

NJSA 2A:17-56.23a. Enforcement of child support orders as judgments; prospective modification of orders

Any payment or installment of an order for child support, or those portions of an order which are allocated for child support, whether ordered in this State or in another state, shall be fully enforceable and entitled as a judgment to full faith and credit and shall be a judgment by operation of law on and after the date it is due. For obligors who reside or own property in this State, such judgments, once docketed with the Clerk of the Superior Court, shall have the same force and effect, be enforced in the same manner and be subject to the same priorities as a civil money judgment entered by the court. The State shall accord full faith and credit to child support judgments or liens of other states, whether arising by operation of law or having been entered by a court or administrative agency, when a Title IV-D agency, a party, or other entity seeking to enforce such a judgment or lien in this State files a Notice of Interstate Lien, in the form prescribed by the federal Office of Child Support Enforcement, and supporting documents with the Clerk of the Superior Court. An action to domesticate a foreign child support judgment or lien shall be consistent with the "Uniform Enforcement of Foreign Judgments Act," P.L.1997, c.204 (C.2A:49A-25 et seq.). Liens against real and personal property shall be subject to the same enforcement procedures as other civil money judgments except that no judicial notice or hearing shall be required to enforce the lien. No payment or installment of an order for child support, or those portions of an order which are allocated for child support established prior to or subsequent to the effective date of P.L.1993, c.45 (C.2A:17-56.23a), shall be retroactively modified by the court except with respect to the period during which there is a pending application for modification, but only from the date the notice of motion was mailed either directly or through the appropriate agent. The written notice will state that a change of circumstances has occurred and a motion for modification of the order will be filed within 45 days. In the event a motion is not filed within the 45-day period, modification shall be permitted only from the date the motion is filed with the court.

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

NJSA 2A:17-56.57. Information provided by financial institutions on non-custodial parents

a. Each financial institution doing business in the State shall provide information to the department on all non-custodial parents who maintain an account at the financial institution and who owe past due child support that equals or exceeds the amount of support payable for three months and for which no regular payments are being made.

b. In order to provide the information required pursuant to subsection a. of this section, a financial institution shall enter into an agreement and, at its option:

(1) identify non-custodial parents by comparing records maintained by the financial institution with records provided by the department by name, address of record and either Social Security number, tax identification number or other identifying information;

(2) submit to the department a report that includes the name, address of record and either Social Security number, tax identification number or other identifying information of each individual maintaining an account at the financial institution as shown on its records of that account; or

(3) enter into an agreement with the department to provide the name, address of record and either Social Security number, tax identification number or other identifying information in a form and by a method mutually agreeable to the financial institution and the department.

c. The department shall enter into a cooperative agreement with financial institutions doing business in this State to provide the information required pursuant to subsection a. of this section on a quarterly basis, by electronic or magnetic media, mail, facsimile or any automated data exchange method or other means authorized by the department. The department shall establish, by regulation, and pay a reasonable fee for the data match provided for in this subsection. To the extent consistent with federal law, the department shall reimburse a financial institution for actual costs that are reasonably and efficiently incurred in conducting the data match provided for in this section.

d. In response to a notice of lien or levy, a financial institution shall encumber or surrender, as the case may be, assets held by the financial institution on behalf of any noncustodial parent who is subject to a child support lien pursuant to 42 U.S.C. § 666(a)(4). To the extent consistent with federal law, the encumbrance or surrender shall be subject to any right to any fees and penalties or set-off the financial institution may have against the assets under State law.

The assets shall be held and not distributed to any party until the contest period provided for in subsection f. of this section has expired or while an action on these assets is pending in court.

e. Notwithstanding any other law to the contrary, a financial institution that is directed to levy upon, block, freeze or encumber an account pursuant to the provisions of this section, is entitled to: (1) collect or deduct from the account its reasonable and normally scheduled processing fee for a levy; and (2) collect or deduct its normally scheduled account activity fee to maintain the account for any period the account is blocked, frozen or encumbered. The provisions of this section shall not be construed to preclude a financial institution from exercising its right to charge back or recoup a deposit to an account.

f. Notwithstanding any other provision of federal or State law to the contrary, a financial institution shall not be liable under any federal or State law to any person for any disclosure of information to the department for the purpose of establishing, modifying or enforcing a child support obligation of an individual, or for encumbering, holding, refusing to release to the obligor or surrendering any assets held by the financial institution, in response to a notice of lien or levy issued by the department, or for any other action taken in good faith to comply with the requirements of this section, regardless of whether the action was authorized or described pursuant to this section. The department shall provide notice of the intent to levy an account and an opportunity to contest the levy within 30 days of the date of the notice, in accordance with regulations adopted by the commissioner. A financial institution shall not be required to give notice to an account holder or

customer that the financial institution has provided information or taken any action pursuant to the provisions of this section. The financial institution shall not be liable for failure to provide the notice.

g. In obtaining a financial record of an individual from a financial institution, the department may only disclose the financial information for the purpose of, and to the extent necessary to establish, modify or enforce a child support obligation of the individual.

h. If any officer or employee of the department knowingly, or by reason of negligence, discloses a financial record of an individual in violation of subsection g. of this section, the injured individual may bring a civil action for damages against the officer or employee. Unauthorized release of information shall also be cause for administrative discipline of any employee who engages in an unauthorized release. In the case of willful unauthorized release of information, such action by an employee shall be cause for termination of employment.

i. No liability shall arise under this section with respect to any disclosure which results from a good faith but erroneous interpretation.

j. No financial institution-affiliated party shall be required to provide information required by this section if the financial institution with which the party is affiliated has otherwise provided the required information.

k. The amount subject to levy in a joint account, as defined in section 2 of P.L.1979, c.491 (C.17:161-2), shall be in accordance with the provisions of section 4 of P.L.1979, c.491 (C.17:161-4).