

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 4247
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JANUARY 5, 2024

SUMMARY

Synopsis: Directs the suspension, by operation of law, of certain offenders' child support obligations.

Type of Impact: Annual net impact on State and county expenditures.

Agencies Affected: The Judiciary, Department of Human Services, Juvenile Justice Commission, county welfare agencies

Office of Legislative Services Estimate

Annual Fiscal Impact	
Net Impact on State Expenditures	Indeterminate
Net Impact on County Expenditures	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill will result in additional annual expenditures for the Judiciary, Department of Human Services, and Juvenile Justice Commission. The bill directs the suspension, by operation of law, of child support obligations of certain offenders, and the enforcement of those orders.
- The Child Support Program is state supervised and county administered. County welfare agencies are responsible for providing assistance in the location of non-custodial parents, establishing paternity, and obtaining orders for child and medical support. These county welfare agencies are expected to incur additional indeterminate costs annually under the bill. To the extent that the notification requirements in the bill will be the responsibility of the State rather than the county welfare agencies, counties will have no additional costs.
- The automatic suspension of certain child support obligations could result in a reduction in expenditures for the State and counties related to fewer costs for the oversight and enforcement of the suspended obligations. Weighed against the expenditure increases noted above, the direction and magnitude of the net impact on State and county expenditures cannot be determined.

BILL DESCRIPTION

Under the bill, unless otherwise provided in a court order or judgment, the obligation to pay current and past due child support, and the judicial enforcement of the obligation, is to be automatically suspended by operation of law for any period exceeding 180 consecutive days in which the person ordered to pay support is incarcerated or placed in detention. Either party is authorized to file an application with the court seeking payment for an obligation suspended automatically under the bill if the obligor has the ability to pay while incarcerated or placed in detention.

The provisions of the bill require the Child Support Program to provide at least one notice of an automatic suspension to both parties at their last known addresses. The notice is required to include information regarding the date of the suspension and the date the obligation and any arrears repayment is expected to be reinstated, as well as information on the right of a custodial parent to reinstate payment if the obligor has the ability to pay.

Cases eligible for relief under the bill may be reviewed by the court to determine the obligor's ability to pay, and to determine whether to suspend or continue the obligation for the period of incarceration or detention exceeding 180 days. The Child Support Program in the Department of Human Services, in consultation with the Probation Division of the Administrative Office of the Courts, is required to develop forms to implement the provisions of the bill.

Finally, the bill requires the JJC to also to advise a juvenile adjudicated delinquent and placed in detention of any child support orders and judgments entered against them, and provide information on how to petition the court for a temporary modification of the financial obligations.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill will result in additional annual expenditures for the State, which cannot be estimated at this time. County welfare agencies are also expected to incur annual expenditure increases under the bill. The bill directs the suspension, by operation of law, of child support obligations of certain offenders, and the enforcement of those orders. The Judiciary, Department of Human Services, Juvenile Justice Commission, and county welfare agencies are likely to incur increased costs due to the following provisions of the bill:

- 1) The Child Support Program, which is overseen by the Department of Human Services but administered by county welfare agencies, is required to provide at least one notice to both parties when the obligation is automatically suspended. It is unclear if any State-owned electronic systems will require technological enhancements for the automatic suspension. Mailing notices to the last known address will be an additional annual expense for the county welfare agencies, though it cannot be known how many such notices will be mailed in a given year to determine a cost estimate. To the extent that the notification requirements in the bill will be the responsibility of the State rather than the county welfare agencies, counties will have no additional costs.

2) Either party is authorized to file a motion or application with the court seeking payment for an obligation suspended automatically under the bill if the person ordered to pay support has the ability to pay while incarcerated or placed in detention. This application or motion process may result in increased bench time to review cases in question and additional administrative costs for the courts.

3) The Department of Human Services and the Administrative Office of the Courts are required to develop forms to implement the provisions of the bill. The Administrative Office of the Courts is also required to provide sample forms and instructions on how to file an application to modify child support to the Juvenile Justice Commission for self-represented litigants. This will add to increased administrative costs for the Administrative Office of the Courts.

4) The Juvenile Justice Commission may incur a marginal increase in costs due to an increase in its administrative workload.

The OLS notes that the automatic suspension of certain child support obligations could result in a reduction in expenditures for the State and counties related to fewer costs for the oversight and enforcement of the suspended obligations. Weighed against the expenditure increases noted above, the direction and magnitude of the net impact on State and county expenditures cannot be determined.

Section: Judiciary

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).