

NOTICE TO EXECUTORS AND ADMINISTRATORS

NJSA 2A:17-56.23(b) provides that child support judgments are liens against the proceeds of an estate. The law does not preclude you from paying the decedent's debts. However, the law states that *you cannot pay an inheritance to any heir or devisee under the will prior to obtaining a certification from a private judgment search company stating whether the heir or devisee is a child support judgment debtor.*

The judgment search company is obligated to provide to you a certification stating whether the heir or devisee is a child support judgment debtor. The judgment search company may not charge more than \$10.00 for each name searched, and the fee is chargeable against the share of the heir or devisee.

Obtaining the certification from the private judgment search company. The statute provides two options for obtaining the certification.

Option One. The heir or devisee shall provide you with a certification that includes his/her full name, mailing address, date of birth and social security number. If the heir or devisee is represented by an attorney, the attorney shall institute the child support judgment search and the judgment search company shall provide a certification stating whether or not the heir or devisee is a child support judgment debtor.

Option Two. If the heir or devisee is not represented by an attorney, the heir or devisee must still provide you with a certification that includes his/her full name, mailing address, date of birth and social security number. It is your obligation to initiate the judgment search.

The next step. After you receive the certification from the judgment search company, there are two options. If the certification shows that the heir or devisee is not a child support judgment debtor, the inheritance may be paid to him/her immediately. If the certification shows that the heir or devisee is a child support judgment debtor, you must contact the Probation Division of the Superior Court to arrange for satisfaction of the child support judgment. You must notify the heir or devisee of your intent to satisfy the child support judgment prior to disbursement of any funds to him/her. Upon receipt of a warrant of satisfaction for the child support judgment, you must pay the balance to the heir or devisee. If the inheritance is less than the amount of the child support judgment, the entire amount of the inheritance shall be paid to the Probation Division as partial satisfaction of the judgment.

I, _____ Executor of the Estate of _____, deceased,
have received a copy of this notice.

Date

Signature