NEW JERSEY LAW REVISION COMMISSION

Draft Tentative Report Addressing Exceptions to Ban on Retroactive Modification of Child Support for Emancipation and Adult Adoption

January 16, 2024

The New Jersey Law Revision Commission is required to "[c]onduct a continuous examination of the general and permanent statutory law of this State and the judicial decisions construing it" and to propose to the Legislature revisions to the statutes to "remedy defects, reconcile conflicting provisions, clarify confusing language and eliminate redundant provisions." *N.J.S.* 1:12A-8.

This Report is distributed to advise interested persons of the Commission's tentative recommendations and to notify them of the opportunity to submit comments. Comments should be received by the Commission no later than **March 26, 2024**.

The Commission will consider these comments before making its final recommendations to the Legislature. The Commission often substantially revises tentative recommendations as a result of the comments it receives. If you approve of the Report, please inform the Commission so that your approval can be considered along with other comments. Please send comments concerning this Report or direct any related inquiries, to:

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Project Summary[1]

N.J.S. 2A:17-56.23a provides that child support payments "shall [not] be retroactively modified by the court except with respect to the period during which there is a pending application for modification."[2] The statute has consistently been read, with very limited exceptions, to prohibit retroactive reductions in child support obligations for the period predating an application for modification.[3]

In *K.A. v. F.A.*, the Superior Court, Chancery Division, considered "a question of first impression: may a child support obligation be modified retroactively prior to the date of application where the substantial, permanent change in circumstances is an adult adoption that terminated the obligor's parental rights."[4] The Court held that "N.J.S.A. 2A:17-56.23a's ban on retroactive modification to child support does not bar modification, or even termination, of child support retroactive to the date of the adult adoption," similar to the exception provided for a child's emancipation.[5]

The proposed modifications set forth in the Appendix add language to N.J.S. 2A:17-56.23a intended to clarify that emancipation and adult adoption are exceptions to the statute's ban on retroactive modification of child support prior to the date of the application.[6]

Statute Considered

N.J.S. 2A:17-56.23a provides, in relevant part, that:

* * *

<u>No payment or installment of an order for child support, or those portions of an order which are allocated for child support established prior to or subsequent to the</u>

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[1] Preliminary work on this project was conducted by Nicole I. Sodano, pro bono volunteer. Additional research and drafting were contributed by Shelby E. Ward, Esq., pro bono volunteer.
[2] N.J. STAT. ANN. § 2A:17-56.23a (West 2024) (modification may be made "from the date the notice of motion was mailed either directly or through the appropriate agent").
[3] *K.A. v. F.A.*, 473 N.J. Super. 151, 156 (Ch. Div. 2020) ("With limited exceptions, courts doggedly enforce the prohibition on retroactive modifications.").
[4] *Id.* at 155.
[5] *Id.* ("The most notable exception to the statutory ban on retroactive modifications – and most analogous to the circumstances here – is for a child's emancipation.").
[6] In addition to the exceptions discussed herein for emancipation and adult adoption, courts have also recognized that a child's death constitutes an exception to the ban on retroactivity. *See K.A. v. F.A.*, 473 N.J. Super. at 156 (citing *Centanni v. Centanni*, 408 N.J. Super. 78, 82 (Ch. Div. 2008) (holding that "N.J.S.A. 2A:17–56.23a does not bar the modification of child support retroactive to the date of death of any of the parties' children")). In 2015, the Legislature enacted N.J.S. 2A:17-56.67, which provides that a child support obligation "shall terminate by operation of law without order by the court on the date that a child marries, <u>dies</u>, or enters the miliary service." N.J. STAT. ANN. § 2A:17-56.67(a) (West 2024). N.J.S. 2A:17-56.69 states that when a child support obligation is "terminated by operation of law pursuant to [N.J.S. 2A:17-56.67], any arrearages that have accrued prior to the <u>date of termination</u> shall remain due and enforceable." N.J. STAT. ANN. § 2A:17-56.69 (West 2024) (emphasis added). Therefore, the exception for a child's death was not included in the proposed modifications set forth in the Appendix.

effective date of P.L.1993, c. 45 (C.2A:17-56.23a), shall be retroactively modified by the court except with respect to the period during which there is a pending application for modification, but only from the date the notice of motion was mailed either directly or through the appropriate agent. The written notice will state that a change of circumstances has occurred and a motion for modification of the order will be filed within 45 days. In the event a motion is not filed within the 45-day period, modification shall be permitted only from the date the motion is filed with the court.

The non-modification provision of this section is intended to be curative and shall apply to all orders entered before, on and after the effective date of P.L.1993, c. 45 (C.2A:17-56.23a).

Legislative History of N.J.S. 2A:17-56.23a

The New Jersey Legislature enacted N.J.S. 2A:17-56.23a in 1988.[7] The original statute granted child support orders from New Jersey or other states "full faith and credit," and barred the retroactive modification of child support past the date of mailing the application for modification.[8] Following the enactment of the statute, the Appellate Division held in *Ohlhoff v. Ohlhoff* that N.J.S. 2A:17-56.23a was "prospective in operation only and therefore d[id] not bar the elimination of child support arrearages for the period prior to its effective date, November 20, 1988."[9]

In response to *Ohlhoff*, the New Jersey Legislature amended the statute "to clarify that the provisions of [N.J.S. 2A:17-56.23a] apply to all orders entered before, on or after its effective date."[10] The Legislature explicitly intended "the bill's provisions [to be] curative in nature."[11]

A third amendment was made to the statute in 1998, as part of the "New Jersey Child Support Program Improvement Act,"[12] which "implement[ed] requirements which [New Jersey was required to] adopt under the federal 'Personal Responsibility and Work Opportunity Reconciliation Act of 1996,' Pub.L.104-193."[13] The 1998 amendment to N.J.S. 2A:17-56.23a "[r]equire[d] the State to cooperate with other states in interstate child support cases."[14]

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[7] N.J. STAT. ANN. § 2A:17-56.23a (West 2023); *see also* L.1988, c. 111, § 1, eff. Nov. 20, 1988.
[8] L.1988, c. 111, § 1, eff. Nov. 20, 1988.
[9] *Ohlhoff v. Ohlhoff*, 246 N.J. Super. 1, 5 (App. Div. 1991) ("The primary issue presented by this appeal is whether N.J.S.A. 2A:17–56.23a, which bars any retroactive modification of child support, is applicable with respect to child support payments which accrue during a period when a supported child is residing with the supporting parent.").
[10] Statement to Senate Bill 752, 1992 Sess., 205th Leg. (May 7, 1992) (enacted as L.1993, c. 45, § 1, eff. Feb. 18, 1993).
[11] Assembly Senior Citizens and Social Services Committee Statement to Senate Bill 752, 1992 Sess., 205th Leg. (May 7, 1992) (enacted as L.1993, c. 45, § 1, eff. Feb. 18, 1993).
[12] L.1998, c. 1, § 25, eff. Mar. 5, 1998.
[13] Statement to Assembly Bill 1645, 1998 Sess., 208th Leg. (Jan. 29, 1998) (enacted as L.1998, c. 1, eff. Mar. 5, 1998).
[14] *Id.* at 43.

Background

K.A. and F.A. married in 1997, had three children, and divorced in 2008.[15] F.A.'s child support obligation to his two younger children was unallocated.[16] K.A. later remarried.[17] On July 19, 2018, the two oldest children, both over eighteen years of age, were adopted by their stepfather.[18] This change of circumstances prompted F.A to request termination of child support for his two oldest children and modification of his child support obligation to his youngest child retroactive to the date of the adoptions.[19]

K.A. objected to retroactive modification to the date of the adoptions because the child support obligation was unallocated between the unadopted youngest child and the middle child.[20] She argued that modification may only be retroactive to the date of application pursuant to N.J.S. 2A:17-56.23a.[21]

Analysis

In *K.A. v. F.A.*, the Court addressed, as a matter of first impression, "whether the adult adoption of a child constitutes an additional, limited exception to N.J.S.A. 2A:17-56.23a's otherwise applicable ban on retroactivity."[22] In holding that it does, the *K.A.* Court compared adult adoption to emancipation, an established exception to the ban on retroactivity, and concluded that "N.J.S.A. 2A:17-56.23a cannot bar the cancellation of child support for a period during which no duty of support existed."[23]

Emancipation Exception to Ban on Retroactivity in N.J.S. 2A:17-56.23a

The *K.A.* Court drew a parallel between adult adoption and emancipation, which was established as an exception to the ban on retroactivity in N.J.S. 2A:17-56.23a by *Mahoney v. Pennell*[24] and *Bowens v. Bowens*,[25] decided by the Appellate Division on the same day.[26] Because "[e]mancipation is the conclusion of 'the fundamental dependent relationship between parent and

[15] *K.A.*, 473 N.J. Super. at 156.
[16] *Id.* ("When the oldest child matriculated at college, the court modified F.A.'s ongoing child support in February 2017, such that a portion of the support obligation was allocated to the oldest child, but the remainder of the support obligation was unallocated among the two younger children.").
[17] *Id*.
[18] *Id*.
[19] *Id*. (noting that the application for modification was filed "20 months" after the adoptions).
[20] *Id.*
[21] *Id*.
[22] *Id.* at 157–58.
[23] *Id.* at 161.
[24] *Mahoney v. Pennell*, 285 N.J. Super. 638 (App. Div. 1995).
[25] *Bowens v. Bowens*, 286 N.J. Super. 70 (App. Div. 1995).
[26] *K.A.*, 473 N.J. Super. at 157.

child,'"[27] it entails the termination of "the rights and obligations related to care, custody, and . . . support incident to the parent-child relationship."[28]

- *Mahoney v. Pennell*

In *Mahoney*, the Appellate Division addressed whether the retroactivity ban in N.J.S. 2A:17-56.23a "applie[d] to a retroactive termination of the support obligations based on the emancipation of the child where the date of emancipation occurs after the statute's effective date."[29] Upon the final judgment of divorce of the plaintiff and defendant in *Mahoney*, the defendant was required to pay child support for his two sons.[30] The plaintiff repeatedly attempted to enforce the child support order against the sporadically compliant defendant and in the meantime, both children turned eighteen, graduated high school, and became employed full-time.[31]

At the time each child turned eighteen, the defendant provided written notice to the Camden County Probation Department that he would no longer be paying child support and was thereafter notified of "substantial support arrearages."[32] The trial court denied the defendant's motion to terminate his child support obligations retroactive to the dates of his sons' eighteenth birthdays, but "did terminate defendant's support obligation, emancipating [the children] as of the date the motion was heard."[33]

The defendant filed a motion for reconsideration and the plaintiff filed a cross-motion requesting reconsideration of the emancipation of her older son, who was enrolled in college as a full-time student at the time.[34] Both motions were denied and the trial court "concluded that N.J.S.A. 2A:17-56.23a precluded it from granting a "request to eliminate retroactively the child support arrearages to the dates of [the children's] emancipation."[35]

The Appellate Division reviewed the legislative history and purpose of the statute,[36] and analyzed the impact of emancipation on child support obligations.[37] The *Mahoney* Court found that the statute "was enacted to insure that on-going support obligations that became due were paid."[38] The Court explained, however, that, "[i]mplicit . . . in the judicial obligation to enforce the terms of a child support order is the underlying premise that a duty to support exist."[39] The

[27] *Id.* at 158 (quoting *Filippone v. Lee*, 304 N.J. Super. 301, 308 (App. Div. 1997)).
[28] *Id.*
[29] *Mahoney*, 285 N.J. Super. at 639.
[30] *Id.*
[31] *Id.* at 639-41 (providing that the older son enlisted in the Navy after high school and enrolled as a full-time college student following his discharge from the Navy, and the younger began working full-time after high school graduation).
[32] *Id.* at 640.
[33] *Id.*
[34] *Id.* at 641.
[35] *Id.*
[36] *Id.* at 642-43.
[37] *Id.* at 643-44.
[38] *Id.* at 643.
[39] *Id.*

Court concluded, therefore, that "[w]here there is no longer a duty of support by virtue of a judicial declaration of emancipation, no child support can become due."[40]

The *Mahoney* Court recognized that emancipation is a "fact sensitive issue," and held that "N.J.S.A. 2A:17–56.23a does not bar the cancellation of child support arrearages which accrued subsequent to the date of the minor's emancipation as retroactively determined by the court."[41]

- *Bowens v. Bowens*

Similarly, in *Bowens*, the plaintiff filed a motion to "eliminat[e] . . . all support arrearages incurred following [his son's] eighteenth birthday."[42] The trial court found the child was emancipated at eighteen but also held that the court "was constrained by the anti-retroactivity provisions of N.J.S.A. 2A:17-56.23a from eliminating the arrearages."[43]

As in *Mahoney*, the Appellate Division set forth the statute's legislative history as well as the Legislature's goal in enacting it.[44] The *Bowens* Court concluded that "it is implicit in [a divorce] judgment that the support obligation terminates upon emancipation."[45]

Therefore, the Court held that because the child "was found by the motion judge to be emancipated when he became [eighteen] on May 20, 1988, those unpaid arrearages accruing from the emancipation date shall be canceled."[46]

- *New Jersey Rules of Chancery Division, Family Part Rule 5:6-9*

In addition to the case law, the rules governing the Chancery Division, Family Part, also reinforce the principle that child support obligations terminate upon a child's emancipation. Rule 5:6-9, entitled "Termination of Child Support Obligations," provides guidelines for the various circumstances of termination and continuation of child support obligations.[47]

In subsection (e), the rule provides for termination of child support based on "[c]ourt-ordered emancipation," which "shall terminate the obligation of an obligor to pay current child support, <u>as of the effective date set forth in the order of emancipation</u>."[48] The section continues

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[40] *Id.*
[41] *Id.*
[42] *Bowens*, 286 N.J. Super. at 71 (noting the child turned eighteen five years prior to the filing of the motion).
[43] *Id.*
[44] *Id.* at 71-72.
[45] *Id.* at 72-73.
[46] *Id.* at 73.
[47] N.J. R. CH. DIV. FAM. PT. R. 5:6-9 (West 2024).
[48] N.J. R. CH. DIV. FAM. PT. R. 5:6-9(e).

that "[a]ny arrearages accrued prior to the date of emancipation shall remain due and enforceable by the obligee or the Probation Division, as appropriate."[49]

Adult Adoption Exception to Ban on Retroactivity in N.J.S. 2A:17-56.23a

The *K.A.* Court considered whether "the principles undergirding *Mahoney* and *Bowens* should be extended to create an additional, limited exception to N.J.S.A. 2A:17-56.23a's ban on retroactive modification to child support."[50] The Court described adult adoption as "[s]olely a creature of statute," which must be requested by the adult adoptee and does not require "notice [to] be provided to the natural parent or parents."[51]

Adult adoption "establishes the same rights, privileges, and obligations between the parties as if the adopted adult had been born of the adoptive parent."[52] In doing so, the adoption "terminates all other 'rights, privileges and obligations due from the natural parents to the person adopted."[53] Unlike child adoption, however, "adopted adults retain the right to inherit intestate from their natural parents," as is the case with an emancipated child.[54]

In addition, the Court observed that "[t]he adult adoption statute reflects the State's public policy of allowing 'adoption[s] between consenting persons, with the ability to enter a contract, when there is a strong benefit to be gained.'"[55] Considering this foundational principle of adult adoption, the Court determined that "an adult child who applies for an adult adoption has moved beyond the parental sphere of influence required for a finding of emancipation."[56]

Given the "fundamental similarity between adult adoption and emancipation whereby both terminate parental obligations of support," the *K.A.* Court held that "N.J.S.A. 2A:17-56.23a does not bar a retroactive modification to child support where the substantial, permanent change in circumstances[[57]] is an adult adoption because on adoption, as on emancipation, any on-going financial support obligation is extinguished."[58]

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[49] *Id.*
[50] *K.A.*, 473 N.J. Super at 159.
[51] *Id.* (citing N.J. STAT. ANN. §§ 2A:22-1 to -3 (West 2024)).
[52] *Id*. at 159-160.
[53] *Id.* at 160.
[54] *Id.*
[55] *Id.* at 161 (pointing out that "the adult adoption statute does not require . . . notice to – the natural parent or parents," which "recognizes the fact that with adulthood come rights and responsibilities of the adult not enjoyed by any child") (quoting *In re Estate of Fenton*, 386 N.J. Super. 404, 414 (App. Div. 2006)).
[56] *Id.*
[57] *Id.* (noting the parties did not disagree that "[a] child's adoption or emancipation constitutes [a substantial, permanent] changed circumstance" (citing *Lepis v. Lepis*, 83 N.J. 139, 157 (1980))). *See Lepis*, 83 N.J. at 149-53 ("[t]he party seeking modification has the burden of showing such 'changed circumstances' as would warrant relief from the support" and when modifying child support, an "examination of the child's needs and the relative abilities of the spouses to supply them" is required).
[58] *Id.*

Retroactive Modification When Child Support Obligation is Unallocated

Finally, the Court considered how its holding was impacted by the unallocated nature of the child support obligation to the two youngest children.[59] The Court referred to N.J.S. 2A:17-56.68, which requires that, when support is unallocated, "the amount of the child support obligation in effect immediately prior to the date of the termination shall remain in effect for the other children."[60] The statute further provides that "[e]ither party may file an application . . . to adjust the remaining child support amount to reflect the reduction in the number of dependent children."[61] As the Court noted, however, "[t]hat statutory provision is silent . . . regarding retroactivity."[62]

To resolve this question, the Court relied on *Harrington v. Harrington*, which addressed "the issue of previously unallocated support" in the context of a child's emancipation.[63] The *Harrington* Court held that "where a party requests a retroactive modification of unallocated child support for multiple children premised on emancipation, the court has 'discretion to retroactively modify . . . child support back to the date of a child's emancipation, depending upon certain equitable factors . . . ."[64] The *K.A.* Court analyzed these factors in the context of the case and ordered the parties to "proceed to mediation for the recalculation of child support."[65]

Pending Bills

There are currently no pending bills that address N.J.S. 2A:17-56.23a.

Conclusion

The proposed modifications to N.J.S. 2A:17-56.23a add language clarifying that emancipation and adult adoption are exceptions to the statute's ban on retroactive modification of child support obligations beyond the date of filing or mailing notice of the motion to modify child support, as held in *K.A. v. F.A.*, *Mahoney v. Pennell* and *Bowens v. Bowens*.

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[59] *Id.*
[60] N.J. STAT. ANN. § 2A:17-56.65(a) (West 2024).
[61] *Id.*
[62] *K.A.*, 473 N.J. Super at 162.
[63] *Id.* (citing *Harrington v. Harrington*, 446 N.J. Super. 399 (Ch. Div. 2016)
[64] *Id.* (listing the factors: (1) the "time . . . between the date of . . . emancipation and the filing date . . . "; (2) "the specific reasons for any delay . . . in filing . . . "; (3) whether "the non-custodial parent continue[d] to pay the same level of child support . . . even after he/she could have filed a motion . . . "; (4) whether "the custodial parent or child engage[d] in any fraud or misrepresentation . . . "; (5) whether "the non-custodial parent alleges that the custodial parent failed to communicate facts that would have led to emancipation and modification . . . "; (6) whether "retroactive modification of child support . . . [would] be unduly cumbersome and complicated . . . "; (7) whether "the custodial parent previously refrain[ed] from seeking to enforce or validly increase other financial obligations of the non-custodial parent . . . "; (8) whether "the non-custodial parent [is] seeking only a credit against unpaid arrears . . . "; (9) "the estimated dollar amount of child support that the non-custodial parent seeks to receive back . . . "; (10) "any other factors the court deems relevant . . . " (quoting *Harrington*, 446 N.J. Super. at 407-09)).
[65] *Id.* at 164 ("a number of considerations prohibit the court from recalculating child support at this juncture").

APPENDIX

The proposed modifications to **N.J.S. 2A:17-56.23a** are shown on the following pages (with ~~strikethrough~~ and underlining).

N.J.S. 2A:17-56.23a. Order or portion of order for child support; enforcement and entitlement to full faith and credit; prohibition of retroactive modification; exception

Any payment or installment of an order for child support, or those portions of an order which are allocated for child support, whether ordered in this State or in another state, shall be fully enforceable and entitled as a judgment to full faith and credit and shall be a judgment by operation of law on and after the date it is due. For obligors who reside or own property in this State, such judgments, once docketed with the Clerk of the Superior Court, shall have the same force and effect, be enforced in the same manner and be subject to the same priorities as a civil money judgment entered by the court. The State shall accord full faith and credit to child support judgments or liens of other states, whether arising by operation of law or having been entered by a court or administrative agency, when a Title IV-D agency, a party, or other entity seeking to enforce such a judgment or lien in this State files a Notice of Interstate Lien, in the form prescribed by the federal Office of Child Support Enforcement, and supporting documents with the Clerk of the Superior Court. An action to domesticate a foreign child support judgment or lien shall be consistent with the "Uniform Enforcement of Foreign Judgments Act," P.L.1997, c. 204 (C.2A:49A-25 et seq.). Liens against real and personal property shall be subject to the same enforcement procedures as other civil money judgments except that no judicial notice or hearing shall be required to enforce the lien.

No payment or installment of an order for child support, or those portions of an order which are allocated for child support established prior to or subsequent to the effective date of P.L.1993, c. 45 (C.2A:17-56.23a), shall be retroactively modified by the court except with respect to the period during which there is a pending application for modification, but only from the date the notice of motion was mailed either directly or through the appropriate agent. The written notice will state that a change of circumstances has occurred and a motion for modification of the order will be filed within 45 days. In the event a motion is not filed within the 45-day period, modification shall be permitted only from the date the motion is filed with the court. If the change of circumstances is a child's[66] emancipation[67] or adult adoption, as described in N.J.S. 2A:22-1 to -3,[68] the non-

[66] N.J. STAT. ANN. § 2A:17-56.52 (West 2024) (defining "[c]hild" as used in N.J.S. 2A:17-56.23a, as "a person, whether over or under the age of majority, who is or is alleged to be owed a duty of child support by that person's parent or who is or is alleged to be the beneficiary of a support order directed to the parent").

[67] There is no statutory definition of the term "emancipation." *See Filippone v. Lee*, 304 N.J. Super. 301, 308 (App. Div. 1997) ("Emancipation of a child is reached when the fundamental dependent relationship between parent and child is concluded, the parent relinquishes the right to custody and is relieved of the burden of support, and the child is no longer entitled to support. Emancipation may occur by reason of the child's marriage, by court order, or by reaching an appropriate age, and although there is a presumption of emancipation at age eighteen, that presumption is rebuttable. In the end the issue is always fact-sensitive and the essential inquiry is whether the child has moved 'beyond the sphere of influence and responsibility exercised by a parent and obtains an independent status of his or her own.'" (quoting *Bishop v. Bishop,* 287 N.J. Super. 593, 598 (Ch.Div.1995))).

[68] N.J. STAT. ANN. §§ 2A:22-1 to -3 (setting forth the requirements for, and effects of an adult adoption).

modification provision of this section does not prohibit a court from retroactively modifying[69] payments or installments of an order for child support or those portions of an order which are allocated for child support,[70] from the date of the emancipation or adult adoption.

The non-modification provision of this section is intended to be curative and shall apply to all orders entered before, on and after the effective date of P.L.1993, c. 45 (C.2A:17-56.23a).

COMMENT

The proposed language is added to the second paragraph of N.J.S. 2A:17-56.23a, prior to the final sentence of the statute, which emphasizes that the non-modification provision applies retroactively.[71] The only proposed modification to the structure of the statute is to begin a new paragraph with the phrase "No payment or installment of an order for child support, or those portions of an order which are allocated for child support. . . ."

The proposed language reflects the holding of *K.A. v. F.A.*, that retroactive modification of child support obligations beyond the period the application is pending is permitted when the triggering event is an adult adoption of a child.[72] In addition, the proposed language incorporates the holdings of *Mahoney v. Pennell* and *Bowens v. Bowens*, which similarly held that a court has discretion to retroactively modify child support obligations beyond the date of filing or mailing notice of the motion, when the change of circumstances is a child's emancipation.[73] The language makes clear that courts are permitted to retroactively modify child support obligations from the date of emancipation or adult adoption, rather than the date of the filing or mailing of notice of the motion to modify child support.[74]

[69] In light of the holdings in *K.A.*and *Harrington*, permitting retroactive changes to *unallocated* child support, the word "modify" was used rather than the word "terminate." *K.A.*, 473 N.J. Super. at 162-64 (analyzing the *Harrington* factors in the context of adult adoption); *Harrington*, 446 N.J. Super. at 409 (ordering a hearing "to analyze the[] factors, weigh the comparative equities, and determine whether [the court should] exercise its discretion and retroactively modify unallocated child support prior to the motion filing date, based upon a prior emancipation of one or more children").

[70] N.J. STAT. ANN. § 2A:17-56.23a (barring retroactive modification of "payments or installments of an order for child support or those portions of an order which are allocated for child support"); *see also Mahoney*, 285 N.J. Super. at 643 ("N.J.S.A. 2A:17–56.23a was enacted to insure that on-going support obligations that became due were paid. A change of circumstances, such as loss of a job, could, therefore, not be used as a basis to modify retroactively arrearages which already accrued under a child support order.") (emphasis added).

[71] *See* L.1993, c. 45, § 1, eff. Feb. 18, 1993.

[72] *K.A.*, 473 N.J. Super. at 156.

[73] *Mahoney*, 285 N.J. Super. at 643; *Bowens*, 286 N.J. Super. at 45.

[74] *K.A.*, 473 N.J. Super. at 155 ("N.J.S.A. 2A:17-56.23a's ban on retroactive modification to child support does not bar modification, or even termination, of child support retroactive to the date of the adult adoption"); *Bowen*, 286 N.J. Super. at 73 ("unpaid arrearages accruing from the emancipation date shall be canceled"); *Mahoney*, 285 N.J. Super. at 643 ("N.J.S.A. 2A:17–56.23a does not bar the cancellation of child support arrearages which accrued subsequent to the date of the minor's emancipation as retroactively determined by the court").