

The NJ Appellate Court Rules On Child Support Changes When That Child Is In College

July 18, 2012 | by Stephen Haller, Matheu Nunn

The New Jersey Appellate Court in a case called [Jacoby v. Jacoby](#), ruled that a child's attendance at college – including “living” at college – is a change in circumstance which should lead to a review of the amount of [child support](#) being paid. The important issue for parents, however, is that the court said there is no presumption that a child's required financial support lessens because he or she attends college. Any court faced with the question of setting child support for an unemancipated college student living away from home must assess all applicable facts and circumstances, weighing the factors set forth in the statutes but may not simply use the Child Support Guidelines to make support calculations for college students living away from home.

The [Jacoby](#) facts are important: The parties two children enrolled in college after the divorce. The husband, whose income had been reduced by a third since the time of divorce wanted to lower his support obligation, noting that his children lived away from home (away from their mother) for a significant part of the year. The trial court relied upon the child support guidelines in setting a level of support for the college-aged children. The Appellate Division reversed and sent the case back to the trial court, ruling that the child support amount is to be set “in light of all the financial circumstances of the parties and children.” The court was ordered to determine the children's individual needs and assess the income, assets, debts, earning ability, age, and health of each child and each parent to reach an appropriate level of support. The Appellate court has previously acknowledged the possible continued need to maintain a local residence for a child who returns home from college during school breaks and vacations.

The Appellate court further noted that some child support expenses remain even when a child heads to college, including:

- transportation (possible automobile maintenance or payments, gasoline, parking, or alternate travel expenses);

- furniture (such as lamps, shelves, or dorm set-up and small appliances);
- clothing;
- linens and bedding;
- luggage;
- haircuts;
- telephone;
- supplies (like paper, pens, markers or calculators);
- sundries (such as cleaning supplies, laundry detergent);
- toiletries (soap, shampoo and other personal hygiene necessities);
- insurance (automobile, health and personal property);
- entertainment for college events and organizations; and
- spending money.

The facts in individual cases are determinative of financial issues. There is no formula to automatically determine many of the issues paramount to a family law case. And, although Child Support Guidelines do exist, as you can see here, in some instances, they are no longer the sole guidepost for child support issues.