

CHAPTER 223

AN ACT concerning child support and supplementing chapter 17 of Title 2A of the New Jersey Statutes.

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

C.2A:17-56.67 Termination of obligation to pay child support.

1. a. Unless otherwise provided in a court order or judgment, the obligation to pay child support shall terminate by operation of law without order by the court on the date that a child marries, dies, or enters the military service. In addition, a child support obligation shall terminate by operation of law without order by the court when a child reaches 19 years of age unless:

(1) another age for the termination of the obligation to pay child support, which shall not extend beyond the date the child reaches 23 years of age, is specified in a court order;

(2) a written request seeking the continuation of child support is submitted to the court by a custodial parent prior to the child reaching the age of 19 in accordance with subsection b. of this section; or

(3) the child receiving support is in an out-of-home placement through the Division of Child Protection and Permanency in the Department of Children and Families.

b. (1) In response to a notice of proposed termination of child support issued in accordance with subsection d. of this section, a custodial parent may submit a written request, on a form and within timeframes promulgated by the Administrative Office of the Courts, with supporting documentation to the court, including a projected future date when support will terminate, seeking the continuation of child support beyond the date the child reaches 19 years of age in the following circumstances:

(a) the child is still enrolled in high school or other secondary educational program;

(b) the child is a student in a post-secondary education program and is enrolled for the number of hours or courses the school considers to be full-time attendance during some part of each of any five calendar months of the year; or

(c) the child has a physical or mental disability, as determined by a federal or State government agency, that existed prior to the child reaching the age of 19 and requires continued child support

(2) A custodial parent may file a motion with the court seeking to extend the obligation to pay child support beyond the date the child reaches 19 years of age due to exceptional circumstances as may be approved by the court.

c. If the court finds that the request form and supporting documentation submitted by the custodial parent establish sufficient proof to continue the child support beyond the date a child reaches 19 years of age pursuant to paragraph (1) of subsection b. of this section, the child support obligation shall not be terminated by operation of law when the child reaches the age of 19, and the court shall issue an order establishing the prospective date of child support termination. A copy of the court order shall be provided to both parents of the child. A parent responsible for paying child support who disagrees with the court's decision to continue child support beyond the date the child reaches 19 years of age or who otherwise desires to modify or terminate the child support obligation may, at any time, file a motion with the court seeking relief from that obligation.

d. For child support orders that are administered by the Probation Division of the Superior Court, the Probation Division and the State IV-D agency shall cooperatively provide both parents with at least two written notices of a proposed termination of child support, which shall include information and the request form to facilitate the continuation of

child support beyond the date the child reaches 19 years of age. The first notice shall be sent at least 180 days prior to the proposed termination date, and the second notice shall be sent at least 90 days prior to the proposed termination date. The second notice shall not be required whenever a custodial parent's request for continuation is pending or a new date of child support termination has been established. To the extent feasible, the Probation Division and the State IV-D agency shall cooperatively provide additional notice to the parents by text message, telephone message, or other electronic means. In addition, all orders and judgments that include a child support obligation entered after the effective date of P.L.2015, c.223 (C.2A:17-56.67 et seq.) shall contain information regarding the termination of child support obligations as provided in P.L.2015, c.223 (C.2A:17-56.67 et seq.).

e. Notwithstanding the provisions of this section, the obligation to pay child support shall terminate by operation of law when a child reaches 23 years of age. The Probation Division and the State IV-D agency shall cooperatively provide both parents with a written notice of termination at least 90 days prior to the termination date and, to the extent feasible, the Probation Division and the State IV-D agency shall cooperatively provide additional notice to the parents by text message, telephone message, or other electronic means. Nothing in this section shall be construed to:

(1) prevent a child who is beyond 23 years of age from seeking a court order requiring the payment of other forms of financial maintenance or reimbursement from a parent as authorized by law to the extent that such financial maintenance or reimbursement is not payable or enforceable as child support as defined in section 3 of P.L.1998, c.1 (C.2A:17-56.52); or

(2) prevent the court, upon application of a parent or child, from converting, due to exceptional circumstances including, but not limited to, a mental or physical disability, a child support obligation to another form of financial maintenance for a child who has reached the age of 23.

C.2A:17-56.68 Child support order to remain in effect for other children; adjustment.

2. a. Whenever there is an unallocated child support order for two or more children and the obligation to pay child support for one of the children is terminated by operation of law pursuant to section 1 of P.L.2015, c.223 (C.2A:17-56.67), the amount of the child support obligation in effect immediately prior to the date of the termination shall remain in effect for the other children. Either party may file an application with the court to adjust the remaining child support amount to reflect the reduction in the number of dependent children. For the purposes of this section, "unallocated" means a child support amount for the benefit of multiple children that does not specify the amount of child support for each child.

b. Whenever there is an allocated child support order for two or more children and the obligation to pay child support for one of the children is terminated by operation of law pursuant to section 1 of P.L.2015, c.223 (C.2A:17-56.67), the amount of the child support obligation shall be adjusted to reflect only the amount allotted for the remaining child or children. Either party may file an application with the court to adjust the remaining child support amount to reflect the reduction in the number of dependent children. For the purposes of this section, "allocated" means a child support amount for the benefit of multiple children that specifies the amount of support for each child as ordered by the court.

C.2A:17-56.69 Arrearages due and enforceable.

3. If a child support obligation is terminated by operation of law pursuant to section 1 of P.L.2015, c.223 (C.2A:17-56.67), any arrearages that have accrued prior to the date of the termination shall remain due and enforceable. If the person responsible for paying child

support for a child owes child support arrearages at the time a child support obligation is terminated and there are no other children being supported under the same order, the amount to be paid to satisfy the arrearage shall be the sum of the recurring child support obligation in effect immediately prior to the effective date of the termination plus any arrears repayment obligation in effect immediately prior to the effective date of the termination, unless otherwise ordered by the court.

For child support orders that are being administered by the Probation Division of the Superior Court, the Probation Division shall continue to enforce and collect the arrearages until they are paid in full or the court, in accordance with State and federal law and regulations and the Rules of Court, as applicable, terminates the Probation Division's supervision of the support order.

C.2A:17-56.70 Inapplicability of act relative to provisions of foreign jurisdictions.

4. The provisions of P.L.2015, c.223 (C.2A:17-56.67 et seq.) shall not apply to child support provisions contained in orders or judgments entered by a foreign jurisdiction and registered in New Jersey for modification or enforcement pursuant to the "Uniform Interstate Family Support Act," P.L.1998, c.2 (C.2A:4-30.65 et seq.) or any succeeding law that is substantially similar, or a law or procedure substantially similar to the "Uniform Reciprocal Enforcement of Support Act," originally adopted in New Jersey as P.L.1952, c.197 (C.2A:4-30.1 et seq.) but subsequently repealed, or the "Revised Uniform Reciprocal Enforcement of Support Act," originally adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.) but also subsequently repealed.

C.2A:17-56.71 Inapplicability of act.

5. Nothing in P.L.2015, c.223 (C.2A:17-56.67 et seq.) shall:

- a. require or relieve a parent from paying support or other costs while a child is enrolled full-time in a post-secondary education program;
- b. prohibit the State IV-D agency or the Probation Division of the Superior Court from seeking to close a Title IV-D case or terminate its supervision of a child support order in accordance with procedures as provided under State or federal law and regulations or the Rules of Court;
- c. prohibit any party from filing an application with the court seeking the termination of an order to pay child support for any cause other than those provided under P.L.2015, c.223 (C.2A:17-56.67 et seq.); or
- d. prohibit the parties from consenting to a specific termination date for child support that does not exceed the date a child reaches 23 years of age, or to any other financial arrangements for a child that are not designated as child support, subject to the approval of the court.

C.2A:17-56.72 Construction of act.

6. Nothing in P.L.2015, c.223 (C.2A:17-56.67 et seq.) shall be construed to prevent a parent who is responsible for paying child support from petitioning the court for the termination of child support for good cause prior to the child reaching 19 years of age, or from petitioning the court to contest the extension of child support for a child beyond the date the child reaches 19 years of age, as provided in P.L.2015, c.223 (C.2A:17-56.67 et seq.).

C.2A:17-56.73 Preparation, availability of information.

7. The Administrative Office of the Courts and the State IV-D agency shall cooperatively prepare and make available to the public information regarding the termination of child support obligations pursuant to P.L.2015, c.223 (C.2A:17-56.67 et seq.), including but not limited to: how parents may establish an alternative termination age or event; how support may be extended beyond the age of 19 under certain circumstances; and how parents may contest the continuation or termination of support as provided in P.L.2015, c.223 (C.2A:17-56.67 et seq.).

C.2A:17-56.74 Rules of Court.

8. The Supreme Court may adopt Rules of Court appropriate or necessary to effectuate the purposes of this act.

C.2A:17-56.75 Rules, regulations.

9. The Commissioner of Human Services may adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

10. This act shall take effect on the first day of the 13th month after enactment and shall be applicable to all child support orders issued prior to, on, or after the effective date. The Department of Human Services and the Administrative Office of the Courts shall cooperate to take any appropriate anticipatory administrative action, including action concerning the notice requirements of subsection d. of section 1 of P.L.2015, c.223 (C.2A:17-56.67), in advance of the effective date as shall be necessary for the implementation of this act.

Approved January 19, 2016.