

Child Support

Child Support is governed by NJ Court Rules 5:6 et. seq. and in certain cases, N.J.S.A. 2A:34-23. In accordance with Rule 5:6A, the use of the child support guidelines must be used as a reputable presumption to establish and modify all child support orders and, must be applied in all actions, contested and uncontested, in which child support is being determined... A rebuttable presumption means that an award based on the guidelines is assumed to be the correct amount of child support unless a party proves to the court that circumstances exist that make a guidelines-based award inappropriate in a specific case. The determination of whether good cause exists to disregard or adjust a guidelines- based award shall be decided by the court.

What statutory factors may be considered under N.J.S.A. 2A:34-23 in cases not governed by court rule?

1. Needs of the child;
2. Standard of living and economic circumstances of each parent;
3. All sources of income and assets of each parent;
4. Earning ability of each parent, including educational background, training, employment skills, work experience, custodial responsibility for children including the cost of providing child care and the length of time and cost of each parent to obtain training or experience for appropriate employment;
5. Need and capacity of the child for education, including higher education;
6. Age and health of the child and each parent;
7. Income, assets and earning ability of the child;
8. Responsibility of the parents for the court-ordered support of others;
9. Reasonable debts and liabilities of each child and parent;
10. Any other factors the court may deem relevant.

Does Child Support terminate for a mentally or physically disabled child?

The obligation to pay support for a child who has not been emancipated by the court shall not terminate solely on the basis of the child's age if the child suffers from a severe mental or physical incapacity that causes the child to be financially dependent on a parent. The obligation to pay support for that child shall continue until the court finds that the child is relieved of the incapacity or is no longer financially dependent on the parent. In assessing the financial obligation of the parent, the court shall consider, in addition to the factors enumerated in the statute, the child's eligibility for public benefits and services for people with disabilities and may make such orders, including an order involving the creation of a trust, as are necessary to promote the well-being of the child.

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