

NEW JERSEY CHILD SUPPORT GUIDELINES

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In New Jersey, most cases in which child support is an issue, the child support award is calculated using Child Support Guidelines. Our law provides that the Guidelines must be used as a rebuttable presumption to establish and modify all child support orders. A rebuttable presumption means that an award pursuant to a Guideline's calculation is assumed to be the correct amount of child support unless a party proves to the court that circumstances exist that make the calculation inappropriate in a particular case. A court can disregard or adjust a Guideline-based award if good cause is shown.

Practically speaking, however, despite being labeled a rebuttable presumption, most judges use the Child Support Guidelines most of the time in establishing or modifying child support.

The main premise of the Child Support Guidelines is that child support is a continuous duty of both parents and children are entitled to share in the current income of both parents. As such, child support is based on the combined net income of both parents. The Guidelines provide for a weekly sum due for child support, taking into consideration the parties' income and the number of children involved.

Items included in a child support award include housing expenses (e.g., mortgage interest payments, property taxes, expenses for vacation homes, home repairs, computers, luggage), food (e.g., all food and non-alcoholic beverages purchased for home consumption or purchased away from home, tips, school meals), clothing (e.g., all children's clothing, footwear (except special footwear for sports), diapers, dry cleaning, laundry, watches and jewelry), transportation (e.g.,

car payments, gas, oil, insurance, maintenance and repairs), unreimbursed health expenses up to \$250 per child per year, entertainment (e.g., admissions to sports, lessons, instructions, movie rentals, pets, video games) and lastly, miscellaneous items (e.g., hair care, shaving, cosmetic items).

Items that may be added to a child support award include net work-related child care expenses, predictable and recurring unreimbursed medical expenses (e.g., braces), and other expenses approved by the court (e.g., private school, special needs of gifted or disabled children, horseback riding lessons).

Before child support can be calculated, the parties must first have resolved alimony and parenting time for the non-custodial parent, as they are relevant in a child support calculation.

Because child support is based on the income of the parties, legal issues often arise as to what income is to be utilized for each party. Sometimes a parent is unemployed or underemployed or they may have irregular or sporadic income. Sometimes defining income can become a project itself. For W-2 wage earners, however, the Guidelines are relatively simple. In any case, though, because there are so many considerations and factors upon which child support is based, be sure to speak to an attorney who specializes in family/divorce law and has experience utilizing the Guidelines so they can walk you through a child support calculation and ensure the correct amount is being paid or received.

Jeralyn Lawrence, a member of the Norris McLaughlin & Marcus Matrimonial Law Group, was recently honored as an Outstanding Woman in Somerset County for 2008 by the Somerset County Commission On the Status Of Women. She has been selected by her peers as one of New Jersey's Top 10 matrimonial lawyers under the age of 40. She has also been recognized by the New Jersey Law Journal as one of 40 accomplished and promising attorneys in the State of New Jersey under the age of 40. Jeralyn is a frequent speaker at matrimonial law programs and seminars. jllawrence@nmmlaw.com.