

CHAPTER 101

AN ACT concerning child support and amending P.L.1985, c.278 and P.L.1997, c.14.

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

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

C.2A:17-56.22 Fees for application, collection of child support.

19. a. The State IV-D agency shall have the authority to charge an application fee to individuals not receiving Temporary Assistance for Needy Families who apply for IV-D services.

(1) The application fee shall be uniformly applied on a Statewide basis and shall be a flat dollar amount not to exceed \$25 or other amount as may be appropriate for any fiscal year to reflect administrative costs.

(2) The fee shall be collected directly from the individual who applied for IV-D services.

(3) The State IV-D agency shall determine by regulation the distribution of the fees collected.

b. In addition to the application fee, the State IV-D agency shall charge a \$25 annual fee for the collection of child support for IV-D services in those cases in which the State has collected at least \$500 on behalf of an individual receiving support for a child who has never received Temporary Assistance for Needy Families.

The State IV-D agency shall have the authority to pay the fee using federal incentive dollars as available, and when not available, the State IV-D agency shall exercise its option under the federal "Deficit Reduction Act of 2005," Pub.L.109-171 and its implementing regulations to collect the fee from the non-custodial parent.

2. Section 6 of P.L.1997, c.14 (C.44:10-49) is amended to read as follows:

C.44:10-49 Assignment of child support rights by signing application for benefits.

6. a. The signing of an application for benefits under the Work First New Jersey Program shall constitute an assignment of any child support rights pursuant to Title IV-D on behalf of individual assistance unit members to the county agency. The assignment shall terminate with respect to current support rights when a determination is made by the county agency that the person in the assistance unit is no longer eligible for benefits. The determination of the amount of repayment to the county agency and distribution of any unpaid support obligations that have accrued during the period of receipt of benefits shall be determined by regulation of the commissioner in accordance with federal law.

b. The county agency shall pass through to the assistance unit the full amount of the current child support collected on behalf of a child in those circumstances defined by the commissioner.

c. An assistance unit eligible for benefits and in receipt of child support shall receive, in addition to its regular grant of cash assistance benefits, a monthly amount of child support based on the current child support received for the month, as determined by regulations adopted by the commissioner, and in accordance with federal law.

3. The Commissioner of Human Services shall 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.

4. Section 1 of this act shall take effect on June 30, 2008 and section 2 of this act shall take effect on October 1, 2008, but the Commissioner of Human Services may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved November 17, 2008.