

SENATE, No. 2473

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 9, 2007

Sponsored by:
Senator RONALD L. RICE
District 28 (Essex)

SYNOPSIS

Authorizes court to waive license revocation process for certain child support obligors.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning child support and amending chapter 7 of
2 P.L.1996.

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

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

9 3. a. If the child support arrearage equals or exceeds the amount
10 of child support payable for six months or court-ordered health care
11 coverage for the child is not provided for six months, or the obligor
12 fails to respond to a subpoena relating to a paternity or child
13 support action, or a child support-related warrant exists, and the
14 obligor is found to possess a license in the State and all appropriate
15 enforcement methods to collect the child support arrearage have
16 been exhausted, the Probation Division shall send a written notice
17 to the obligor, by certified and regular mail, return receipt
18 requested, at the obligor's last-known address or place of business
19 or employment, advising the obligor that the obligor's license may
20 be revoked or suspended unless, within 30 days of the postmark
21 date of the notice, the obligor pays the full amount of the child
22 support arrearage, or provides proof that health care coverage for
23 the child has been obtained, or responds to a subpoena, or makes a
24 written request for a court hearing to the Probation Division. The
25 obligor's driver's license shall be suspended by operation of law
26 upon the issuance of a child support-related warrant. If a child
27 support- related warrant for the obligor exists, the professional,
28 occupational, recreational or sporting license revocation or
29 suspension shall be terminated if the obligor pays the full amount of
30 the child support arrearage, provides proof that health care coverage
31 for the child has been obtained as required by the court order, or
32 surrenders to the county sheriff or the Probation Division.

33 b. If the obligor fails to take one of the actions in subsection a.
34 of this section within 30 days of the postmark date of the notice and
35 there is proof that service on the obligor was effective, the
36 Probation Division shall file a certification with the court setting
37 forth the obligor's non-compliance with the support order and the
38 obligor's failure to respond to the written notice of the potential
39 license suspension or revocation. If, based on the papers filed by
40 the Probation Division, the court is satisfied that service on the
41 obligor was effective as set forth in this section, it shall without
42 need for further due process or hearing, enter a court order
43 suspending or revoking all licenses held by the obligor. Upon the
44 entry of the order, the Probation Division shall forward a copy to
45 the obligor and all appropriate licensing authorities.

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

Matter underlined thus is new matter.

1 For the purposes of this section, the court may deem procedural
2 due process requirements for notice and service of process to be met
3 with respect to a party thereto upon delivery of written notice to the
4 most recent residential or employer address filed with the Probation
5 Division for that party. If a party fails to respond to a notice and no
6 proof is available that the party received the notice, the Probation
7 Division shall document to the court that it has made a diligent
8 effort to locate the party by making inquiries that may include, but
9 are not limited to: the United States Postal Service, the [Division of
10 Motor Vehicles in the Department of Transportation] New Jersey
11 Motor Vehicle Commission, the Division of Taxation in the
12 Department of the Treasury and the Departments of Labor and
13 Corrections. The Probation Division shall provide an affidavit to
14 the court presenting such documentation of its diligent effort, which
15 certifies its inability to locate the party, before any adverse action is
16 taken based upon the party's failure to respond to the notice.

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

32 d. Notwithstanding the provisions of subsections a., b., or c. of
33 this section or any other law to the contrary, for any obligor whose
34 child support arrearage equals or exceeds the amount of child
35 support payable for six months, the court may waive the license
36 revocation process upon a satisfactory showing that the obligor is
37 currently employed and is making child support payments;
38 provided, however, if the obligor fails to make support payments,
39 the obligors license shall be suspended in accordance with section 5
40 of P.L.1996, c.7 (C.2A:17-56.43).

41 (cf: P.L.1998, c.1, s.28)

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43 2. This act shall take effect immediately.

1 STATEMENT

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3 This bill would authorize the courts to waive the license
4 revocation process for an obligor whose child support arrearage
5 equals or exceeds six months worth of payments provided that the
6 obligor make a satisfactory showing that he is employed and is
7 currently making child support payments.

8 It is the sponsor's belief that suspending an obligor's
9 professional license or driver's license will make it harder for the
10 obligor to earn a wage and therefore, less likely to pay any child
11 support at all. Allowing the obligor to keep a license will result in
12 more frequent child support payments.