

Handout 4: Judgments (Liens on Property)

In 1988, past-due child support payments became judgments by operation of law (N.J.S.A. 2A:17-56.23b). Such judgments must be accorded the same status as other judgments. Therefore, they must:

- Constitute a lien on real property owned by the judgment debtor
- Be entitled to legal interest

The lien-creating attribute is initiated when cases with child support arrears are docketed with the Clerk of the Superior Court, where other civil judgments are docketed. This is an automated interface. Once a judgment is docketed, the amount owed is not updated. Instead, anyone searching the judgment records of the Clerk of the Superior Court is instructed to contact the local Probation Child Support Enforcement (PCSE) Unit enforcing the order to obtain the current amount of the debt.

Once docketed as a judgment, the payment of the full arrearage and post-judgment interest owed to the custodial parent (CP) through the PCSE Unit does not eliminate the judgment record. That can only occur by the filing of a Warrant of Satisfaction with the Clerk of the Superior Court, Judgment Section. The non-custodial parent (NCP) must request the Warrant of Satisfaction from the PCSE Unit, and it must be signed by both the CP (individual or CWA) and the Chief Probation Officer or the Assistant Director of Probation. Once signed, the NCP is responsible for filing the warrant with the Clerk of the Superior Court and paying the current filing fee. If, despite payment of the arrears in full, the CP refuses to sign a Warrant of Satisfaction, the NCP may file a motion with the court for an order to have the judgment removed.

Liens on Settlement Recoveries

Before 1988, the reduction or elimination of child support arrears remained within the control of the court. In 1988, the state legislature (in order to comply with new federal

Child Support Program state plan requirements) enacted N.J.S.A. 2A:17-56.23(a), which provided the following:

- Any payment of an order for child support is a judgment by operation of law on and after the date it is due.
- No payments of child support shall be retroactively modified by the court except as to the period where there is a pending application for modification, but then only from the date the motion was filed.

In 1993, the statute was amended to make it clear that the non-modification restriction also applied to child support orders entered before the effective date of the law.

The law conferred the status of a judgment on all child support arrears. As such, the arrearage obtained several additional attributes:

- The CP is entitled to interest on the unpaid balance.
- The arrears could be docketed with the Clerk of the Superior Court to create a lien on real estate.
- The arrears could be docketed with the Clerk of the Superior Court to create a lien on civil settlements arising from court actions.


In 2000, the statutes were expanded to include other settlements between parties.

Attorneys were required to perform judgment searches before disbursing funds, based on the net proceeds available. “Net proceeds” was defined as that amount of money in excess of \$2,000 payable to the NCP after costs are deducted (e.g., attorney fees, witness fees, court costs, and other costs related to the lawsuit) N.J.S.A. 2A:17-56.23(b).

A subsequent court case interpreted the phrase, “in excess of \$2,000,” to mean that the first \$2,000 of the recovery, less costs, was not subject to the child support lien and could be distributed to the NCP. In fact, net proceeds in excess of \$2,000 **must be paid** to satisfy or reduce the child support judgment (N.J.S.A. 2A:17-56.23b). Payments received are distributed to all of the NCP’s qualified cases.

Currently, the PCSE Unit records docketed arrears through an interface between NJKiDS and the Automated Case Management System (CJOD) of the New Jersey Judiciary’s

Civil Division. The amount is not updated as the arrearage changes, but, instead, anyone searching the civil judgment records is instructed to contact the enforcing local PCSE Unit to verify the amount.

<div data-bbox="297 422 412 451">NJKiDS</div> <div data-bbox="256 493 462 564"></div>	<p>Pages associated with judgments:</p> <ul style="list-style-type: none">• View / Update Notes page• Arrears Balances page• Court Order pages<ul style="list-style-type: none">○ Enter Court Order Modification○ Court Order○ Correct Existing Court Order○ Edit Initial NJKiDS Court Order○ Record Initial Non-NJKiDS Court Order
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