

NOTICE TO THE BAR

CHILD SUPPORT – NO AUTOMATIC SUSPENSION OF AN OBLIGOR’S DRIVER’S LICENSE UPON ISSUANCE OF A CHILD SUPPORT RELATED WARRANT – INTERIM RELAXATION OF COURT RULES TO CONFORM TO STATUTE

The Supreme Court has relaxed and supplemented Rules 5:7-4A (“Income Withholding for Child Support; Notices”) and 5:7-5 (“Failure to Pay; Enforcement by the Court or a Party; Suspension or Revocation of Licenses for Failure to Support Dependents; Execution of Child Support; Child Support Judgments and Post-Judgment Interest”) to conform to L. 2019, c. 276, which amended N.J.S.A. 2A:17-56.41 by prohibiting the automatic suspension of a child support obligor’s driver’s license upon the issuance of a child support-related warrant.

The Court’s January 5, 2021 Order is attached. The rule relaxation is effective retroactive to January 1, 2021 and will remain in effect pending development and adoption of conforming rule amendments.

Questions may be directed to Assistant Director for Family Practice Joanne M. Dietrich at (609) 815-2900 x55350 or to Assistant Director for Probation Services Brenda Beacham at (609) 815-3810 x16243.

A handwritten signature in black ink, appearing to read "Glenn A. Grant", is written over a horizontal line.

Hon. Glenn A. Grant
Acting Administrative Director of the Courts

Dated: January 15, 2021

SUPREME COURT OF NEW JERSEY

IT IS ORDERED, pursuant to N.J. Const. (1947), Art. VI, sec. 2, par. 3, that retroactive to January 1, 2021, the provisions of Rule 5:7-4A (“Income Withholding for Child Support; Notices”) and 5:7-5 (“Failure to Pay; Enforcement by the Court or a Party; Suspension or Revocation of Licenses for Failure to Support Dependents; Execution of Child Support; Child Support Judgments and Post-Judgment Interest”) of the Rules Governing the Courts of the State of New Jersey are supplemented and relaxed as follows:

1. Consistent with L. 2019, c. 276, which amended N.J.S.A. 2A:17-56.41 effective January 1, 2021, an obligor’s driver’s license shall not be suspended by operation of law upon issuance of a child support related warrant.
2. A court may suspend a child support obligor’s driver’s license if, after adequate notice and opportunity for a hearing, the court finds that the license suspension is warranted.
3. Court notices included in orders and judgments that contain child support provisions, including as to driver’s license suspensions associated with issuance of enforcement warrants, shall be revised as necessary to implement the provisions of this Order.

4. The provisions of this order shall remain in effect pending adoption of conforming rule amendments.

For the Court,

A handwritten signature in blue ink, appearing to read "Steven R. Lerner", is written over the text "For the Court,".

Chief Justice

Dated: January 5, 2021