

Child Emancipation V. Child Support: Which Comes (Ends) First

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Often it is spelled out in divorce settlement agreements that once a child or children are emancipated, [child support](#) can end.

It is a common misbelief that a child is automatically emancipated at the age of 18 in the State of New Jersey and thus, one's child support obligations are terminated when the child reaches that age, Turning 18 years old in the State of New Jersey is only a presumption that a child's is emancipated, which can be rebutted by the parent still requiring support.

The more accurate way to view child emancipation is that a child is not emancipated unless the child has moved beyond the sphere of influence and responsibility exercised by a parent and has been able to obtain an independent status. Each case is a fact-sensitive analysis that turns on the totality of the circumstances.

Generally, what this means is a child is emancipated upon his or her high school graduation unless that child continues to a post-secondary education. If a child continues to a post-secondary education, then generally the child is not considered emancipated until he or she graduates from the post-secondary education assuming the child is enrolled on a full-time basis and is diligently pursuing his or her education. There is no particular GPA that a child has to maintain in order to maintain an unemancipated status. A child's emancipation may also be delayed if a child takes a brief hiatus before attending post-secondary education.

Emancipation also occurs should the child marry or enter into the armed forces.

Often [divorce](#) agreements define events that automatically deem a child emancipated thereby automatically terminating the parties' support obligations. However, this agreed upon definition may or may not be enforced by the courts. If a court deems an emancipation definition in an agreement to be unreasonable, the court will not enforce that emancipation event. For example, often agreements state that a child is automatically emancipated upon the age of 23. However, if a child is struggling academically or has medical or emotional issues that have delayed their graduation from college, a court may find that automatically emancipating this child at the age of 23 is unreasonable and thus, will not enforce a provision in the parties' agreement to emancipate that child.

While divorce agreements are generally followed, in the case of the emancipation of a child, the court may overrule that agreement if the facts warrant that they can do so.