pay the withheld amount to the **【probation**
24 **department】** division at the same time the obligor is paid. The payor
25 shall implement withholding and the provisions for **【medical support】**
26 health care coverage no later than the first pay period that ends
27 immediately after the date the notice was postmarked, except that the
28 payor is not required to alter regular pay cycles to comply with the
29 withholding. For each payment, other than payment received from the
30 unemployment compensation fund, the payor may receive \$1.00, which
31 shall be deducted from the obligor's income in addition to the amount
32 of the support order to compensate the payor for the administrative
33 expense of processing the withholding.

34 Notice to the payor shall include, but not be limited to, instructions
35 for the provisions for **【medical support】** health care coverage, the
36 amount to be withheld from the obligor's income and a statement that
37 the total amount **【actually】** withheld for support and other purposes
38 may not be in excess of the maximum amount permitted under section
39 303 (b) of the federal Consumer Credit Protection Act (15 U.S.C.
40 s.1673 (b)); that the payor shall send the amount to the **【probation**
41 **department】** division at the same time the obligor is paid, unless the
42 **【probation department】** division directs that payment be made to
43 another individual or entity; that the payor may deduct and retain a fee
44 of \$1.00 in addition to the amount of the support order except when
45 the payment is received from the unemployment compensation fund;

1 that withholding is binding on the payor until further notice by the
2 **【probation department】 division**; that, in accordance with section 6 of
3 P.L.1981, c.417 (C.2A:17-56.12), the payor is subject to a fine and
4 civil damages as determined by the court for discharging an obligor
5 from employment, refusing to employ, or taking disciplinary action
6 against an obligor subject to an income withholding because of the
7 withholding or any obligation which it imposes upon the payor; that
8 the payor is subject to a fine as determined by the court for failure to
9 withhold support from the obligor's income or pay the withheld
10 amount to the division; that if the payor fails to take appropriate action
11 with regard to the provisions for **【medical support】 health care**
12 coverage or withhold wages in accordance with the provisions of the
13 notice, the payor is liable for any medical expenses incurred by the
14 children subject to the provisions for **【medical support】 health care**
15 coverage and any amount up to the accumulated amount the payor
16 should have withheld from the obligor's income; that the withholding
17 shall have priority over any other legal process under State law against
18 the same **【wages】 income**; that the payor may combine withheld
19 amounts from the obligor's **【wages】 income** in a single payment to
20 **【each appropriate agency requesting withholding】 the division** and
21 separately identify the portion of the single payment which is
22 attributable to each **【individual】 obligor**; that if there is more than one
23 support order for withholding against a single obligor, the payor shall
24 withhold the payments on a pro rata basis to fully comply with the
25 support orders, to the extent that the total amount withheld does not
26 exceed the limits imposed under section 303 (b) of the federal
27 Consumer Credit Protection Act (15 U.S.C. s.1673 (b)); that the payor
28 shall implement withholding no later than the first pay period that ends
29 immediately after the date the notice was postmarked, except that the
30 payor is not required to alter regular pay cycles to comply with the
31 withholding; and that the payor shall notify the **【probation**
32 **department】 division** promptly upon the termination of the obligor's
33 employment benefits and provide the obligor's last known address and
34 the name and address of the obligor's new payor, if known.

35 A payor served with an income withholding notice shall be liable to
36 the obligee for failure to deduct the amounts specified. The obligee or
37 the division may commence a proceeding against the payor for accrued
38 deductions, together with interest and reasonable attorney's fees.

39 In accordance with section 314 of Pub.L.104-193, a payor who
40 complies with an income withholding notice that is regular on its face
41 shall be immune from civil liability for conduct in compliance with the
42 notice.

43 b. When a payor receives an income withholding notice issued by
44 another state, the payor shall apply the income withholding law of the
45 state in which the obligor's principal place of employment is located in

1 determining:

2 (1) the payor's fee for processing the income withholding;

3 (2) the maximum amount permitted to be withheld from the
4 obligor's income;

5 (3) the time periods within which the payor must implement the
6 income withholding order and forward the child support payment;

7 (4) the priorities for withholding and allocating income withheld for
8 multiple obligees; and

9 (5) any withholding terms or conditions not specified in the support
10 order or notice.

11 (cf: P.L.1995, c.58, s.3)

12

13 108. Section 1 of P.L.1995, c.287 (C.2A:17-56.11a) is amended
14 to read as follows:

15 1. When an obligor is eligible for health benefits plan coverage
16 which includes dependents and is available through an employer in this
17 State, and the obligor is required by a court **【or administrative】** order
18 to provide **【medical support】** health care coverage for his child, the
19 employer who is the payor shall:

20 a. Permit the obligor to enroll his child under the health benefits
21 plan as a dependent, without regard to any enrollment season
22 restrictions;

23 b. Permit the child's other parent, or the Division of Medical
24 Assistance and Health Services as the State Medicaid agency or the
25 Division of **【Family Development】** Child Support Services as the State
26 IV-D agency, **【in the Department of Human Services,】** to enroll the
27 child under the health benefits plan if the obligor, who is the covered
28 person, fails to enroll the child;

29 c. Not terminate coverage of the child unless:

30 (1) the obligor provides the payor with satisfactory written
31 evidence that the court **【or administrative】** order is no longer in effect,
32 or the child is or will be enrolled in a comparable health benefits plan
33 whose coverage will be effective on the date of the termination of
34 coverage, or

35 (2) the payor is no longer providing or making available to its
36 employees health benefits plan coverage which includes dependents;
37 and

38 d. Withhold from the obligor's compensation the obligor's share,
39 if any, of premiums for health benefits plan coverage for the obligor
40 and the obligor's dependent and pay the withheld amount to the health
41 benefits plan carrier or administrator, as appropriate, subject to federal
42 regulations. The total amount withheld from an obligor's income shall
43 not exceed the maximum amount permitted to be withheld under
44 section 303(b) of the federal "Consumer Credit Protection Act," 15
45 U.S.C. 1673(b).

46 (cf: P.L.1995, c.287, s.1)

1 109. Section 1 of P.L.1995, c.290 (C.2A:17-56.11b) is amended to
2 read as follows:

3 1. The income withholding provisions of P.L.1981, c.417
4 (C.2A:17-56.7 et seq.) shall be extended to include a withholding of
5 income from the party responsible for maintaining **【medical support】**
6 health care coverage for a child under a child support order issued
7 pursuant to the provisions of N.J.S.2A:34-23 when the child is eligible
8 for medical assistance pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.)
9 and the party responsible for maintaining **【medical support】** health
10 care coverage has received payment from a third party for the cost of
11 health care services provided to the child but has not reimbursed the
12 obligee or the health care provider who provided the services for the
13 amount of the payment. A payment received on or after April 1, 1995
14 shall be subject to the provisions of this section.

15 The income withholding shall be subject to the following
16 conditions: a. the amount of income withheld shall be to the extent
17 necessary to reimburse the Division of Medical Assistance and Health
18 Services in the Department of Human Services for the costs it incurred
19 in covering the health care services for which the party responsible for
20 maintaining **【medical support】** health care coverage received the
21 payment; and b. the income withholding to reimburse the division shall
22 be subordinate in priority to any other withholding under a child
23 support order.

24 The Division of Medical Assistance and Health Services **【in the**
25 **Department of Human Services】** as the State Medicaid agency, in
26 consultation with the **【Administrative Office of the Courts】** division
27 as the State IV-D agency, may initiate procedures for the withholding
28 of income pursuant to this section.

29 As used in this section, "third party" means a third party as defined
30 in section 3 of P.L.1968, c.413 (C.30:4D-3).

31 (cf: P.L.1995, c.290, s.1)

32

33 110. Section 6 of P.L.1981, c.417 (C.2A:17-56.12) is amended to
34 read as follows:

35 6. The payor may not use an income withholding or any obligation
36 which it imposes upon the payor as a basis for the discharge of any
37 obligor or for any disciplinary action against the obligor. A payor who
38 discharges or disciplines an obligor in violation of **【this act】** P.L.1981,
39 c.417 (C.2A:17-56.7 et seq.) or who discriminates in hiring because
40 of an income withholding or a potential withholding is a disorderly
41 person. Any obligor claiming to be aggrieved by an unlawful discharge
42 may initiate suit in Superior Court for damages and reinstatement of
43 employment. In any action, the prevailing party may be awarded
44 reasonable attorney's fees; provided however, that no attorney's fees
45 shall be awarded to the respondent unless there is a determination that
46 the action was brought in bad faith. In addition to any other relief or

1 affirmative action provided by law, the payor may be liable for twofold
2 compensatory damages. Compensatory damages shall include the
3 costs of proving the discharge, out-of-pocket expenses, and lost
4 income. If the payor fails to withhold the amount of the order, the
5 payor is liable for amounts up to the accumulated amount the payor
6 should have withheld. Payors shall notify the **【probation department】**
7 division promptly of the termination of the obligor's employment and
8 provide the obligor's last known address and the name and address of
9 the obligor's new payor, if known.

10 (cf: P.L.1985, c.278, s.6)

11

12 111. Section 7 of P.L.1981, c.417 (C.2A:17-56.13) is amended to
13 read as follows:

14 7. In every award for alimony, maintenance or child support
15 payments the judgment or order shall provide that payments be made
16 through the **【probation department of the county in which the obligor**
17 **resides】** division, unless the court, for good cause shown, otherwise
18 orders. Upon entry of the judgment or order, the parties shall provide
19 the court and the division with their Social Security numbers,
20 residential and mailing addresses, telephone numbers, driver's license
21 numbers, and the name, address and telephone number of their
22 employers. Each judgment or order **【for alimony, maintenance or**
23 **child support】** shall **【include an order】** require that the obligor and
24 obligee notify the **【appropriate probation department】** division of any
25 change of payor or change of address within 10 days of the change.
26 Failure to provide this information shall be considered a violation of
27 this order.

28 The order shall also inform the obligor that the address provided to
29 the division shall be the address of record for subsequent support
30 enforcement actions and that service of legal documents at that
31 address shall be effective for the purpose of meeting due process
32 requirements.

33 **【Service at the address of record of all summonses, pleadings, or**
34 **notices shall be effective for all purposes.】** For the purposes of
35 enforcing a support provision, the court may deem procedural due
36 process requirements for notice and service of process to be met with
37 respect to a party thereto upon delivery of written notice to the most
38 recent residential or employer address filed with the division for that
39 party. If a party fails to respond to a notice and no proof is available
40 that the party received the notice, the division shall document to the
41 court that it has made a diligent effort to locate the party by making
42 inquiries that may include, but are not limited to: the United States
43 Postal Service, the Division of Motor Vehicles in the Department of
44 Transportation, and the Departments of Labor and Corrections. The
45 division shall provide an affidavit to the court presenting such
46 documentation of its diligent effort, which certifies its inability to

1 locate the party, before any adverse action is taken based upon the
2 party's failure to respond to the notice. When an obligor changes
3 employment within the State while income withholding is in effect, the
4 **【probation department】** division shall notify the new payor that the
5 withholding is binding on the new payor. When **【a probation**
6 **department】** the division is unable to locate the obligor's current payor
7 in order to effectuate an income withholding under **【this act】**
8 P.L.1981, c.417 (C.2A:17-56.7 et seq.), the **【probation department】**
9 division is authorized to utilize any other procedure authorized by law
10 to obtain this information.
11 (cf: P.L.1985, c.278, s.7)

12

13 112. Section 1 of P.L.1990, c.53 (C.2A:17-56.13a) is amended to
14 read as follows:

15 1. a. **【 Every probation department】** The division may establish a
16 system to accept alimony, maintenance or child support payments
17 through electronic funds transfer, credit card, or any other method
18 deemed feasible by the **【department】** division.

19 b. **【The Supreme Court of the State of New Jersey shall adopt**
20 **Rules of Court appropriate or necessary to effectuate the purpose of**
21 **this act.】**~~(Deleted by amendment, P.L. , c.)~~
22 (cf: P.L.1990, c.53, s.1)

23

24 113. Section 8 of P.L.1981, c.417 (C.2A:17-56.14) is amended to
25 read as follows:

26 8. An obligee who has not established a Title IV-D case through
27 the **【probation department shall file 】** division may do so by filing an
28 affidavit **【when】**. When applying for the income withholding, **【stating】**
29 the affidavit shall state that the child support payments **【not made for】**
30 are delinquent and that support arrearages have accrued **【arrearages】**
31 in an amount equal to the amount of support payable for 14 days. The
32 **【probation department】** division shall administer the withholding in
33 accordance with procedures specified for keeping adequate records to
34 document, track, and monitor support payments **【or establish or**
35 **permit the establishment of alternative procedures for the collection**
36 **and distribution of amounts withheld by an entity other than a**
37 **designated public agency】**. Alimony, maintenance or child support
38 payments not presently made through the **【probation department】**
39 division shall be so made upon application of either party and notice
40 to the other party **【unless the other party upon application to the court**
41 **shows good cause to the contrary】**. If the other party contests this
42 action or disputes the amount of support due, the matter shall be
43 referred to the court for resolution.

44 **【A monitoring】** If a party has not established a Title IV-D case
45 through the division and requests services from the division that are

1 limited to payment disbursement and monitoring, a fee of \$25.00
2 annually shall be **applied** assessed upon **the request of either the**
3 **obligor or obligee for the payment of support through the probation**
4 **department** that party, regardless of whether or not arrearages exist
5 or withholding procedures have been instituted. The **probation**
6 **department** division shall monitor all amounts paid and the dates of
7 payments and record them separately. **The court and the probation**
8 **department shall follow the procedures established in this act.**

9 (cf: P.L.1990, c.92, s.4)

10

11 114. Section 13 of P.L.1985, c.278 (C.2A:17-56.16) is amended
12 to read as follows:

13 13. The **Administrative Office of the Courts** department shall
14 promulgate rules and regulations concerning procedures for
15 determining which support cases, and which cases of indebtedness in
16 accordance with section 1 of P.L.1995, c.290 (C.2A:17-56.11b), are
17 appropriate for application of tax setoff, for verifying the accuracy of
18 the amounts referred for setoff, notifying the State Department of the
19 Treasury of any child support and other indebtedness subject to
20 section 1 of P.L.1981, c.239 (C.54A:9-8.1) and changes thereto, and
21 any other procedures necessary to comply with Pub.L. 98-378.

22 (cf: P.L.1995, c.290, s.2)

23

24 115. Section 17 of P.L.1985, c.278 (C.2A:17-56.20) is amended to
25 read as follows:

26 17. a. In enforcing all existing and future support orders **for**
27 **support**, and notwithstanding other provisions to the contrary, the
28 **State IV-D agency** division, without a new order, shall have the
29 authority to assess interest or late payment fees on any support order
30 not paid within 30 days of the due date.

31 b. The late payment fee or interest shall be determined by the
32 **State IV-D agency** division within amounts specified by the federal
33 Department of Health and Human Services.

34 c. The fee or interest shall accrue as arrearages accumulate and
35 shall not be reduced upon partial payment of **arrears** arreages.
36 The fee or interest may be collected only after the full amount of
37 overdue support is paid and all State requirements for notice to the
38 obligor have been met.

39 d. The collection of the fee or interest shall not directly or
40 indirectly reduce the amount of current or overdue support paid to the
41 obligee to whom it is owed.

42 e. The late payment fee or interest shall be uniformly applied in all
43 cases administered under the **State IV-D program** New Jersey Child

1 Support Program, including public assistance, nonpublic assistance,
2 and foster care cases.
3 (cf: P.L. 1985, c.278, s.17)

4
5 116. Section 18 of P.L.1985, c.278 (C.2A:17-56.21) is amended to
6 read as follows:

7 18. a. The **【State IV-D agency】** division shall have the authority
8 to make available **【information on】** the name of any delinquent obligor
9 and the amount of overdue support owed by 【obligors】 the obligor to
10 **【consumer】** credit reporting agencies upon their request, subject to
11 the conditions set forth in this section and privacy safeguards
12 established by the commissioner. This information shall be provided
13 only to an entity that has demonstrated to the satisfaction of the
14 division that the entity is a credit reporting agency.

15 b. In all **【State】** Title IV-D 【agency】 cases where the obligor is
16 **【more than \$1,000.00】** in arrears, the information shall be made
17 available upon the **【consumer】** credit reporting agency's request and
18 may be made available in all other cases.

19 c. The **【State IV-D agency】** division may establish a fee for all
20 requests which will be uniformly applied in all Title IV-D cases. Any
21 fee charged shall be limited to the actual cost of providing the
22 information.

23 d. **【The obligor shall receive written notice that the information**
24 **will be made available to the credit reporting agency. The obligor**
25 **shall have an opportunity to contest the accuracy of the information.】**
26 Information on arrearages shall be reported to credit reporting
27 agencies only after the obligor has been afforded procedural due
28 process required under State law including notice, an opportunity to
29 contest the proposed reporting with the division due to a mistake of
30 fact, and notice of the right to appeal to the court. Notice to the
31 obligor of reporting to a credit reporting agency shall be served on the
32 obligor's most recent address on file with the division.

33 e. The **【State IV-D agency】** shall comply with all applicable
34 procedural due process requirements before releasing **【division may**
35 **request information on an obligor from a credit reporting agency only**
36 **after noticing the obligor of the division's intent to request the**
37 information.

38 (cf: P.L.1985, c.278, s.18)

39
40 117. Section 19 of P.L.1985, c.278 (C.2A:17-56.22) is amended to
41 read as follows:

42 19. a. The **【State IV-D agency】** division shall have the authority
43 to charge an application fee to individuals **【not receiving Aid to**
44 **Families with Dependent Children】** not participating in public
45 assistance programs which require cooperation for the purposes of

1 Title IV-D who apply for Title IV-D services.

2 b. The application fee shall be uniformly applied on a Statewide
3 basis and shall be a flat dollar amount not to exceed \$25.00 or other
4 amount as may be appropriate for any fiscal year to reflect
5 administrative costs.

6 c. The fee shall be collected directly from the obligee who applied
7 for Title IV-D services.

8 d. The **【State IV-D agency】** commissioner shall determine by
9 regulation the distribution of the fees collected.

10 (cf: P.L.1985, c.278, s.19)

11

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

14 1. Any payment or installment of an order for child support, or
15 those portions of an order which are allocated for child support**【,**
16 whether ordered in this State or in another state,**】** shall be fully
17 enforceable and entitled to full faith and credit in this or any other
18 State and shall be a judgment by operation of law on and after the date
19 it is due. For obligors who reside or own property in this State, such
20 judgments shall have the same force and effect as a civil money
21 judgment entered by the court, shall be subject to the same
22 enforcement methods as civil money judgments, and shall be a lien
23 against real and personal property when the amount of overdue
24 support equals or exceeds the amount of support payable. The State
25 shall accord full faith and credit to child support judgments or liens of
26 other states, whether arising by operation of law or having been
27 entered by a court or administrative agency, when a Title IV-D
28 agency, a party, or other entity seeking to enforce such a judgment or
29 lien in this State files a Notice of Interstate Lien, in the form
30 prescribed by the federal Office of Child Support Enforcement, and
31 supporting documents with the Clerk of the Superior Court. An action
32 to domesticate a foreign child support judgment or lien shall be
33 consistent with the "Uniform Enforcement of Foreign Judgments Act,"
34 P.L. 1997, c.204 (C.2A:49A-25 et seq.). With the exception of bank
35 levies and liens against civil lawsuits, worker's compensation awards,
36 and settlements as provided in P.L. , c. (C.) (pending before
37 the Legislature as this bill) which shall be administered by the division,
38 liens against real and personal property shall be subject to the same
39 enforcement procedures as other civil money judgments except that no
40 judicial notice or hearing shall be required to enforce the lien. No
41 payment or installment of an order for child support, or those portions
42 of an order which are allocated for child support established prior to
43 or subsequent to the effective date of P.L.1993, c.45
44 (C.2A:17-56.23a), shall be retroactively modified by the court except
45 with respect to the period during which there is a pending application
46 for modification, but only from the date **【the】** that an application to

1 the division or a notice of motion was mailed either directly or through
2 the appropriate agent. The [written notice will] application or notice
3 of motion shall state the date that [a change of circumstances has
4 occurred and] an application for modification of the order has been
5 filed with the division, or that a motion for modification of the order
6 will be filed within 45 days. In the event that an application is not filed
7 with the division or a motion is not filed within the 45-day period,
8 modification shall be permitted only from the date that the application
9 is filed with the division or the motion is filed with the court.

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

14
15 119. Section 1 of P.L.1995, c.322 (C.2A:17-56.34) is amended to
16 read as follows:

17 1. [The county probation department, the State IV-D agency and
18 its designees] Subject to privacy safeguards, the division and the court
19 shall be authorized to receive information concerning putative fathers
20 and child support obligors from the following sources through
21 electronic or other appropriate means:

22 a. To the extent permitted by R.S.54:50-9, records of the Division
23 of Taxation in the Department of the Treasury containing information
24 concerning an obligor's income or assets;

25 b. Direct, on-line access to the Division of Motor Vehicles'
26 records, including, where possible, interface between automated
27 systems;

28 c. Any record, paper, document or entity deemed by the
29 [probation department, the IV-D agency or its designee] division to
30 be a potential source of information concerning an obligor's income or
31 assets. In order to obtain information pursuant to this subsection, the
32 [probation department and the IV-D agency] division shall have the
33 authority, as designated by the [Commissioner of the Department of
34 Human Services] commissioner, to compel the production of books,
35 papers, accounts, records and documents by subpoena. The subpoena
36 shall be served by certified and regular mail in accordance with court
37 rules on the person or entity in possession of the information or record
38 that is sought and such service shall be considered consistent with
39 procedural due process requirements. In all other respects, a subpoena
40 issued under this section shall be subject to the same procedures as a
41 subpoena issued by other agencies of this State. Actions relating to a
42 subpoena issued under this section shall be heard in the court;

43 d. State lottery prize payments in excess of \$600 made by the
44 Department of the Treasury;

45 e. Record of a judgment or settlement of any civil action where

1 a party is entitled to receive a monetary award made by the court or
2 an inheritance; and

3 f. Record of an out-of-court settlement.

4 (cf: P.L.1995, c.322, s.1)

5

6 120. Section 2 of P.L.1995, c.322 (C.2A:17-56.35) is amended to
7 read as follows:

8 2. a. If the **【State IV-D agency and its designees are】** division is
9 unable to obtain information pursuant to section 1 of 【this act】
10 P.L.1995, c.322 (C.2A:17-56.34), then the **【agency and its designees】**
11 division may seek verifying information from public utility **【records】**
12 and cable television companies as required by Pub.L.104-193. Such
13 information shall be limited to identifying information necessary to
14 establish the name and address, or residency, if different from the
15 address, of putative fathers and child support obligors.

16 b. A public utility or cable television company shall not be liable
17 for damages for any civil action which may result from complying with
18 the provisions of **【this act】** P.L.1995, c.322 (C.2A:17-56.34 et seq.).

19 c. A long distance carrier shall be exempt from the provisions of
20 **【this act】** P.L.1995, c.322 (C.2A:17-56.34 et seq.).

21 (cf: P.L.1995, c.322, s.2)

22

23 121. Section 4 of P.L.1995, c.322 (C.2A:17-56.36) is amended to
24 read as follows:

25 4. The Commissioner of Human Services shall, in accordance with
26 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
27 seq.), and in conjunction with the **【Supreme Court, the】** Division of
28 Motor Vehicles**【, the Administrative Office of the Courts】** in the
29 Department of Transportation and the Department of the Treasury,
30 adopt and promulgate such rules and regulations as may be necessary
31 for the implementation of **【this act】** P.L.1995, c.322 (C.2A:17-56.34
32 et seq.), including, but not limited to: the protection of the confidential
33 use of the information concerning putative fathers and child support
34 obligors to safeguard against the unauthorized use, disclosure or
35 publication of the information; and, the establishment of penalties for
36 those cases in which the information is improperly used, disclosed or
37 published beyond the purposes of this act.

38 (cf: P.L.1995, c.322, s.4)

39

40 122. Section 3 of P.L.1996, c.7 (C.2A:17-56.41) is amended to
41 read as follows:

42 3. a. If the child support arrearage equals or exceeds the amount
43 of child support payable for six months or court-ordered health
44 **【insurance】** care coverage for the child is not provided for six months,
45 or the obligor fails to respond to a subpoena relating to a paternity or

1 child support action, or a child support-related warrant exists, and the
2 obligor is found to possess a license in the State and all appropriate
3 enforcement methods to collect the child support arrearage **[**, as
4 defined in section 2 of P.L.1996, c.7 (C.2A:17-56.40)**]** have been
5 exhausted, **[the Probation Division]**the division shall send a written
6 notice to the obligor, by certified and regular mail, return receipt
7 requested, at the obligor's last-known address or place of business or
8 employment, advising the obligor that the obligor's license **[shall]** may
9 be revoked or suspended unless, within 30 days of the postmark date
10 of the notice, the obligor pays the full amount of the child support
11 arrearage, or provides proof that health **[insurance]** care coverage for
12 the child has been obtained, or responds to a subpoena, or makes a
13 written request for a court hearing to the **[Probation Division]**
14 division. The obligor's driver's license shall be suspended by operation
15 of law upon the issuance of a child support-related warrant. If a child
16 support- related warrant for the obligor exists, the professional,
17 occupational, recreational or sporting license revocation or suspension
18 **[process]** shall be terminated if the obligor pays the full amount of the
19 child support arrearage, provides proof that health **[insurance]**care
20 coverage for the child has been obtained as required by the court
21 order, or surrenders to the county sheriff or the **[Probation Division]**
22 division.

23 b. If the obligor fails to take one of the actions in subsection a. of
24 this section within 30 days of the postmark date of the notice and there
25 is proof that service on the obligor was effective, the **[Probation**
26 **Division]** division shall file a certification with the court setting forth
27 the obligor's non-compliance with the support order and the obligor's
28 failure to respond to the written notice of the potential license
29 suspension or revocation. If, based on the papers filed by the
30 **[Probation Division]** division, the court is satisfied that service on the
31 obligor was effective as set forth in this section, it shall without need
32 for further due process or hearing, enter a court order suspending or
33 revoking all licenses held by the obligor. Upon the entry of the order,
34 the **[Probation Division]** division shall forward a copy to the obligor
35 and all appropriate licensing authorities.

36 **[**Simultaneous certified and regular mailing of the written notice
37 shall constitute effective service unless the United States Postal
38 Service returns the mail to the Probation Division within the 30-day
39 response period marked "moved, unable to forward," "addressee not
40 known," "no such number/street," "insufficient address," or
41 "forwarding order expired." If the certified mail is returned for any
42 other reason without the return of the regular mail, the regular mail
43 service shall constitute effective service. If the mail is addressed to the
44 obligor at the obligor's place of business or employment, with postal
45 instructions to deliver to addressee only, service will be deemed

1 effective only if the signature on the return receipt appears to be that
2 of the obligor. Acceptance of the certified mail notice signed by the
3 obligor, the obligor's attorney, or a competent member of the obligor's
4 household above the age of 14 shall be deemed effective service. **For**
5 the purposes of this section, the court may deem procedural due
6 process requirements for notice and service of process to be met with
7 respect to a party thereto upon delivery of written notice to the most
8 recent residential or employer address filed with the division for that
9 party. If a party fails to respond to a notice and no proof is available
10 that the party received the notice, the division shall document to the
11 court that it has made a diligent effort to locate the party by making
12 inquiries that may include, but are not limited to: the United States
13 Postal Service, the Division of Motor Vehicles in the Department of
14 Transportation, and the Departments of Labor and Corrections. The
15 division shall provide an affidavit to the court presenting such
16 documentation of its diligent effort, which certifies its inability to
17 locate the party, before any adverse action is taken based upon the
18 party's failure to respond to the notice.

19 c. If the obligor requests a hearing, the **【Probation Division】**
20 division shall file a petition for a judicial hearing in accordance with
21 section 5 of P.L.1996, c.7 (C.2A:17-56.43). The hearing shall occur
22 within 45 days of the obligor's request. If, at or prior to the hearing,
23 the obligor pays the full amount of the child support arrearage or
24 provides health **【insurance】** care coverage as ordered, or responds to
25 the subpoena or surrenders to the county sheriff or the division, the
26 license revocation process shall be terminated. No license revocation
27 action shall be initiated if the **【Probation Division】** division has
28 received notice that the obligor has pending a motion to modify the
29 child support order if that motion was filed prior to the date that the
30 notice of the license suspension or revocation was sent by the
31 **【Probation Division】** division. The court shall consider the
32 **【Probation Division's】** division's petition to revoke or suspend a
33 license in accordance with section 5 of P.L.1996, c.7
34 (C.2A:17-56.43).

35 (cf: P.L.1996, c.7, s.3)

36

37 123. Section 4 of P.L.1996, c.7 (C.2A:17-56.42) is amended to
38 read as follows:

39 4. Child support payments not presently made through the
40 **【Probation Division】** division shall be so made, upon the application
41 of the obligor or obligee to the **【Probation Division】** division and
42 prior to the application of the provisions of **【this act】** P.L.1996, c.7
43 (C.2A:17-56.40 et seq.).

44 (cf: P.L.1996,c.7,s.4)

1 124. Section 5 of P.L.1996, c.7 (C.2A:17-56.43) is amended to
2 read as follows:

3 5. The court shall suspend or revoke a license if it finds that: a. all
4 appropriate enforcement methods **[as defined in section 2 of P.L.1996,**
5 **c.7 (C. 2A:17-56.40)]** have been exhausted, b. the obligor is the
6 holder of a license, c. the requisite child support arrearage amount
7 exists **[or]**, health **[insurance]** care coverage has not been provided
8 as ordered pursuant to section 3 of P.L.1996, c.7 (C.2A:17-56.41),
9 or there has been no response to a subpoena, d. no motion to modify
10 the child support order, filed prior to the date that the notice of the
11 license suspension or revocation was sent by the **[Probation Division]**
12 division, is pending before the court, and e. there is no equitable
13 reason, such as involuntary unemployment, disability, or compliance
14 with a court-ordered plan for the periodic payment of the child support
15 arrearage amount, for the obligor's non-compliance with the child
16 support order.

17 If the court is satisfied that these conditions exist, it shall first
18 consider suspending or revoking a driver's license prior to a
19 professional license. If the obligor fails to appear at the hearing after
20 being properly served with notice, the court shall order the suspension
21 or revocation of all licenses held by the obligor. In the case of a
22 driver's license, if the court finds that the license revocation or
23 suspension will result in a significant hardship to the obligor, to the
24 obligor's legal dependents under 18 years of age living in the obligor's
25 household, to the obligor's employees, or to persons, businesses or
26 entities to whom the obligor provides goods or services, the court may
27 allow the obligor to pay 25% of the past-due child support amount
28 within three working days of the hearing, establish a payment schedule
29 to satisfy the remainder of the arrearages within one year, and require
30 that the obligor comply with any current child support obligation. If
31 the obligor agrees to this arrangement, no suspension or revocation of
32 any licenses shall be ordered. Compliance with the payment agreement
33 shall be monitored by the **[Probation Division]** division. If the obligor
34 has good cause for not complying with the payment agreement within
35 the time permitted, the obligor shall immediately file a motion with the
36 court and the **[Probation Division]** division requesting an extension of
37 the payment plan. The court may extend the payment plan if it is
38 satisfied that the obligor has made a good faith effort to comply with
39 the plan and is unable to satisfy the full amount of past-due support
40 within the time permitted due to circumstances beyond the obligor's
41 control. In no case shall a payment plan extend beyond the date the
42 dependent child reaches the age of 18. If the obligor fails to comply
43 with the court-ordered payment schedule, the court shall, upon receipt
44 of a certification of non-compliance from the obligee or **[Probation**
45 **Division]** division, and without further hearing, order the immediate
46 revocation or suspension of all licenses held by the obligor. If required

1 by existing law or regulation, the court shall order that the obligor
2 surrender the license to the issuing authority within 30 days of the date
3 of the order.

4 (cf: P.L.1996, c.7, s.5)

5

6 125. Section 6 of P.L.1996, c.7 (C.2A:17-56.44) is amended to
7 read as follows:

8 6. a. The **【Probation Division】** division shall provide the licensing
9 authority with a copy of the order requiring the suspension or
10 revocation of a license. Upon receipt of an order requiring the
11 suspension or revocation of a license **【for non-payment of child**
12 **support】**, the licensing authority shall immediately notify the licensee
13 of the effective date of the suspension or revocation, which shall be 20
14 days after the postmark of the notice, direct the licensee to refrain
15 from engaging in the activity associated with the license, surrender any
16 license as required by law, and inform the licensee that the license shall
17 not be reinstated until the court so orders based upon the certification
18 of the division **【or Probation Division certifies】** that **【all child**
19 **support arrearage is】** the conditions which resulted in the suspension
20 or revocation are satisfied. The **【Probation Division and the State**
21 **IV-D agency】** division in association with the affected licensing
22 authorities may develop electronic or magnetic tape data transfers to
23 notify licensing authorities of restrictions, suspensions, revocations
24 and reinstatements. No liability shall be imposed on a licensing
25 authority for suspending or revoking a license if the action is in
26 response to a court order issued in accordance with P.L.1996, c.7
27 (C.2A:17-56.40 et al.). Licensing authorities shall not have
28 jurisdiction to modify, remand, reverse, vacate or stay a court order to
29 restrict, suspend or revoke a license for non-payment of child support.

30 b. If a licensee, upon receipt of the notice of suspension or
31 revocation from the licensing authority, disputes that he is an obligor,
32 the licensee shall notify the licensing authority and the **【Probation**
33 **Division】** division by registered mail within 20 days of the postmark
34 of the notice and request a hearing. Upon receipt of the licensee's
35 request for a hearing, the **【Probation Division】** division shall
36 determine if the licensee is an obligor. If the **【Probation Division】**
37 division determines that the licensee is an obligor, the **【Probation**
38 **Division】** division shall file a petition for a judicial hearing on the issue
39 of whether the licensee is an obligor. The hearing shall occur within
40 30 days. If the **【Probation Division】** division determines that the
41 licensee is not an obligor, the **【Probation Division】** division shall so
42 notify the licensee and the licensing authority. The licensing authority
43 shall not suspend or revoke a person's license, if the licensing authority
44 received proper notice of the licensee's request for a hearing pursuant
45 to this subsection, until the **【court】** division finds that the licensee is

1 an obligor. The **【Probation Division】** division shall notify the licensing
2 authority of **【the court's】** its finding. Upon receipt of the **【court's】**
3 division's finding that the licensee is an obligor, the licensing authority
4 shall immediately suspend or revoke the obligor's license without
5 additional review or hearing.

6 c. The revocation or suspension of a license ordered by the court
7 in accordance with P.L.1996, c.7 (C.2A:17-56.40 et al.) shall continue
8 until the **【obligor】** division files with the licensing authority either a
9 court order restoring the license or a **【Probation Division】** division
10 certification attesting to the full satisfaction of the **【child support**
11 **arrears】** conditions which resulted in the revocation or suspension.

12 d. Each licensing authority shall require license applicants to
13 certify on the license application form, under penalty of perjury, that
14 the applicant does not have a child support obligation, the applicant
15 does have such an obligation but the arrearage amount does not equal
16 or exceed the amount of child support payable for six months and any
17 court-ordered health care coverage has been provided for the past six
18 months, the applicant has not failed to respond to a subpoena relating
19 to a paternity or child support proceeding, or the applicant is not the
20 subject of a child-support related warrant. A license shall not be
21 granted to an obligor who applies for a license if there is an arrearage
22 equal to or exceeding the amount of child support payable for six
23 months, the applicant has not provided court-ordered health care
24 coverage during the past six months or **【who】** the applicant has failed
25 to respond to a subpoena relating to a paternity or child support
26 proceeding or is the subject of a child support-related warrant. The
27 application form shall state that making a false statement may subject
28 the applicant to contempt of court. It shall also state that if the
29 applicant's certification is found to be false, the licensing authority
30 shall take disciplinary action including, but not limited to, immediate
31 revocation or suspension of the license.

32 e. For all licenses issued or renewed in the State after the effective
33 date of P.L.1996, c.7 (C.2A:17-56.40 et al.), the licensing authority
34 shall record the full name, mailing address, Social Security number and
35 date of birth of the applicant or licensee. All affected licensing
36 authorities shall cooperate and enter into agreements with the
37 **【Probation Division and the State IV-D agency】** division to exchange
38 information to effectuate the purposes of P.L.1996, c.7
39 (C.2A:17-56.40 et al.). The Division of Motor Vehicles in the
40 Department of Transportation and other appropriate licensing agencies
41 shall amend their regulations and public notices to permit Social
42 Security numbers collected by those agencies to be used for child
43 support enforcement purposes. License information obtained through
44 data matches with licensing authorities shall be maintained on the
45 **【Automated Child Support Enforcement System】** State case registry

1 in the Department of Human Services for future use.
2 (cf: P.L.1996, c.7, s.6)

3
4 126. Section 9 of P.L.1996, c.7 (C.2A:17-56.47) is amended to
5 read as follows:

6 9. All actions taken to suspend or revoke a license in accordance
7 with P.L.1996, c.7 (C.2A:17-56.40 et al.) shall be carried out in full
8 compliance with due process laws and the Rules Governing the Courts
9 of the State of New Jersey. Service of process shall be made in
10 accordance with applicable New Jersey court rules and statutes. For
11 the purposes of P.L.1996, c.7 (C.2A:17-56.40 et al.), service of
12 process may be effected by an employee of the **【Probation Division】**
13 division.

14 (cf: P.L.1996, c.7, s.9)

15

16 127. Section 10 of P.L.1996, c.7 (C.2A:17-56.48) is amended to
17 read as follows:

18 10. The **【State IV-D agency shall】** division may enter into
19 cooperative agreements for federal Title IV-D funding with the
20 Department of **【Law and Public Safety】** Transportation and any other
21 appropriate licensing authority that is responsible for administering
22 license suspensions and revocations in accordance with P.L.1996, c.7
23 (C.2A:17-56.40 et al.) to the extent that the costs are eligible for
24 federal financial participation under section 451 of Title IV, Part D of
25 the federal Social Security Act (42 U.S.C.651 et seq.).

26 (cf: P.L.1996, c.7, s.10)

27

28 128. Section 11 of P.L.1996, c.7 (C.2A:17-56.49) is amended to
29 read as follows:

30 11. The license revocation provisions of P.L.1996, c.7
31 (C.2A:17-56.40 et al.) apply to all orders issued before or after the
32 effective date of P.L.1996, c.7 (C.2A:17-56.40 et al.). All child
33 support arrearage and health **【insurance】** care coverage provisions in
34 existence on or before the effective date of P.L.1996, c.7
35 (C.2A:17-56.40 et al.) shall be included in determining whether a case
36 is eligible for enforcement in accordance with P.L.1996, c.7
37 (C.2A:17-56.40 et al.). **【This act】** P.L.1996, c.7 (C.2A:17-56.40 et
38 al.) applies to all child support obligations ordered by any state,
39 territory or district of the United States that are being enforced by the
40 **【Probation Division】** division, that are payable directly to the obligee,
41 or have been registered in this State in accordance with **【P.L.1981,**
42 **c.243 (C.2A:4-30.24 et seq.)】** the "Uniform Interstate Family Support
43 Act," P.L. , c. (C.)(pending before the Legislature as sections
44 1 through 60 of this bill).

45 (cf: P.L.1996, c.7, s.11)

1 129. Section 13 of P.L.1996, c.7 (C.2A:17-56.51) is amended to
2 read as follows:

3 13. The Supreme Court may adopt rules [and procedures for the
4 implementation and administration of] to implement P.L.1996, c.7
5 (C.2A:17-56.40 et al.). The [State IV-D agency] division and
6 licensing authorities may adopt regulations to implement P.L.1996, c.7
7 (C.2A:17-56.40 et al.) pursuant to the "Administrative Procedure
8 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
9 (cf: P.L.1996, c.7, s.13)

10

11 130. Section 1 of P.L.1991, c.384 (C.5:9-13.1) is amended to read
12 as follows:

13 1. a. The Director of the Division of the State Lottery in the
14 Department of the Treasury and the Director of the Division of
15 [Family Development] Child Support Services in the Department of
16 Human Services shall initiate an ongoing data exchange in the Office
17 of Telecommunications and Information Systems in the Department of
18 the Treasury before a payment is made of a State lottery prize in
19 excess of [\$1,000] \$600.

20 b. A person who is determined by the Director of the Division of
21 the State Lottery, in conjunction with the Director of the Division of
22 Child Support Services, to be a delinquent Title IV-D obligor pursuant
23 to P.L. , c. (C.)(pending before the Legislature as this bill)
24 shall be prohibited from receiving an annuity award assignment.
25 (cf: P.L.1995, c.333, s.1)

26

27 131. Section 2 of P.L.1991, c.384 (C.5:9-13.2) is amended to read
28 as follows:

29 2. The [Director of the Division of Economic Assistance]
30 Commissioner of Human Services shall periodically supply the Office
31 of Telecommunications and Information Systems with a list of:

32 a. those individuals in arrears of a court ordered child support
33 obligation; and

34 b. those former recipients of Aid to Families with Dependent
35 Children, pursuant to P.L.1959, c.86 (C.44:10-1 et seq.) or Work First
36 New Jersey, pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), food
37 stamp benefits issued pursuant to Pub.L. 95-113, Title XIII (7 U.S.C.
38 s.2011 et seq.), or low-income home energy assistance benefits issued
39 pursuant to Pub.L. 97-35, Title XXVI (42 U.S.C. s.8621 et seq.) who
40 incurred an overpayment which has not been repaid.

41 (cf:P.L.1991,c.384,s.2)

42

43 132. Section 4 of P.L.1991, c.384 (C.5:9-13.4) is amended to read
44 as follows:

45 4. The Office of Telecommunications and Information Systems
46 shall cross check the lottery list with the data supplied by the

1 **【Director of the Division of Economic Assistance】** Commissioner of
2 Human Services for a social security number match. If a match is
3 made, the Office of Telecommunications and Information Systems
4 shall notify the **【Division of Economic Assistance】** Commissioner of
5 Human Services.
6 (cf:P.L.1991,c.384,s.4)
7

8 133. Section 5 of P.L.1991, c.384 (C.5:9-13.5) is amended to read
9 as follows:

10 5. If a lottery prize claimant is in arrears of a child support order,
11 or is a former recipient of Aid to Families with Dependent Children
12 or Work First New Jersey, food stamp benefits or low-income home
13 energy assistance benefits who has incurred an overpayment which has
14 not been repaid, the **【Division of Economic Assistance】** Department
15 of Human Services shall promptly notify the Department of the
16 Treasury and the Division of the State Lottery of the claimant's name,
17 address, social security number and amount due on an arrears child
18 support order or the amount due on an overpayment. The Department
19 of the Treasury shall withhold this amount from the pending lottery
20 payment and transmit same to the Department of Human Services **【or**
21 **appropriate county probation department, as the case may be,】** in
22 accordance with regulations promulgated by the State Treasurer.
23 (cf:P.L.1991,c.384,s.5)
24

25 134. Section 6 of P.L.1991, c.384 (C.5:9-13.6) is amended to read
26 as follows:

27 6. The county welfare agency which provided the public assistance
28 benefits or the **【county probation office】**Division of Child Support
29 Services in the Department of Human Services , acting as agent for the
30 child support payee, shall have a lien on the proceeds of the State
31 lottery prize in an amount equal to the amount of child support
32 arrearage or the amount of overpayment incurred.

33 The lien imposed by this act shall be enforceable in the Superior
34 Court.
35 (cf:P.L.1991,c.384,s.6)
36

37 135. Section 9 of P.L.1991, c.384 (C.5:9-13.9) is amended to read
38 as follows:

39 9. The costs associated with or necessary for the implementation
40 of P.L.1991, c.384 (C.5:9-13.1 et seq.) shall be borne by the Division
41 of **【Economic Assistance】** Child Support Services in the Department
42 of Human Services.
43 (cf:P.L.1991,c.384,s.9)
44

45 136. N.J.S.2C:24-5 is amended to read as follows:

46 2C:24-5. A person commits a crime of the fourth degree if he

1 willfully fails to provide support which he can provide and which he
2 knows he is legally obliged to provide to a spouse, child or other
3 dependent. The county prosecutor shall cooperate to the fullest extent
4 possible in the criminal prosecution of a Title IV-D case as defined in
5 section 3 of P.L. , c. (C.)(pending before the Legislature as
6 this bill) which is referred by the Division of Child Support Services
7 in the Department of Human Services. In addition to the sentence
8 authorized by the code, the court may proceed under section 2C:62-1.
9 (cf: P.L.1978, c.95, s.2C:24-5)

10
11 137. N.J.S.2C:62-1 is amended to read as follows:

12 2C:62-1. a. Order for support pendente lite. At any time after
13 a sworn complaint is made charging an offense under section 2C:24-5
14 and before trial, the court shall enforce a support order as defined in
15 section 3 of P.L. , c. (C.)(pending before the Legislature as
16 this bill), or may enter such temporary order as may seem just,
17 providing for the support of the spouse or children, or both, pendente
18 lite, and may punish a violation of such order as for contempt.

19 b. Order for future support; release on recognizance conditioned
20 on obeying order; periodic service of sentence. Before trial, with the
21 consent of the defendant, or after conviction, instead of imposing the
22 penalty provided for violation of section 2C:24-5, or in addition
23 thereto, the court, having regard to the circumstances and the
24 financial ability or earning capacity of the defendant, shall enforce the
25 current support order or may make an order consistent with the
26 support guidelines as defined in section 3 of P.L. , c. (C.
27)(pending before the Legislature as this bill), which shall be subject to
28 change by the court from time to time as circumstances may require,
29 directing the defendant to pay a sum certain **[periodically]** to the
30 spouse, or to the guardian or custodian of the minor child or children,
31 or to the Division of Child Support Services in the Department of
32 Human Services or an organization or individual approved by the court
33 as trustee. The court may release the defendant from custody on
34 probation, upon his or her entering into a recognizance, with or
35 without surety, in such sum as the court may order and approve. The
36 condition of the recognizance shall be such that if the defendant shall
37 personally appear in court whenever ordered to do so, and shall
38 comply with the terms of the order, or of any modification thereof, the
39 recognizance shall be void, otherwise it will remain in full force and
40 effect. The court may, in addition to or in place of any order under
41 this section, order and direct that any sentence of imprisonment be
42 served periodically, instead of consecutively, during periods of time
43 between Friday at 6 p.m. and Monday at 8 a.m. or at other times or on
44 other days, whenever the court determines the existence of proper
45 circumstances and that the ends of justice will be served thereby. Any
46 person so imprisoned shall be given credit for each day or fraction of

1 a day to the nearest hour actually served.

2 c. Violation of order. If the court **[be]** is satisfied by
3 information and due proof under oath that the defendant has violated
4 the terms of the order, it may forthwith proceed with the trial of the
5 defendant under the original charge, or sentence the defendant under
6 the original conviction or plea of guilty, or enforce the suspended
7 sentence or punish for contempt, as the case may be. In case of
8 forfeiture of a recognizance, and the enforcement thereof by
9 execution, the sum recovered may, in the discretion of the court, be
10 paid in whole or part to the spouse, or to the guardian, custodian or
11 trustee of such minor child or children, or to the Division of Child
12 Support Services.

13 d. Proof of marriage; husband and wife as witness. No other or
14 greater evidence shall be required to prove the marriage of such
15 husband and wife, or that the defendant is the father or mother of such
16 child or children, than is required in a civil action or pursuant
17 to P.L. , c. (C.)(pending before the Legislature as this bill).
18 In no prosecution under this chapter shall any existing statute or rule
19 of law prohibiting the disclosure of confidential communications
20 between husband and wife apply, and both husband and wife shall be
21 competent and compellable witnesses to testify against each other as
22 to any and all relevant matters, including the fact of the marriage and
23 the parentage of the child or children.

24 e. Place of residence confers jurisdiction of offense. The place
25 of residence at the time of the desertion of the spouse, child or
26 children, under the provisions of this chapter, shall confer jurisdiction
27 of the offense set forth therein as provided in the Rules Governing the
28 Courts of the State of New Jersey, upon the **[county, county district,**
29 **or juvenile and domestic relations court]** Superior Court, Criminal
30 Division having territorial jurisdiction of the place of such residence,
31 until the deserted party shall establish a legal residence in some other
32 **[county or State]** state.

33 (cf: P.L.1978, c.95, s.2C:62-1)

34

35 138. Section 4 of P.L.1983, c.17 (C.9:17-41) is amended to read
36 as follows:

37 4. The parent and child relationship between a child and:

38 a. The natural mother, may be established by proof of her having
39 given birth to the child, or under **[this act]** P.L.1983, c.17 (C.9:17-38
40 et seq.);

41 b. The natural father, may be established by proof that his
42 paternity has been adjudicated under prior law and recorded with the
43 Division of Child Support Services in the Department of Human
44 Services; under the laws governing probate; by giving full faith and
45 credit to a determination of paternity made by any other state or
46 jurisdiction, whether established through voluntary acknowledgment

1 or through judicial or administrative processes; by a Certificate of
2 Parentage as provided in section 7 of P.L.1994, c.164 (C.26:8-28.1)
3 that is executed by the father, including an unemancipated minor,
4 prior to or after the birth of a child, and filed with the [appropriate
5 State agency] division, creating a conclusive presumption of paternity;
6 by a default judgment or order of the court; or by an order of the court
7 based on a blood test or genetic test that meets or exceeds the specific
8 threshold probability [as set by the State] , or other evidence of
9 paternity as determined by regulation of the Commissioner of Human
10 Services, creating a conclusive presumption of paternity; [or under
11 this act]

12 In accordance with section 331 of Pub.L.104-193, a signed
13 voluntary acknowledgment of paternity shall be considered a legal
14 finding of paternity subject to the right of the signatory to rescind the
15 acknowledgment within 60 days of the date of signing, or by the date
16 of establishment of a support order to which the signatory is a party,
17 whichever is earlier.

18 The adjudication of paternity shall only be voided upon a finding
19 that there exists clear and convincing evidence of: fraud, a mistake of
20 fact or inaccurate analysis of genetic testing to determine parentage;

21 c. An adoptive parent, may be established by proof of adoption;

22 d. The natural mother or the natural father, may be terminated: (1)
23 by an order of a court of competent jurisdiction in granting a judgment
24 of adoption [or] , (2) as the result of an action to terminate parental
25 rights , or (3) upon a finding by the court of fraud, mistake of fact or
26 inaccurate analysis of genetic testing.

27 e. The establishment of the parent and child relationship pursuant
28 to subsections a., b., and c. of this section shall be the basis upon
29 which an action for child support may be brought by a party and acted
30 upon by the court without further evidentiary proceedings.

31 f. In any case in which the parties execute a Certificate of
32 Parentage or a conclusive presumption of paternity is created through
33 genetic testing, the presumptions of paternity under section 6 of
34 P.L.1981, c.417 (C.9:17-43) shall not apply.

35 g. Pursuant to the provisions of section 331 of Pub.L.104-193, the
36 child and other parties in a contested paternity case shall submit to a
37 genetic test upon the request of one of the parties, unless that person
38 has good cause for refusal, if the request is supported by a sworn
39 statement by the requesting party:

40 (1) alleging paternity and setting forth the facts establishing a
41 reasonable possibility of the requisite sexual contact between the
42 parties; or

43 (2) denying paternity and setting forth the facts establishing a
44 reasonable possibility of the nonexistence of sexual contact between
45 the parties.

46 h. In a contested paternity case in which the Division of Child

1 Support Services requires genetic testing, the division shall:

2 (1) pay the costs of the genetic test and may recoup payment from
3 the alleged father whose paternity is established; and

4 (2) obtain additional testing if the initial test results are contested
5 based upon a showing that the initial test was defective, flawed or
6 otherwise incorrect, and upon the request and advance payment for the
7 additional test by the contestant.

8 (cf: P.L.1994, c.164, s.1)

9

10 139. Section 8 of P.L.1983, c.17 (C.9:17-45) is amended to read
11 as follows:

12 8. a. A child, a legal representative of the child, the natural
13 mother, the estate or legal representative of the mother, if the mother
14 has died or is a minor, a man alleged or alleging himself to be the
15 father, the estate or legal representative of the alleged father, if the
16 alleged father has died or is a minor, the Division of **Public Welfare**
17 Child Support Services in the Department of Human Services, or **the**
18 **county welfare agency, or** any person with an interest recognized as
19 justiciable by the court may bring or defend an action or be made a
20 party to an action at any time for the purpose of determining the
21 existence or nonexistence of the parent and child relationship.

22 b. No action shall be brought under **this act** P.L.1983, c.17
23 (C.9:17-38 et seq.) more than 5 years after the child attains the age of
24 majority.

25 c. The death of the alleged father shall not cause abatement of any
26 action to establish paternity, and an action to determine the existence
27 or nonexistence of the parent and child relationship may be instituted
28 or continued against the estate or the legal representative of the
29 alleged father.

30 d. Regardless of its terms, an agreement, other than an agreement
31 approved by the court in accordance with subsection **11c.** c. of
32 section 11 of P.L.1983, c.17 (C.9:17-48) between an alleged or
33 presumed father and the mother of the child, shall not bar an action
34 under this section.

35 e. If an action under this section is brought before the birth of the
36 child, all proceedings shall be stayed until after the birth, except
37 service of process and the taking of depositions to perpetuate
38 testimony. The court may consider the issue of medical expenses and
39 may order the alleged father to pay the reasonable expenses of the
40 mother's pregnancy and postpartum disability. Bills for pregnancy,
41 childbirth and genetic testing are admissible as evidence without
42 requiring third party foundation testimony, and shall constitute
43 evidence of the amounts incurred for such services or for testing on
44 behalf of the child.

45 f. This section does not extend the time within which a right of
46 inheritance or a right to succession may be asserted beyond the time

1 provided by law relating to distribution and closing of decedents'
2 estates or to the determination of heirship, or otherwise.
3 (cf: P.L.1983, c.17, s.8)

4

5 140. Section 9 of P.L.1983, c.17 (C.9:17-46) is amended to read
6 as follows:

7 9. a. The Superior Court shall have jurisdiction over an action
8 brought under **[this act]** P.L.1983, c.17 (C.9:17-38 et seq.). The
9 action **[shall]** may be joined with an action for divorce, annulment,
10 separate maintenance or support.

11 b. A person who has sexual intercourse in this State thereby
12 submits to the jurisdiction of the courts of this State as to an action
13 brought under **[this act]** P.L.1983, c.17 (C.9:17-38 et seq.) with
14 respect to a child who may have been conceived by that act of
15 intercourse. In addition to any other method provided by law, personal
16 jurisdiction may be acquired by service in accordance with the **[rules**
17 **of the court]** Rules Governing the Courts of the State of New Jersey.

18 c. The action may be brought in the county in which the child or
19 the alleged father resides **[or is found]** or, if the father is deceased, in
20 which proceedings for probate of his estate have been or could be
21 commenced.

22 (cf: P.L.1991, c.91, s.211)

23

24 141. Section 11 of P.L.1983, c.17 (C.9:17-48) is amended to read
25 as follows:

26 11. a. As soon as practicable after an action to declare the
27 existence or nonexistence of the father and child relationship has been
28 brought, a voluntary consent conference **[shall]** may be held by the
29 Division of Child Support Services in the Department of Human
30 Services or the Superior Court, Chancery Division, Family Part intake
31 service**[,** the county probation department or the county welfare
32 agency]. At the request of either party, the determination of paternity
33 may be referred directly to the court in lieu of the consent process. A
34 court appearance shall be scheduled in the event that a consent
35 agreement cannot be reached.

36 b. On the basis of the information produced at the conference, an
37 appropriate recommendation for settlement shall be made to the
38 parties, which may include any of the following:

39 (1) That the action be dismissed with or without prejudice; or
40 (2) That the alleged father voluntarily acknowledge his paternity
41 of the child.

42 c. If the parties accept a recommendation made in accordance with
43 subsection b. of this section, which has been approved by the court,
44 judgment shall be entered or a Certificate of Parentage shall be
45 executed accordingly.

1 d. If a party refuses to ~~accept a recommendation made under~~
2 subsection b. of this section or the consent conference is terminated
3 because it is unlikely that all parties would accept a recommendation
4 pursuant to subsection b. of this section, and blood tests or genetic
5 tests have not been taken, ~~voluntarily acknowledge paternity, the~~
6 ~~division shall require or the court shall require~~ ~~order the child and~~
7 the parties to submit to blood tests or genetic tests ~~if the court~~
8 determines that there is an articulable reason for suspecting that the
9 alleged father is the natural father. The tests shall be scheduled within
10 10 days and shall be performed by qualified experts. Thereafter the
11 Family Part intake service, with the approval of the court, shall make
12 an appropriate final recommendation ~~unless a party claims, and the~~
13 ~~division or the court finds, good cause for not ordering the tests. The~~
14 ~~court may hear and decide motions to challenge a directive issued by~~
15 ~~the division requiring a party to submit to blood or genetic tests. A~~
16 ~~genetic test shall be ordered upon the request of either party, if the~~
17 ~~request is supported by a sworn statement by the requesting party~~
18 ~~which alleges paternity and sets forth the facts establishing a~~
19 ~~reasonable possibility of the requisite sexual contact between the~~
20 ~~parties or denies paternity and sets forth the facts establishing a~~
21 ~~reasonable possibility of the nonexistence of sexual contact between~~
22 ~~the parties. If a party refuses to accept the final recommendation~~
23 ~~acknowledge paternity based upon the blood or genetic test results,~~
24 the action shall be set for ~~trial~~ ~~a hearing~~, except when the results
25 of the blood test or genetic test indicate that the specific threshold
26 probability as set by the State to establish paternity has been met or
27 exceeded].

28 If the results of the blood test or genetic test indicate that the
29 specific threshold probability, as ~~set by the State~~ ~~adopted by~~
30 ~~regulation by the commissioner,~~ to establish paternity has been met or
31 exceeded, the results shall be received in evidence as a conclusive
32 presumption of paternity ~~and no~~ ~~without requiring any~~ additional
33 foundation testimony or proof of authenticity or accuracy ~~shall be~~
34 ~~required to establish paternity~~ ~~of the paternity testing or results.~~ In
35 actions based on allegations of fraud or inaccurate analysis, the court
36 ~~or the Division of Child Support Services in the Department of Human~~
37 ~~Services~~ shall require that ~~the~~ additional blood ~~test~~ or genetic
38 ~~test~~ tests be scheduled within 10 days ~~of the request~~ and be
39 performed by qualified experts. ~~The test~~ ~~Additional blood or~~
40 ~~genetic tests~~ shall be paid for ~~in advance~~ by the ~~moving~~ ~~requesting~~
41 party.

42 If a party objects to the ~~results of the blood~~ ~~test~~ or genetic ~~test~~
43 tests, the party shall make the objection to the ~~appropriate agency~~
44 ~~Division of Child Support Services or the Superior Court, Chancery~~
45 ~~Division, Family Part intake service, if the matter is scheduled for a~~

1 voluntary consent conference, or to the court, if the matter is
2 scheduled for a hearing, in writing, within 10 days of [receipt of the
3 results] the consent conference or hearing.

4 e. The guardian ad litem may accept or refuse to accept a
5 recommendation under this section.

6 f. (Deleted by amendment, P.L.1994, c.164).

7 g. No evidence, testimony or other disclosure from the voluntary
8 consent conference shall be admitted as evidence in a civil action
9 except by consent of the parties. However, blood tests or genetic tests
10 ordered pursuant to subsection d. of this section [may] shall be
11 admitted as evidence.

12 h. The refusal to submit to a blood test or genetic test required
13 pursuant to subsection d. of this section, or both, shall be admitted
14 into evidence and shall give rise to the presumption that the results of
15 the test would have been unfavorable to the interests of the party who
16 refused to submit to the test. Refusal to submit to a blood test or
17 genetic test, or both, is also subject to the contempt power of the
18 court.

19 i. If a party refuses to acknowledge paternity or does not appear
20 at a voluntary consent conference conducted by the division, the
21 division shall refer the matter to the court for adjudication. At the
22 hearing, the blood or genetic test results shall be admitted into
23 evidence without the need for foundation testimony or other proof of
24 authenticity or accuracy, unless an objection is made.

25 (cf: P.L.1994, c.164, s.2)

26
27 142. Section 12 of P.L.1983, c.17 (C.9:17-49) is amended to read
28 as follows:

29 12. a. An action under this act is a civil action governed by the
30 **[rules of court] Rules Governing the Courts of the State of New**
31 **Jersey.**

32 b. The trial shall be by the court without a jury[, unless a party to
33 the action shall file with the court a written request for a trial by jury
34 within 10 days after service of the complaint. The complaint shall
35 contain a notice to all parties that they may request a jury trial within
36 10 days of the service of the complaint].

37 (cf: P.L.1983, c.17, s.12)

38
39 143. Section 6 of P.L.1994, c.164 (C.9:17-52.1) is amended to
40 read as follows:

41 6. A default order shall be entered in a contested paternity action
42 upon a showing that proper notice has been served upon the party and
43 the party has failed to appear at a hearing [or trial; or has failed to
44 respond to a notice or order that required a response within a specific
45 period of time] to adjudicate parentage. A default order entered
46 pursuant to this section shall be determinative for purposes of

1 establishing the existence of paternity when proper notice has been
2 served and a sworn statement by the mother indicating the parentage
3 of the child has been executed. Legal process shall be served on the
4 putative father in accordance with the Rules Governing the Courts of
5 the State of New Jersey and applicable statutes.

6 (cf: P.L.1994, c.164, s.6)

7

8 144. Section 16 of P.L.1983, c.17 (C.9:17-53) is amended to read
9 as follows:

10 16. a. The judgment or order of the court or a Certificate of
11 Parentage determining the existence or nonexistence of the parent and
12 child relationship is determinative for all purposes.

13 b. If the judgment or order of the court is at variance with the
14 child's birth certificate, the court shall order that an amendment to the
15 original birth record be made under section 22.

16 c. The judgment or order may contain any other provision directed
17 against the appropriate party to the proceeding concerning the duty of
18 support, the custody and guardianship of the child, visitation privileges
19 with the child, the furnishing of bond or other security for the payment
20 of the judgment, the repayment of any public assistance grant, or any
21 other matter in the best interests of the child. The judgment or order
22 may direct the father to pay the reasonable expenses of the mother's
23 pregnancy and postpartum disability, including repayment to an agency
24 which provided public assistance funds for those expenses. Bills for
25 pregnancy, childbirth and blood or genetic testing are admissable as
26 evidence without requiring third party foundation testimony, and shall
27 constitute evidence of the amounts incurred for these services or for
28 testing on behalf of the child.

29 d. Support judgments or orders ordinarily shall be for periodic
30 payments, which may vary in amount. In the best interests of the
31 child, the purchase of an annuity may be ordered in lieu of periodic
32 payments of support. The court may limit a parent's liability for past
33 support of the child to the proportion of the expenses already incurred
34 that the court deems just.

35 e. In determining the amount to be paid by a parent for support of
36 the child and the period during which the duty of support is owed, **[a]**
37 **the court [enforcing the obligation of support]** shall apply the child
38 support guidelines as defined in section 3 of P.L. , c. (C.)(pending
39 before the Legislature as this act. In cases in which the court finds
40 that a deviation from these guidelines is appropriate, the court shall
41 consider all relevant facts when determining the amount of support,
42 including the:

43 (1) Needs of the child;

44 (2) Standard of living and economic circumstances of each parent;

45 (3) Income and assets of each parent, including any public
46 assistance grant received by a parent;

1 (4) Earning ability of each parent, including educational
2 background, training, employment skills, work experience, custodial
3 responsibility for children and the length of time and cost for each
4 parent to obtain training or experience for appropriate employment;

5 (5) Need and capacity of the child for education, including higher
6 education;

7 (6) Age and health of the child and each parent;

8 (7) Income, assets and earning ability of the child;

9 (8) Responsibility of the parents for the support of others; and

10 (9) Debts and liabilities of each child and parent.

11 The factors set forth herein are not intended to be exhaustive. The
12 court may consider such other factors as may be appropriate under the
13 circumstances.

14 f. Upon a motion by a party, the court shall enter a temporary
15 support order pending a judicial determination of parentage if there is
16 clear and convincing evidence of paternity supported by blood or
17 genetic test results or other evidence.

18 (cf: P.L.1983, c.17, s.16)

19
20 145. R.S.26:8-28 is amended to read as follows:

21 26:8-28. a. Within five days after each birth, there shall be filed
22 with the local registrar of the district in which the birth occurred a
23 certificate of the birth filled out with durable black or blue ink in a
24 legible manner. The name of the father shall be included on the record
25 of birth of the child of unmarried parents only if the father and mother
26 have signed a voluntary acknowledgment of paternity; or a court or an
27 administrative agency of competent jurisdiction has issued an
28 adjudication of paternity.

29 b. **【In accordance with the provisions of the federal "Family**
30 **Support Act of 1988," Pub.L.100-485, and section 13721 of**
31 **Pub.L.103-66 (42 U.S.C. s.666), as】 As part of the birth record, all**
32 **information required by the 【State IV-D agency】 Division of Child**
33 **Support Services in the Department of Human Services pursuant to**
34 **section 7 of P.L.1994, c.164 (C.26:8-28.1) shall be recorded on a**
35 **separate form provided or approved by the State 【registrar】 Registrar**
36 **pursuant to subsection c. of R.S.26:8-24, and filed with the 【State**
37 **IV-D agency】 Division of Child Support Services pursuant to**
38 **R.S.26:8-30 and R.S.26:8-31 for the establishment and enforcement**
39 **of child support matters in the State. 【For the purposes of this**
40 **subsection, "State IV-D agency" means the agency in the Department**
41 **of Human Services designated to administer the Title IV-D Child**
42 **Support Program】.**

43 c. The State **【registrar】 Registrar** shall require each parent to
44 provide his Social Security number in accordance with procedures
45 established by the State **【registrar】 Registrar**. The Social Security

1 numbers furnished pursuant to this section shall be used exclusively for
2 child support enforcement purposes.

3 d. The certificate of birth shall include the blood type of the child.
4 (cf: P.L.1994, c.164, s.3)

5

6 146. Section 7 of P.L.1994, c.164 (C.26:8-28.1) is amended to
7 read as follows:

8 7. A Certificate of Parentage may serve to satisfy the method of
9 collection of Social Security numbers as required pursuant to
10 subsection c. of R.S.26:8-28 and shall serve as the voluntary
11 acknowledgement of paternity by a father. The Certificate of
12 Parentage shall contain, at a minimum, the following information:

13 a. a sworn statement by the father that he is the natural father of
14 the child;

15 b. the Social Security numbers, except in those cases in which a
16 person is ineligible to apply for one, and addresses of the father and
17 mother;

18 c. the signature of the mother and father authenticated by a
19 witness or notary; and

20 d. instructions for filing the Certificate of Parentage with the
21 agency designated by the **【State IV-D agency】** Division of Child
22 Support Services.

23 In addition, the **【State IV-D agency】** division, in cooperation with
24 birthing centers and hospitals providing maternity services and social
25 services or health care providers as designated by the Commissioner
26 of Human Services that may provide voluntary acknowledgment or
27 paternity services, shall provide oral and written information to the
28 father and mother of the child explaining the implications of signing a
29 Certificate of Parentage, including the parental rights, responsibilities
30 and financial obligations, as well as the availability of paternity
31 establishment services and child support enforcement services.

32 (cf: P.L.1994, c.164, s.7)

33

34 147. R.S.26:8-30 is amended to read as follows:

35 26:8-30. The attending physician, midwife or person acting as the
36 agent of the physician or midwife, who was in attendance upon the
37 birth shall be responsible for the proper execution and return of a
38 certificate of birth, which certificate shall be upon the form provided
39 or approved by the State department, and for making available to the
40 mother and natural father a Certificate of Parentage along with related
41 information as required by the **【State IV-D agency】** Division of Child
42 Support Services in the Department of Human Services and pursuant
43 to section 452(a)(F) of the federal Social Security Act (42
44 U.S.C.652(a)(F)). It shall be the responsibility of personnel at the
45 hospital or birthing facility to offer an opportunity to the child's natural
46 father to execute a Certificate of Parentage. Failure of the natural

1 father or mother to execute the Certificate of Parentage and the date
2 of the request shall be noted on the Certificate of Parentage. The
3 Certificate of Parentage shall be filed with the [State IV-D agency or
4 its designee] Division of Child Support Services. The provision of
5 services related to paternity acknowledgment shall not be required
6 when a legal action is pending in the case, such as adoption, or State
7 law prohibits such intervention.

8 [For the purposes of this section, "State IV-D agency" means the
9 agency in the Department of Human Services designated to administer
10 the Title IV-D Child Support Program.]

11 A signed voluntary acknowledgment of paternity may be challenged
12 in court only on the basis of fraud, duress, or material mistake of fact,
13 with the burden of proof upon the challenger, and the legal
14 responsibilities of any signatory arising from the acknowledgment may
15 not be suspended during the challenge, except for good cause shown.

16 A signed voluntary acknowledgment of paternity shall be
17 considered a legal finding of paternity with the same force and effect
18 as a court order or judgment establishing paternity. No further judicial
19 or administrative proceedings or approval shall be required or
20 permitted to ratify an unchallenged voluntary acknowledgment.

21 Nothing in this section shall preclude the Division of Child Support
22 Services from obtaining an admission of paternity from the father for
23 submission in a judicial or administrative proceeding, or prohibit the
24 issuance of an order in a judicial or administrative proceeding which
25 bases a legal finding of paternity on an admission of paternity by the
26 father and any other additional showing required by State law.

27 (cf: P.L.1994, c.164, s.4)

28
29 148. R.S.26:8-31 is amended to read as follows:

30 26:8-31. In case there is no physician, midwife, or person acting
31 as the agent of the physician or midwife, in attendance upon the birth,
32 it shall be the duty of one of the following persons in the order named
33 to file the birth certificate with the local registrar and file the
34 Certificate of Parentage with the [State IV-D agency or its designee]
35 Division of Child Support Services in the Department of Human
36 Services:

37 a. The father or mother of the child;

38 b. The manager or superintendent of the public or private
39 institution in which the birth occurred.

40 (cf: P.L.1994, c.164, s.5)

41
42 149. R.S.37:1-17 is amended to read as follows:

43 37:1-17. On the marriage license shall be the form for the certificate
44 of marriage in quadruplicate, to which the licensing officer shall have
45 set forth particularly therein the name, age, parentage, race,
46 birthplace, residence, Social Security number and condition (whether

1 single, widowed or divorced) of each of the married persons, and the
2 names and county of birth of their parents. The Social Security number
3 shall be kept confidential and may only be released for child support
4 enforcement purposes, and shall not be considered a public record
5 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). The person by whom
6 or the religious society, institution, or organization by or before
7 which, the marriage was solemnized, shall personally or by legally
8 authorized agent subscribe where indicated on the form the date and
9 place of the marriage. Each certificate of marriage shall also contain
10 the signature and residence of at least two witnesses who were
11 present at the marriage ceremony.
12 (cf: P.L.1980, c. 128, s.1)

13

14 150. R.S.46:30B-74 is amended to read as follows:

15 46:30B-74. Deposits of funds by administrator. The administrator
16 shall establish and manage three separate trust funds to be known as
17 the Unclaimed County Deposits Trust Fund, the Unclaimed Child
18 Support Trust Fund and the Unclaimed Personal Property Trust Fund.19 a. All moneys received as unclaimed county deposits and the
20 accretions thereon shall be deposited into the Unclaimed County
21 Deposits Trust Fund. Each year, unless the administrator deems it
22 prudent and advisable to do otherwise, the administrator shall pay to
23 each county, within 45 days of the receipt of such funds, 75% of the
24 unclaimed county deposits received from that county by the
25 administrator. The remaining portion shall be retained in the trust
26 fund, administered and invested by the State Treasurer, and used to
27 pay claims duly presented and allowed and all expenses and costs
28 incurred by the State of New Jersey. If the Unclaimed County
29 Deposits Trust Fund is insufficient to pay specific claims against a
30 county, the administrator shall report the fact to the county governing
31 body and the unpaid claim shall become an affirmative obligation of
32 that county.33 Upon the effective date of **[this act]** R.S.46:30B-1 et seq., any
34 county deposits paid to the administrator between April 18, 1989 and
35 the effective date of **[this act]** R.S.46:30B-1 et seq. shall be
36 transferred from the Unclaimed Personal Property Trust Fund to the
37 Unclaimed County Deposits Trust Fund.38 b. All other moneys received as unclaimed property presumed
39 abandoned, the accretions thereon, and the proceeds of sale of
40 unclaimed property shall be deposited into the Unclaimed Personal
41 Property Trust Fund. Unless the administrator deems it prudent and
42 advisable to do otherwise, 75% of all funds received shall be
43 transferred to the General State Fund. The remaining portion shall be
44 retained in the trust fund, administered and invested by the State
45 Treasurer, and used to pay claims duly presented and allowed and all
46 expenses and costs incurred by the State of New Jersey.

1 Upon the effective date of **[this act]** R.S.46:30B-1 et seq., all funds
2 and assets of the trust funds established pursuant to N.J.S.2A:37-41,
3 section 8 of P.L.1945, c.199 (C.17:9-25), and N.J.S.17B:31-7, shall
4 be transferred to and become part of the Unclaimed Personal Property
5 Trust Fund established by this act, which shall be responsible for
6 payment of any allowed claims for restitution of unclaimed property
7 paid into those three funds.

8 c. All moneys received as abandoned child support and the
9 accretions thereon shall be deposited in the Unclaimed Child Support
10 Trust Fund. Each year, the administrator shall pay to the **[judiciary]**
11 Division of Child Support Services in the Department of Human
12 Services, within 45 days of the receipt of such funds, the federal
13 government's Title IV-D share of the abandoned child support received
14 from the **[Probation Division of the Superior Court]** division. The
15 remaining portions shall be retained in the trust fund, administered and
16 invested by the State Treasurer, and used to pay claims duly presented
17 and allowed and all expenses and costs incurred by the State of New
18 Jersey. If the Unclaimed Child Support Trust Fund is insufficient to
19 pay specific claims against **[a county]** the division, the administrator
20 shall report the fact to the **[judiciary]** division and the unpaid claim
21 shall become an affirmative obligation of the **[judiciary]** division.

22 Upon the effective date of P.L.1995, c.115, any abandoned child
23 support paid to the administrator between April 18, 1989 and that
24 effective date shall be transferred from the Unclaimed Personal
25 Property Trust Fund to the Unclaimed Child Support Trust Fund.

26 d. As used in this section:

27 (1) "County deposits" means the proceeds of a judgment received
28 in favor of a minor and placed under the control of a county surrogate
29 or any devise or distribution from an estate paid into the county
30 surrogate's court prior to April 14, 1989; any unclaimed bail and any
31 interest thereon deposited prior to January 1, 1995 and 50% of any
32 unclaimed bail and any interest thereon deposited after January 1,1995;

33 (2) "Abandoned child support" means any payments for the support
34 of a child or a child and the custodial parent paid to the **[Probation**
35 **Division of the Superior Court]** division pursuant to a court order
36 that could not be distributed to the payee or returned to the payor
37 within one year of its receipt;

38 (3) "Title IV-D" means Part D, "Child Support and Establishment
39 of Paternity," of subchapter IV of the Social Security Act (42 U.S.C.
40 651 et seq.) under which states receive partial federal reimbursement
41 of their administrative expenses for establishing paternity and
42 collecting child support.

43 (cf: P.L.1995, c.115, s.1)

44

45 151. The following are repealed:

46 Section 1 of P.L.1981, c.417 (C.2A:17-56.7);

1 Sections 1, 14 and 21 of P.L.1985, c.278 (C.2A:17-56.26, 2A:17-
2 56.17 and 2A:17-56.24);
3 P.L.1993, c.110 (C.2A:17-56.27 et seq.);
4 P.L.1995, c.334 (C.2A:17-56.37 et seq.); and
5 Sections 2 and 12 of P.L.1996, c.7 (C.2A:17-56.40 and 2A:17-
6 56.50).

7
8 152. This act shall take effect immediately.

9

10

11

STATEMENT

12

13 Sections 1 through 60 of this bill reflect the recommendations
14 proposed by the Uniform Interstate Family Support Act (UIFSA). This
15 new law (UIFSA) was designed to completely revise the Revised
16 Uniform Reciprocal Enforcement of Support Act of 1968 (RURESA)
17 which was adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24
18 et seq.).

19 The following is a summary of the provisions of UIFSA:

20 Article 1 provides:

- 21 • A definitional section which differs from RURESA primarily in
22 the use of the term "tribunal" for "court" in recognition of the
23 fact that many states have created administrative agencies to
24 establish, enforce, and modify child support.
- 25 • That the Superior Court, Chancery Division, Family Part is
26 designated as the tribunal for the establishment, enforcement,
27 or modification of support orders.
- 28 • That the procedures for establishment, enforcement, or
29 modification of support or a determination of parentage under
30 this act do not preclude the application of general State law.

31 Article 2, Part A asserts what is commonly described as long-arm
32 jurisdiction over a nonresident respondent for purposes of establishing
33 a support order or determining parentage. Part A provides:

- 34 • The bases for long-arm jurisdiction over a nonresident.
- 35 • That when long-arm jurisdiction is asserted, the provisions of
36 UIFSA are not applicable, with two exceptions. The
37 exceptions allow the tribunal to apply the special rules of
38 evidence and the rules on discovery which are both set forth in
39 Article 3.

40 Article 2, Part B tracks the traditional RURESA action involving
41 residents of separate states. In this situation, the initiating state does
42 not assert personal jurisdiction over the nonresident, but instead
43 forwards the case to another, responding state, which is to assert
44 personal jurisdiction over its resident. Part B provides:

- 45 • For the identification of the roles a tribunal may serve, either
46 as an initiating or a responding tribunal.

- 1 • A method for the one-order system to eliminate the multiple
2 orders common under RURESA. UIFSA resolves conflicts
3 between competing jurisdictional assertions by establishing a
4 priority for the tribunal in the child's home state or if there is
5 no home state, with "first filing."
6 • That the issuing tribunal retains continuing, exclusive
7 jurisdiction over the support order except in very narrowly
8 defined circumstances.
9 • That a state that enacts this law recognizes the continuing,
10 exclusive jurisdiction of other tribunals over support orders
11 and authorizes the initiation of requests for modification to the
12 issuing state; that a tribunal having continuing, exclusive
13 jurisdiction over a support order may act as a responding
14 tribunal to enforce or modify the order; and that tribunals of
15 the enacting states must adhere to the one-order-at-a-time
16 system.

17 Article 2, Part C is designed to span the gulf between the
18 one-order system of UIFSA and the multiple order system in place
19 under RURESA. Part C provides:

- 20 • For a priority scheme for recognition and enforcement of
21 existing multiple orders regarding the same obligor, obligee or
22 obligees, and the same child.
23 • For a method to handle multiple orders involving two or more
24 families of the same obligor by treating all the orders as if they
25 had been issued by a tribunal of this State.
26 • That until the one-order system of UIFSA is in place, it is
27 necessary to mandate credit for actual payments made against
28 all existing orders.

29 Article 3 provides:

- 30 • A list of the types of actions authorized by UIFSA.
31 • That a minor parent may maintain an action under UIFSA
32 without the appointment of a guardian ad litem, even if the law
33 of the jurisdiction requires a guardian for an in-state case.
34 • That a tribunal will have the same powers in an action
35 involving interstate parties as it has in an intrastate case, which
36 will insure the efficient processing of interstate support cases.
37 • For the duties of the initiating tribunal which consist of
38 forwarding the required documents.
39 • For the duties of the responding tribunal, including mechanical
40 functions and judicial functions, and for substantive rules
41 applicable to interstate cases.
42 • That a tribunal that receives UIFSA documents in error,
43 forward them to the appropriate tribunal.
44 • For the duties of a support enforcement agency.
45 • For the right of a party to retain private counsel in an action
46 brought under UIFSA.

- 1 • For the duties of the Division of Child Support Services in the
2 Department of Human Services as the State information
3 agency.
- 4 • For the basic requirements for the drafting and filing of
5 interstate pleadings.
- 6 • For confidentiality in the pleadings if there is a serious risk of
7 domestic violence or child abduction.
- 8 • For fees and costs to be assessed against the obligor.
- 9 • That the petitioner is not subject to personal jurisdiction by
10 this State in other litigation between the parties due to
11 participation in a UIFSA proceeding; for an immunity from
12 service of process during the time a party is physically present
13 in a state for a UIFSA action; and for the withholding of
14 immunity from civil litigation unrelated to the support action
15 stemming from contemporaneous acts committed by a party
16 while present in the State for the support litigation.
- 17 • That a parentage decree rendered by another tribunal is not
18 subject to collateral attack in a UIFSA proceeding except on a
19 fundamental constitutional ground.
- 20 • For special rules on evidence and procedure for interstate
21 support cases including rules to eliminate many potential
22 hearsay problems and rules to encourage tribunals and litigants
23 to take advantage of modern methods of communication.
- 24 • Authorization for the communication between courts in order
25 to expedite establishment and enforcement of the support order
26 of either this State or of the sister state.
- 27 • For the facilitation of interstate cooperation in the discovery
28 process.
- 29 • For the prompt disbursement of any amounts received by a support
30 enforcement agency pursuant to a support order.

31 Article 4 provides authorization for a tribunal of the responding
32 state to issue temporary and permanent support orders binding on an
33 obligor over whom the tribunal has personal jurisdiction, if no other
34 support order exists and no other tribunal has continuing, exclusive
35 jurisdiction over the matter.

36 Article 5 provides:

- 37 • For the direct recognition by the obligor's employer of a
38 withholding order issued by another state.
- 39 • Authorization for summary enforcement of a sister state
40 support order through any administrative means available for
41 local orders.

42 Article 6, Part A expands the procedure for the registration of
43 foreign support orders available under RURESA. Part A provides:

- 44 • For the registration of the support order in the responding
45 state as the first step to enforcement by a tribunal of that state.
- 46 • For an outline of the mechanics for registration of a sister

1 state order.

2 • That the foreign support order is to be enforced and satisfied
3 in the same manner as if it had been issued by a tribunal of the
4 registering state; however, the order to be enforced remains an
5 order of the issuing state and any request for relief that
6 requires application of the continuing, exclusive jurisdiction of
7 the issuing tribunal must be sought in the issuing forum.

8 • Situations in which local law is inapplicable.

9 Article 6, Part B provides procedures for the nonregistering party
10 to contest registration of an order, either because the order is allegedly
11 invalid, superseded, or no longer in effect, or because the enforcement
12 remedy being sought is opposed by the nonregistering party. Part B
13 specifically provides:

14 • That the nonregistering party must be fully informed of the
15 effect of registration. After such notice is given, absent a
16 successful contest by the nonregistering party, the order will be
17 confirmed and future contest will be precluded.

18 • For the procedure to contest validity or enforcement of a
19 registered order.

20 • That the burden of proving the enumerated defenses to
21 registration of a support order is placed on the nonregistering
22 party.

23 • For the confirmation of a support order which validates both
24 the terms of the order and the asserted arrearages.

25 Article 6, Part C deals with situations in which it is necessary for a
26 registering state to modify the existing child support order of another
27 state. Part C provides:

28 • That a petitioner wishing to register a support order of
29 another state for purposes of modification must conform to the
30 general requirements for pleadings and the procedures for
31 registration set forth in the bill.

32 • That an order registered for purposes of modification may be
33 enforced in the same manner as an order registered for
34 purposes of enforcement.

35 • That this State's tribunal may modify a foreign support order
36 if specific factual preconditions are found.

37 • For the recognition by the original issuing state of a modified
38 order by a tribunal of another state which assumed jurisdiction
39 pursuant to law.

40 Article 7 provides for authorization of a "pure" parentage action in
41 the interstate context.

42 Article 8 provides:

43 • For interstate rendition of an individual who is charged
44 criminally with having failed to provide for the support of an
45 obligee.

46 • Conditions that a governor may implement before making the

1 demand for an individual's surrender or before honoring this
2 type of demand.

3 Article 9 provides:

- 4 • That this uniform act should be applied and construed to
5 effectuate its general purpose.
- 6 • For the title of the uniform act.
- 7 • For the repeal of the RURESA, P.L.1981, c.243 (C.2A:4-30.24
8 et seq.) and sections 15 and 16 of P.L.1985, c.278 (C.2A:17-
9 56.18 and 2A:17-56.19) which are also applicable to interstate
10 enforcement of support orders.

11

12 Sections 61 through 151 of this bill, are designated the "New Jersey
13 Child Support Program Improvement Act." These sections establish
14 the Division of Child Support Services in the Department of Human
15 Services and reorganize the child support program in this State in
16 order to streamline the establishment of paternity and the provision of
17 child support payments and health care coverage for obligees.

18 Specifically, the bill establishes the Division of Child Support
19 Services in the Department of Human Services, effective January 1,
20 1999, to provide child support and related services in accordance with
21 Title IV-D of the federal Social Security Act and the recently enacted
22 federal welfare reform law, Pub.L.104-193 (the "Personal
23 Responsibility and Work Opportunity Reconciliation Act of 1996"),
24 and transfers all of the functions, powers and duties of the county
25 probation departments in connection with Title IV-D and related
26 services to the division.

27 With respect to the child support activities currently conducted by
28 county welfare agencies, the bill authorizes the Commissioner of
29 Human Services to contract with county welfare agencies to utilize
30 county employees who currently perform child support functions.
31 These employees will remain as county employees but shall be under
32 the direction of the State Division of Child Support Services to assure
33 consistency within the State's child support system. Direction shall
34 include, but not be limited to, determination of policy and procedure,
35 administrative supervision and work location within the county. Any
36 county employee, including county welfare attorneys, who conducts
37 child support functions and who chooses not to remain as a county
38 employee, shall notify the county of this request in writing and shall be
39 transferred to State employment as governed by agreements for such
40 transfer between the State and county.

41 In addition, the bill:

- 42 • requires the Division of Child Support Services to establish and
43 maintain a State central registry for interstate Title IV-D child
44 support cases;
- 45 • requires employers and labor organizations to report information
46 about newly hired employees to the division;

- 1 • provides for the denial, suspension or revocation of child support
2 obligors' professional or occupational licenses, driver's licenses and
3 recreational or sporting licenses (e.g., power vessel licenses and
4 hunting or fishing licenses) for obligors who have failed to make a
5 required, current obligation of child support payment for six
6 months;
- 7 • requires the State Lottery Director and the Commissioner of
8 Human Services to exchange data before a State lottery prize in
9 excess of \$600, rather than \$1,000 as the law currently provides, is
10 awarded, and prohibits a delinquent Title IV-D obligor from
11 receiving an annuity award assignment;
- 12 • requires county prosecutors to cooperate to the fullest extent
13 possible in the criminal prosecution of Title IV-D cases referred by
14 the Division of Child Support Services; and
- 15 • repeals various sections of law in chapter 17 of Title 2A of the New
16 Jersey Statutes, including the short titles and definition sections of
17 various laws, which are no longer applicable or whose provisions
18 are incorporated in this bill. The bill repeals:
- 19 - Section 1 of P.L.1981, c.417 (short title);
20 - Sections 1, 14 and 21 of P.L.1985, c.278 (C.2A:17-56.26,
21 2A:17-56.17 and 2A:17-56.24) (short title, definitions, income
22 withholding provisions, county probation department duties);
23 - P.L.1993, c.110 (C.2A:17-56.27 et seq.) (short title,
24 establishment of pilot project for collection of child support
25 arrearages);
26 - P.L.1995, c.334 (C.2A:17-56.37 et seq.)(withholding of child
27 support arrearages from awards in civil lawsuits); and
28 - Sections 2 and 12 of P.L.1996, c.7 (C.2A:17-56.40 and
29 2A:17-56.50) (definitions, requirement for annual report concerning
30 revocation or suspension of drivers and professional licenses).
- 31 Many of the provisions of this bill are intended to implement
32 requirements which the State must adopt under Pub.L.104-193.