NEW JERSEY LAW REVISION COMMISSION

Draft Final Report
Relating to

Retroactive Child Support Orders

November 9, 2015

The work of the New Jersey Law Revision Commission is only a recommendation until enacted. Please consult the New Jersey statutes in order to determine the law of the State.

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Executive Summary

New Jersey employs a number of enforcement mechanisms to ensure that children receive appropriate support, including credit reporting, which may negatively affect the credit ratings of obligor parents and their ability to borrow.[1] But a problem arises when a judge issues a retroactive child support order which creates a technical arrearage "against a non-custodial parent who has never violated a support order or missed any legally specified payments."[2] The plain language of New Jersey's child support statute, N.J.S. 2A:17-56.21, *mandates* that information regarding even technical arrearages be provided to credit reporting agencies.[3]

In April 2015, the New Jersey Law Revision Commission (NJLRC) authorized work on a project to conduct research and propose revisions to N.J.S. 2A:17-56.21 to reflect the court's order in the recently published *Cameron v. Cameron*.[4]

Background

Family court judges in New Jersey have the discretion to issue retroactive child support orders in certain circumstances, such as when the non-custodial parent concealed assets in order to intentionally avoid paying support. Also, in cases where a dissolution matter has been continued or adjourned beyond the initial return date, under N.J.S. 2A:17-56.23(a), a court may retroactively establish or increase one's child support obligation back to at least the filing date of the petition.[5] The greater the gap in time between the original filing date of a petition and the conclusion of the case, the greater the chance that there may be a substantial amount of technical child support arrears retroactively owed by the non-custodial parent.[6]

The New Jersey Family Support Payment Center (NJFSPC) is responsible for processing child support payments, which must be made through the Probation Division of the county in which the obligor resides.[7] Obligors must be given written notice when child support orders are issued and income withholding to pay child support is required unless there is an agreement or order to the contrary.[8] And fees and interest may be collected from obligors for late child support payments.[9]

There is no statute of limitations to collect child support arrears in New Jersey. This basic rule was well illustrated in the unpublished Appellate Division case, *Faro v. Vonder Heyden*.[10]

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[1] Elsie Gonzalez, Esq., Child Support and Your Credit Score, March 27, 2015, www.newjerseydivorcelawyer-blog.com/2015/3/27/child-support-and-your-credit-score/ (last visited 4/2/2015).
[2] Cameron v. Cameron, 440 N.J.Super. 158, 163 (2014).
[3] N.J. STAT. ANN. § 2A:17-56.21 (West 2015).
[4] *Cameron*, 440 N.J.Super. 158 (2014).
[5] N.J. STAT. ANN. § 2A:17-56.23(a) (West 2015).
[6] *Cameron*, 440 N.J. Super. at 166.
[7] N.J. STAT. ANN. § 2A:17-56.13 (West 2015).
[8] N.J. STAT. ANN. § 2A:17-56.8 (West 2015).
[9] N.J. STAT. ANN. § 2A:17-56.20 (West 2015).
[10] Faro v. Vonder Heyden, 2008 WL 5083494.

Although the custodial parent in *Faro* waited seven years to attempt to collect child support arrears, neither the doctrine of equitable estoppel nor laches were found to be a defense for the obligor husband to avoid paying retroactive child support payments. Nor could he prove that he was prejudiced by the seven year delay.[11]

The court in *Cameron* identified a legal issue of first impression regarding the statutory interpretation of the child support statute and the reporting of child support arrears as a delinquency on an obligor's credit report. As discussed below, an order to pay child support is considered a judgment. According to Equifax, one of three nationwide consumer reporting agencies, lenders consider judgments along with other information to determine whether to extend credit and at what interest rate.[12] Judgments remain a part of one's credit record with credit reporting agencies for seven years from the date filed, whether satisfied (paid) or not.[13] This particular legal issue regarding retroactive child support orders is apparently well known to New Jersey family law practitioners, one of whom referred to it as one of the biggest "Catch-22s" in family court. The Court in *Cameron* determined that the reporting of child support arrears against a non-custodial parent who has never violated a support order is not required and, when a court of equity imposes a retroactive child support obligation resulting in newly assessed arrears, the court has the discretion to direct the Probation Department *not* to report such arrears to the credit reporting bureaus.[14]

It is considered a bright line rule that child support arrearages cannot be modified in most cases. New Jersey's "anti-retroactive" child support modification statute[15] bars the retroactive modification of permanent child support arrears except with respect to the period during which there is a pending application for modification. Also, judges recognize an exception for arrearages accruing after a child has been emancipated or in the case of the death of a child.[16]

Cameron concerns a divorced couple with joint custody of a child on whose behalf the father was initially ordered to pay child support. Eventually, when the child came to live with the father and he became primary residential custodian, the father petitioned for termination of his child support obligation and an order establishing the mother's new child support obligation as the non-custodial parent, retroactive to the date of the filing of his petition. When the court issued the requested retroactive child support order immediately placing the mother in arrears, she raised a concern through counsel regarding the negative consequence such arrears might have if reported as a delinquency, as required by N.J.S. 2A:17-56.21. The mandatory language at issue is contained in paragraph b., as follows:[17]

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[11] Child Support Arrears, http://www.divorcelawyerofnj.com/2009/01/29/child-support-arrearages/ (last visited 4/4/2015).
[12] www.equifax.com (last visited October 2, 2015).
[13] *Id*.
[14] As discussed above, the Probation Division of the Superior Court is responsible for child support enforcement.
[15] N.J. STAT. ANN. § 2A:17-56.23a (West 2015).
[16] *See* Centanni v. Centanni, 408 N.J.Super. 78 (2008).
[17] Title IV, Part D of the Social Security Act, 42 U.S.C. § 651 et seq., requires "states to report periodically to consumer reporting agencies . . . the name of any noncustodial parent who is delinquent in the payment of child support and the amount of overdue support owed by such parent."

a. The State IV-D agency shall have the authority to make available the name of any delinquent obligor and the amount of overdue support owed by the obligor to credit reporting agencies, subject to the conditions set forth in this section and privacy safeguards established by the commissioner. This information shall be provided only to an entity that has demonstrated to the satisfaction of the State IV-D agency that the entity is a credit reporting agency.

b. In all Title IV-D cases where the obligor is in arrears, the information shall be made available to credit reporting agencies. [Emphasis added]

c. The State IV-D agency may establish a fee for all requests which will be uniformly applied in all Title IV-D cases. Any fee charged shall be limited to the actual cost of providing the information.

d. Information with respect to a delinquent obligor shall be reported to credit reporting agencies only after the obligor has been afforded all procedural due process required under State law including notice and a reasonable opportunity to contest the accuracy of the information.

e. The State IV-D agency shall comply with all applicable procedural due process requirements before releasing information and may request information on an obligor from a credit reporting agency only after noticing the obligor of the State IV-D agency's intent to request the information.

As the *Cameron* court observed, under a strict interpretation of the above statutory language, an obligor who owes child support arrears is potentially subject to various legal consequences, including Probation's reporting of the arrears to credit reporting agencies. But the court held that the terms and spirit of the statute do not "require the reporting of technical arrears against a noncustodial parent who has never violated a support order or missed any legally specified payments in the same manner as against an obligor who has failed to make payments or otherwise violated an existing order."[18]

Of note, as pointed out to the Commission by one commenter, the judge in *Cameron* could have applied Rule 5:7-10 of the New Jersey Rules of Court to temporarily suspend the enforcement of the provisions of the existing child support order to allow the mother to clear up the arrearages. Such application would nevertheless have required a review of the suspension provisions of the order after 60 days, and every 60 days thereafter.

In New Jersey, if a judgment for arrears has been entered, the payee becomes a judgment-creditor and may enforce his or her judgment pursuant to the normal course of execution of any judgment.[19] Court rules require support to be paid through the Probation Department of the

[18] *Cameron*, 440 N.J.Super. at 163.
[19] NJ Family Law Practice § 5.7D.

payor's residence unless the court, upon good cause shown, orders direct payment.[20] The judge in *Cameron* noted that New Jersey child support law has its origin in federal law, which requires states in all Title IV-D cases in which the amount of overdue support exceeds $1,000 to provide the information to consumer reporting agencies.[21] The court noted also, upon examination of the legislative statement and history accompanying N.J.S. 2A:17-56.21, that the New Jersey Legislature did not intend for the consequences to apply to a non-delinquent obligor, who technically owes money only as a result of a retroactively imposed order, but who has never missed a payment or otherwise violated the order itself. Furthermore, "owing support" and being "delinquent on support" are not always synonymous, since, as the facts in *Cameron* illustrate, a debtor may owe money without being delinquent.

In some other states, a child support order alone may be reported without regard to arrearages. Tennessee, for instance, requires that consumer reporting agencies be notified when a child support obligor is "either current in payments of support or who is delinquent in the payment of support."[22] Obligors must first be notified of delinquent reports, however. Arizona and California, likewise, require the reporting of child support obligations of even non-delinquent obligors.[23] Noncustodial parents in Arizona have 15 days to contest the accuracy of the reported information, while California child support obligors are allowed 30 days. Maryland law requires notification of consumer reporting agencies, but only when the obligor parent is 60 days in arrears, has been notified in writing, and is provided a reasonable time to contest the information to be reported.[24]

Other states' family courts have similarly addressed retroactive child support orders which result in "technical" or "administrative" arrears in cases where the obligor parent is non-delinquent and has not violated any order to pay child support.[25]

In *Albright v. Bemis*, a father was ordered to pay child support retroactively when paternity was established many years after the child's birth.[26] Montana's District Court distinguished between "delinquent" or "past due" child support for the purposes of determining a monthly payment schedule. Similarly, in *Kenck v. State of Montana Child Support Enforcement Division*, an obligor parent brought an action after being denied employment based on a report to a consumer reporting agency regarding his child support arrearage.[27] The court held that an administrative arrearage of child support caused by the retroactive increase of father's child support obligation was not a delinquency or overdue child support, as could be reported as such to consumer credit reporting agencies. The *Kenck* court observed that there is "surprisingly little

[20] Practical Skills Series, PSS: Family Law § 5.C.
[21] "Title IV-D case" means any case in which the child support enforcement agency is enforcing the child support order pursuant to Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 , as amended.
[22] T.C.A. § 36-5-106.
[23] Arizona Revised Statutes § 25-512 and California Family Code § 4701.
[24] Maryland Code, Family Law §10-108.1.
[25] "Technical arrears" is not defined in New Jersey statute. It is not a term commonly found in New Jersey cases and, at time of publication, is mentioned only in *Cameron*. Black's Legal Dictionary does not define "technical arrears." Family courts in other states have also used the term "administrative arrears," as discussed below.
[26] Albright v. Bemis, 1996 Mont. Dist. Lexis 732.
[27] Kenck v. State of Montana Child Support Enforcement Division, 373 Mont. 168 (2013).

statutory guidance on whether an arrearage created by imposition of a retroactive increase in support should properly be construed or reported as overdue child support or a child support delinquency."

Obligor parents retroactively ordered to pay child support face additional potential consequences beyond credit reporting, such as the confiscation of tax refunds. But the court in *Laub v. Zaslavsky* held that arrearages created solely as a result of retroactive Pennsylvania child support orders did not constitute "past-due support" subjecting the obligor to the provisions of federal tax refund intercept statutes.[28] Retroactive child support orders in Florida received similar treatment in *Department of Revenue, Child Support Enforcement v. Cessford*.[29]

Judgment Statutes

Although the original scope of this project was concerned with the reporting of judgments by child support enforcement entities, one commenter suggested to the Commission that the judgment statutes are relevant because, irrespective of *Cameron*, a retroactive child support order is a kind of judgment and could be recorded as an independent operation. To address such potential collateral reporting of an order for technical arrears, the Commission proposes a revision to N.J.S. 2A:16-11, which requires Superior Court clerks to enter money judgments into the civil judgment and order docket.[30] The statute was amended in 1981 so as to provide that judgments from all divisions of the Superior Court involving the payment of money may be docketed without the need for the prevailing party to make a specific request.[31] Although the statute specifies that judgments for child support arrearages are among those to be recorded, it does not distinguish technical arrears, as the recent *Cameron* decision does.[32]

The new language, found in the Appendix below, is similar to that which is proposed for N.J.S. 2A:17-56.21, specifying that retroactive support orders are not to be recorded, i.e., treated as judgments, where the obligor has not violated a support order.[33]

Reaction to *Cameron v. Cameron*

Several interested constituencies, including Legal Services of New Jersey (LSNJ) have provided feedback regarding this project. LSNJ expressed support for the Commission's efforts, but suggested additional revisions to two sections of statute which provide for the granting, revocation, or suspension of licenses (see Appendix, below).[34] The organization explained that the proposed revision to N.J.S. 2A:17-56.21, intended to distinguish between child support

[28] Laub v. Zaslavsky, 369 Pa.Super. 84 (1987).
[29] Department of Revenue, Child Support Enforcement v. Cessford, 100 So.3d 1199 (2012).
[30] N.J. STAT. ANN. § 2A:16-11 (West 2015).
[31] See Senate Judiciary Committee Statement accompanying N.J. STAT. ANN. § 2A:16-11.
[32] See *Cameron*, 440 N.J.Super. at 163.
[33] N.J. STAT. ANN. § 2A:17-56.21.
[34] N.J. STAT. ANN. §§ 2A:17-56.41 and -56.44 (West 2015).

arrears resulting from delinquency and those resulting from retroactive support orders, should be applied to other sanctions for failure to pay support authorized by statute. LSNJ recommended, specifically, that the same reasoning should be utilized to amend the sections of the statute resulting in denial, revocation, or suspension of professional, trade, motor vehicle, sports, and recreational licenses when child support arrears amounting to six months or more of support payments have accrued. In fact, the court in *Cameron* recognized that "the same principle" that a court must have equitable discretion to direct the probation department not to report technical arrears "may equitably apply for other possible consequences of child support arrears as well, including but not limited to loss of driving privileges . . ."[35] LSNJ's recommendation came with the stipulation that the organization is not proposing changes to any of the statutory provisions allowing for specific and sometimes extraordinary collection methods, such as wage garnishments and interception of tax refunds, etc.

LSNJ's proposed additional language is consistent with the Commission's proposed revisions, which are calculated to distinguish child support obligors who are in violation from those who are not. In the existing N.J.S. 2A:17-56.21, the subject of this report, information about all child support obligors in arrears "shall be" made available to credit reporting agencies.[36] The Commission's proposed revisions would insulate those who are not in violation of a child support order from the reporting requirement. Similarly, LSNJ's proposed language would allow obligors in arrears *but not in violation* of a child support order to avoid revocation or suspension of a State-issued license under N.J.S. 2A:17-56.41, or the non-issuance of such a license under N.J.S. 2A:17-56.44.[37]

As discussed above, the Commission has received feedback from members of New Jersey's family law bar in support of decision in *Cameron v. Cameron*.[38] One family law attorney commented that the proposed revisions "exposed the problem with great clarity and made things very easy to read even for a non-family law practitioner," emphasizing that any final new language should make clear that reporting of arrears should occur as a result of violation of an existing order, as opposed to arrears stemming merely from retroactive application of an order establishing child support.

The Division of Family Development, Office of Child Support Services (DFD-OCSS), the State IV-D agency responsible for overseeing New Jersey's Title IV-D child support program, has expressed certain concerns. One such concern is that the *Cameron* order, and any statutory revisions consistent with *Cameron*, would negatively impact child support collections in at least the short term because of the need for a substantial amount of new training and tracking procedures. Any acceptable revision would have to be specific to the facts of *Cameron*, would include a defined and limited reporting blackout period, and would contain no requirement for enforcement personnel to return to court for subsequent hearings.

[35] *Cameron*, 440 N.J.Super. at 173.
[36] N.J. STAT. ANN. § 2A:17-56.21.
[37] N.J. STAT. ANN. §§ 2A:17-56.41, -56.44.
[38] *Cameron*, 440 N.J.Super. 158.

DFD-OCSS maintains that revising N.J.S. 2A:17-56.21 is unnecessary and unwarranted, in light of plans to revise its own policy regarding credit reporting, which are intended to achieve the intended purpose of *Cameron* while still comporting with federal and State IV-D rules. As this child support enforcement agency clearly articulated to the Commission, the federally certified automated child support system, NJKiDS, does not differentiate between delinquent and retroactive arrears because of the IV-D program's legal responsibility to utilize the appropriate IV-D enforcement remedies, such as credit reporting, when appropriate.[39] Of great concern to the agency is the potential impact a proposed statutory revision might have on the IV-D program's federal incentive dollars. Specifically, IV-D cases with retroactive arrears tracked separately would not be reportable to the federal government (grounds for a serious penalty) and would exclude New Jersey from receiving credit for collections in those cases. According to 2014 statistics, about 56 percent of all New Jersey IV-D cases are in arrears.[40]

Recognizing that the State has some discretion in defining what constitutes a "periodic" time period before which an obligor must be reported to the credit bureaus, DFD-OCSS proposes a change in the eligibility criteria for credit reporting. *First*, no credit reporting action would be initiated for 180 days from the date of the support order in all newly established support cases. *Second*, the contest notice and review process would be modified to include "retroactive arrears" as a new valid contest reason which would warrant cancelation of the credit reporting action. *Finally*, the modified contest process would be available to all previously established support obligations that were never reported to the credit bureaus and retroactively adjusted by the court.

While DFD-OCSS's proposed new policy would seem to address in a positive way the issue of retroactive child support orders which result in technical arrears, NJLRC often initiates a project with the intent to bring an existing statute in line with a court decision that changes the law in some way, as *Cameron* does.[41] N.J.S. 1:12A-8 requires the Commission 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."[42] This mandate is responsive to a very common jurisprudential occurrence whereby a court decision results in new law which conflicts with existing statute. Self-represented litigants and other interested individuals who have not discovered the inconsistency and are relying solely on statutory provisions are thus exposed to potential negative consequences.

Nevertheless, the Commission was concerned with proposing a revision that could appear to conflict with the responsibilities imposed on a State agency by federal law. Taking into account the tension between state and federal requirements, any action taken by the child enforcement agency immediately following a retroactive child support order is potentially

[39] NJKids, which stands for New Jersey Kids Deserve Support, is the child support computer system which stores information regarding child support cases. www.njchildsupport.org (last visited October 1, 2015).
[40] Current Program Statistics, State of New Jersey, Department of Human Services, Division of Family Development, April 2014, http://www.state.nj.us/humanservices/dfd/news/cps_apr14.pdf (last visited October 1, 2015).
[41] *Id*.
[42] N.J. STAT. ANN. § 1:12A-8 (West 2015).

problematic, but the State's discretion, discussed above, appears to leave adequate room for child support collection entities to avoid violating the federal reporting structure. Put another way, DFD-OCSS's proposed policy changes are not necessarily inconsistent with *Cameron*, which addresses the time period immediately following a court order of technical arrears.

Commission's Recommendation

New reporting, training, and tracking procedures for child support enforcement entities may be unavoidable after *Cameron*, and the Commission has identified potential revisions (see the Appendix, below) intended to bring existing New Jersey statute into conformance with the decision in that case.

Proposed new language in the first sentence of N.J.S. 2A:17-56.21 subsection b., requiring that obligors in arrears *must actually be in violation of a child support order*, is calculated to address the concerns articulated by child support enforcement personnel, regarding recurring hearings and time limits. No time limit is specified because there would seem to be no need for enforcement (i.e., disclosure to credit reporting agencies) against a non-delinquent obligor. The new sentence added to N.J.S. 2A:17-56.21 b. incorporates language from the holding in *Cameron* to prohibit disclosure to credit reporting agencies in cases where an otherwise non-delinquent obligor is suddenly ordered into arrears.

As discussed above, additional language proposed for N.J.S. 2A:16-11 is intended to update this statute so as to distinguish technical arrears judgments from those resulting from nonpayment and to prevent their recordation.

The proposed revisions in N.J.S. 2A:17-56.41 and -56.44 are intended to clearly distinguish child support obligors who have not violated a court order from those in an arrears status based on nonpayment.

Appendix—Proposed Changes to Existing New Jersey Statute

The text of aforementioned New Jersey statutes, with proposed revisions shown with underlining and strikethrough, is as follows:

2A:17-56.21. Overdue support; release of information to consumer or credit reporting agency by state IV-D agency

a. The State IV-D agency shall have the authority to make available the name of any delinquent obligor and the amount of overdue support owed by the obligor to credit reporting agencies, subject to the conditions set forth in this section and privacy safeguards established by the commissioner. This information shall be provided only to an entity that has demonstrated to the satisfaction of the State IV-D agency that the entity is a credit reporting agency.

b. In all Title IV-D cases where the obligor is in arrears and is in violation of the terms of a child support order, the information shall be made available to credit reporting agencies. Where there is no violation of a child support order, the State IV-D agency shall not disclose any such arrearage to credit reporting agencies.

c. The State IV-D agency may establish a fee for all requests which will be uniformly applied in all Title IV-D cases. Any fee charged shall be limited to the actual cost of providing the information.

d. Information with respect to a delinquent obligor shall be reported to credit reporting agencies only after the obligor has been afforded all procedural due process required under State law including notice and a reasonable opportunity to contest the accuracy of the information.

e. The State IV-D agency shall comply with all applicable procedural due process requirements before releasing information and may request information on an obligor from a credit reporting agency only after noticing the obligor of the State IV-D agency's intent to request the information.

2A:16-11. Civil judgment and order docket

The Clerk of the Superior Court shall keep a book known as a civil judgment and order docket in which shall be entered, an abstract of each judgment or order for the payment of money, submitted for entry, including a judgment or order to pay counsel fees and other fees or costs, entered from, or made in, the Superior Court. A judgment of the Special Civil Part of the Law Division shall not be entered unless it is docketed in the manner specifically provided for Special Civil Part judgments. A judgment or order for the payment of money is one which has been reduced to a fixed dollar amount. Any judgment for periodic payments where a total amount has not been fixed shall not be considered as having been reduced to a fixed dollar

amount unless a judgment fixing arrearages has been entered. Unless the court orders otherwise, an order for retroactive support shall not be entered in the civil judgment and order docket where there is no violation of an order for such support.

The entry required by this section shall constitute the record of the judgment, order or decree and a transcript thereof duly certified by the clerk of the court shall be a plenary evidence of such judgment, order or decree.

The clerk shall also make an entry upon the civil judgment and order docket indicating the nature of every judgment or order and an entry on return showing execution of process and the date when such judgment or order was entered.

2A:17-56.41. Revocation or suspension of license for non-payment of child support; notice; hearing

a. ~~If the child~~ Where the child support obligor is in violation of the terms of a child support order such that the delinquent support arrearage equals or exceeds the amount the of child support payable for six months or court-ordered health care coverage for the child is not provided for six months, or the obligor fails to respond to a subpoena relating to a paternity or child support action, or a child support-related warrant exists, and the obligor is found to possess a license in the State and all appropriate enforcement methods to collect the child support arrearage have been exhausted, the Probation Division shall send a written notice to the obligor, by certified and regular mail, return receipt requested, at the obligor's last-known address or place of business or employment, advising the obligor that the obligor's license may be revoked or suspended unless, within 30 days of the postmark date of the notice, the obligor pays the full amount of the child support arrearage, or provides proof that health care coverage for the child has been obtained, or responds to a subpoena, or makes a written request for a court hearing to the Probation Division. The obligor's driver's license shall be suspended by operation of law upon the issuance of a child support-related warrant. If a child support- related warrant for the obligor exists, the professional, occupational, recreational or sporting license revocation or suspension shall be terminated if the obligor pays the full amount of the child support arrearage, provides proof that health care coverage for the child has been obtained as required by the court order, or surrenders to the county sheriff or the Probation Division.

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2A:17-56.44 Notification of licensing authority; surrender of license; reinstatement upon satisfaction of child support arrearages

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d. Each licensing authority shall require license applicants to certify on the license application form, under penalty of perjury, that the applicant does not have a child support obligation, the applicant does have such an obligation but the obligor has not violated the child support order resulting in an arrearage amount that ~~does not~~ equals or exceeds the amount of child support payable for six months and any court-ordered health care coverage has been provided for the past six months, the applicant has not failed to respond to a subpoena relating to a paternity or child support proceeding, or the applicant is not the subject of a child-support related warrant. A license shall not be granted to an obligor who applies for a license if there is an arrearage equal to or exceeding the amount of child support payable for six months due to violation of the child support order, the applicant has not provided court-ordered health care coverage during the past six months or the applicant has failed to respond to a subpoena relating to a paternity or child support proceeding or is the subject of a child support-related warrant. The application form shall state that making a false statement may subject the applicant to contempt of court. It shall also state that if the applicant's certification is found to be false, the licensing authority shall take disciplinary action including, but not limited to, immediate revocation or suspension of the license.

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