

## CHAPTER 453

AN ACT concerning child support and amending P.L.2015, c.223.

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

1. Section 1 of P.L.2015, c.223 (C.2A:17-56.67) is amended to read as follows:

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

1. a. Unless otherwise provided in a court order, judgment, or court-approved preexisting agreement, the obligation to pay current child support or provide medical support, or both for a child 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 or judgment;

(2) the child suffers from a severe mental or physical incapacity that causes the child to be financially dependent on a parent, in consideration of the factors set forth in N.J.S.2A:34-23, and the continuation of the obligation to pay support for that child is specified in a court order or judgment;

(3) a written request seeking the continuation of child support services 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 and such request is approved by the court; or

(4) 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 services 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 the academic 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. The Probation Division of the Superior Court shall review the request form and supporting documentation submitted by the custodial parent and shall make a recommendation to the court as to whether 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. If sufficient proof has been provided, 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 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 to the last known address of the parties at least 180 days prior to the proposed termination date, and the second notice shall be sent to the last known address of the parties 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.). Failure of a party to provide a current mailing address shall not prevent the termination of the obligation.

e. Except for child support services provided pursuant to paragraph (2) of subsection a. of this section for a child who suffers from a severe mental or physical incapacity that causes the child to be financially dependent on a parent, the obligation to pay child support shall terminate by operation of law when a child reaches 23 years of age. The Probation Division of the Superior Court and the State IV-D agency shall cooperatively provide both parents with a written notice of termination sent to the last known address of the parties 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.

f. 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);

(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;

(3) prevent the court, upon application of a parent or child, from ordering the continuation of the child support obligation or the continuation of Title IV-D services, or both, for a child with a severe physical or mental incapacity that causes the child to be financially dependent upon a parent and consistent with paragraph (2) of subsection a. of this section. The parental obligation to provide support for the child shall continue until the court finds that the child is relieved of the incapacity or is no longer financially dependent on the parent. In assessing the financial obligation of the parent, the court shall consider the factors set forth in N.J.S.2A:34-23; or

(4) require the Probation Division of the Superior Court to provide any establishment, monitoring, or enforcement of financial maintenance or reimbursement orders.

2. Section 5 of P.L.2015, c.223 (C.2A:17-56.71) is amended to read as follows:

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.);

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;

e. prohibit the parties from consenting to any other financial arrangements for a non-disabled child 23 years of age or older that are not enforceable by the State IV-D agency or the Probation Division of the Superior Court; or

f. prohibit the State IV-D agency or the Probation Division of the Superior Court from:

(1) providing full Title IV-D child support services for the duration of the obligation to pay child support or provide medical support or both for a child under the circumstances set forth in subsection a. or b. of section 1 of P.L.2015, c.223 (C.2A:17-56.67); or

(2) requiring the completion of a Title IV-D application in every case where a party is seeking full Title IV-D child support services and no application is on file, or an application is not required under law.

3. This act shall take effect on the first day of the 11th month following enactment and shall be applicable to all child support orders issued prior to, on, or after the effective date. The Department of Human Services, in conjunction with the Administrative Office of the Courts, may take such anticipatory administrative action in advance as may be necessary for the implementation of this act.

Approved January 21, 2020.