

What Are The Child Support Guidelines? Are They Meant To Cover All Expenses Related To Children?

November 17, 2015 | by James DeStefano

The Child Support Guidelines are a set of guiding principles that were developed to assist Courts with the establishment and modification of child support awards. Typically, the underlying principles of Child Support Guidelines are: (1) child support is a duty of both parents, (2) children are entitled to the support – not the parent, and (3) children should not be the economic victim of a divorce or an out-of-wedlock birth.

In New Jersey, the Child Support Guidelines are applied in all actions, contested and uncontested, in which the issue of child support must be determined. When calculating child support, a Court will generally consider the following: (1) the gross income of the custodial parent; (2) the gross income of the non-custodial parent; (3) alimony or spousal support payments made from one spouse to the other; (4) the number of overnights the non-custodial parents exercises with the child(ren); (5) the amount either or both parties spend on the child's share of health insurance premiums; (6) work related childcare expenses; (7) any mandatory deductions from a party's income including, but not limited to, union dues, mandatory pension contributions, etc.; and (8) whether a child receives governmental benefits. This list is not exhaustive.

Once your attorney or the Court is in receipt of the above referenced information, your attorney or the Court will be in a position to calculate a party's child support obligation. In New Jersey, the Child Support Guidelines are used as a *rebuttable presumption* to establish and/or modify a child support award. A *rebuttable presumption* means that a child support award based on the Child Support Guidelines is assumed to be correct unless a party to the litigation can prove that an award of child support award based on the guidelines is inappropriate. The following are examples of circumstances where an award based solely on the child support guidelines is inappropriate: (1) when the parties exercise a true 50/50 custody arrangement; (2) when a child is over the age of 18 years of age and resides away at college; and (3) extreme parental income situations (i.e. obligors with a net income less

than the U.S. Poverty Guidelines or if the parents combined net income exceeds a certain threshold). This list is not exhaustive.

When child support is established, the party receiving child support will use the money received for the child(ren)'s expenses. Child support is meant to cover most of the child's expenses. In New Jersey, child support generally covers the child's share of food (food and non-alcoholic beverages, restaurants, etc.), housing (rent, mortgage payments, utilities, etc.), clothing (all clothing, footwear, dry cleaning, laundry, diapers, etc.), transportation (owning or leasing a vehicle, gas, repairs, parking costs, public transportation, etc.), entertainment (memberships, athletic expenses, music lessons, equipment, games, hobbies etc.), nonreimbursed health care expenses up to \$250 per year, and other miscellaneous expenses (personal care products, books, magazines, school supplies). In New Jersey, paragraph 8 of Appendix IX–A of the New Jersey Court Rules sets forth in detail exactly what is included in child support. Most States have literature which delineates exactly what is covered by the Child Support Guidelines. Of course, the expenses covered by child support vary from state to state. Therefore, a recipient of child support should review the rules specific to their home state to determine what child support is meant to cover.

I would urge you to speak to an experienced matrimonial attorney if you are in the process of a divorce or contemplating a divorce. With full and accurate disclosures, your attorney will be able to advise you as to your rights and obligations as they relate not only to child support, but to other issues arising from the dissolution of your marriage.