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ABC's of New Jersey Child Support Laws

The right to be supported financially belongs to the child. Neither parent can waive or agree to give up child support. New Jersey Law ensures that all children of this state are financially supported by both parents whether or not the child lives with the parents. The parent who the child lives with is called the *custodial parent* and the other parent is the *non-custodial parent*. The Court determines the amount of child support by using a formula called the *child support guidelines*. The goal of the guidelines is to avoid children suffering the economic consequences of their parent's separation. The Court may deviate from that formula only if there is good cause. The Judge in your case has the discretion to determine if there is good cause. If the Court has determined there is good cause to not use the child support guidelines, the judge must state those reasons and the amount the award would have been under the guidelines.

What numbers are used to determine child support?

Each parent's income, deductions from income, and extra expenses are the key numbers in calculating support.

Each Parent's Income

An important part of the equation is determining the income of each parent. As an advocate for your child, it is essential you understand what is considered income under the law.

Income includes:

- Compensation for services, including wages, fees, tips, and commissions
- The operation of a business minus ordinary and necessary operating expenses (see IRS Schedule C)
- Gains derived from dealings in property interest and dividends (see IRS Schedule B)
- Rents (minus ordinary and necessary expenses – see IRS Schedule E) bonuses and royalties
- Alimony and separate maintenance payments received from the current or past relationships
- Annuities or an interest in a trust
- Life insurance and endowment contracts
- Distributions from government and private retirement plans including Social Security, Veteran's Administration, Railroad Retirement Board, deferred compensation, Keoghs and IRA's
- Personal injury awards or other civil lawsuits
- Interest in a decedent's estate or a trust
- Disability grants or payments (including Social Security Disability)
- Profit sharing plans
- Worker's compensation
- Unemployment compensation benefits
- Overtime, part-time and severance pay
- Net gambling winnings
- The sale of investments (net capital gain) or earnings from investments
- Income tax credits or rebates (excluding the federal and state earned income credit and the NJ Homestead Rebate)
- Unreported cash payments (if identifiable)
- The value of in-kind benefits
- Imputed income

Note: The only time the child's government benefits are factored into the child support award is when the child is receiving the benefits based on either parent's earning record, disability or retirement. A child's supplemental security income is not included in the calculation of support.

Deductions from Income:

There are deductions the Court will make from your income before the child support is calculated if applicable:

- Union Dues
- Mandatory retirement contributions
- Support paid for other children

Extra Expenses:

- Qualified Child Care Expenses

Child Care expense for a child under 15 years of age or who is physically or mentally handicapped must be added to the child support calculations. This expense is *not automatically included* in the support figure unless the parties specifically request it.

- The childcare must be necessary for employment or a job search.
- The childcare provided should be from a licensed provider.
- The amount included is not the full amount paid.
- Only the net cost of childcare (after the federal tax credit is deducted) is added to the child support award.

- Insurance & Medical Expenses

Health Insurance: A parent's contributions to a health insurance policy for the child must be added to the basic child support amount.

If the parent does not have proof of the cost the Court will calculate the amount as follows:

Step 1: The number of persons covered by the policy should be divided by the total premium cost.

Step 2: The result is multiplied by the number of children for whom support is being determined.

- Unreimbursed Medical Expenses

The custodial parent is responsible for the first \$250 of unreimbursed medical expenses per child. If there are costs that are predictable and recurring above the \$250, those costs should be included in the child support calculation.

- Unpredictable, Non-Recurring Health Care Costs

Health-care expenses for a child that exceed \$250 per child per year that are not predictable and recurring should be shared between the parents in proportion to their relative incomes and should be paid as incurred.

Where to apply?

Either parent (custodial or non-custodial) can apply to establish child support. You must file in the County where the child resides. When making the application, you may want to complete the Case Information Statement, although it is not required in non-dissolution matters.

What to bring to the hearing?

Both parents should bring your most recent copies of your tax returns and your last three pay-stubs.

Do you need an Attorney?

While the Courts have made the process very friendly to pro-se (self-represented) litigants, the process can be less stressful if you have an advocate who knows the law on your side.

You should also be aware, your first appearance is likely before a Hearing Officer, not a Judge. The Hearing Officer makes a recommendation and the Judge will approve it by signing the proposed order.

If you disagree with Hearing officer, you can request an immediate appeal and see a Judge.

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