

Day #3: Child Support Laws in New Jersey

Hi,

Thanks again for Subscribing. If you do not have any children, then you can take today off as the discussion is child support.

Child support in New Jersey is an obligation that runs from parent to child rather than from parent to parent. When viewed through this prism, Child Support Law in New Jersey becomes more easily understood.

Determining Child Support in New Jersey

In most instances, the child support amount will be determined by the **New Jersey Child Support Guidelines**.

These guidelines take the form of a complicated equation.

Some of the factors taken into consideration by the New Jersey Child Support Guidelines include:

- Both parties' income from all sources, (both earned and unearned, including alimony);
- The amount of overnight parenting time exercised by each parent;
- The children's ages;
- The number of children;
- Health Care and Child Care costs; and
- Support Paid for children from another relationship.

As the New Jersey Child Support Guidelines are an algorithm, most disputes involve the methodology or actual data input.

For instance, a party may argue that their ex-spouse earns a substantial but unreported sum of money from tips, which would affect that spouses' income and expected taxes—and therefore the amount of child support due.

Child Support Law in New Jersey: Please Keep in Mind...

In the past, I have had some clients misunderstand the nature of each party's child support obligation.

For instance, many parents of alternate residence believe that they are paying for all of the children's support. In most instances, however, this simply is not so.

A parent of primary residence may not have a probation account, but they are still paying for all of the children's expenses not covered by the child support payments.

In fact, except in very rare instances, **neither party has a 100% obligation to support their children.** It is a shared obligation. Likewise, many parents of primary residence expect the child support to cover all of the children's expenses. Again, the goal is shared expenses for the children.

Deviation from the Child Support Guidelines

There are some instances where child support guidelines will not be used, or the final support obligation will deviate from the child support amount.

Two such instances are:

- 1) Child Support Guidelines are generally not used when an adult child resides away from home during college;

2) Child Support Guidelines are generally not used when the net income of the parties' (from all sources) exceeds **\$187,200** (max imputation naturally calculated under guidelines in NJ).

In this instance, a deviation from the New Jersey Child Support Guidelines may be necessary.

Conclusion

New Jersey is a state that tends to favor the parent of primary residence and the children. Emancipation cannot be assumed just because a child reached the age of 18. Even if a child resides away at school, some (likely modified) obligation will remain on the part of the parent of alternate residence. Unlike bordering state Pennsylvania, divorced parents in New Jersey are generally required to each contribute to children's postsecondary education costs (sometimes including through professional/graduate degrees).

If you have children, child support will likely be a primary consideration for your divorce negotiations. Tomorrow's topic will be alimony, which is particularly important for longer marriages and when

there is a disparity in the income between you and your spouse.

All the best,

Carl

Carl Taylor, Esq.
Carl Taylor Law, LLC
171 Main Street
Flemington, NJ 08822
908-237-3096
www.carltaylorlaw.com

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