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LEGAL SERVICES OF NEW JERSEY NEWSLETTER FOCUSES ON THE RIGHTS OF A PARENT FACING BENCH WARRANTS FOR CHILD SUPPORT FAILURES

EDISON — The latest newsletter of Legal Services of New Jersey (LSNJ) centers on the rights of people when a warrant is issued for their arrest and possible imprisonment for failing to pay child support.

The bilingual publication, “Looking Out For Your Legal Rights,” may be viewed online at www.lsnjlaw.org.

The article amounts to a primer on what a parent, who owes past due child support, can expect and how best to prepare for various follow-up developments before New Jersey Family Court judges. It notes that individuals who are not sure of their child support status may register and get quick up-to-date information at www.njchildsupport.org.

Arrest warrants for violators can come any time and may be served at a person’s home, workplace, or elsewhere. Parents have the option of turning themselves in before an arrest is made.

Those parents who believe and can show their finances and other circumstances have changes since the original support payment order was issued may seek reconsideration.

There are three situations in which a bench warrant may be issued: failure to show up at an enforcement support hearing; a prior order authorizes a bench warrant if you failed to pay two weeks of support; and when probation officials determine an immediate enforcement hearing is needed.

Although driver’s licenses no longer are automatically suspended when child support bench warrants are issued, licenses may be lifted in some situations. Parents who believe and can

show their finances and other circumstances have changed since the original support payment, may seek reconsideration.

When an offending parent is arrested and brought before a judge, the court has many sanctions available well short of jail in dealing with contempt violations of court orders and weighing whether incarceration should be considered. In that regard, a key motivating distinction is made between “noncompliance” and “willful noncompliance.” The article says willful means “that you either had the money and chose not to pay, or you unreasonably chose to be unemployed or to take a job paying less money.”

People are advised to carefully prepare for court hearings and bring all necessary documents to support their case.

Other articles in the newsletter deal with federal housing protections for victims of domestic violence, and recent law changes that extend many long-standing employee protections to domestic workers.

Legal Services of New Jersey (LSNJ), located in Edison, heads the state’s Legal Services system, a network of six independent nonprofit corporations that provides free essential legal aid in civil matters to low-income people in all 21 counties.

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