

Comprehensive New Jersey Divorce Guide

by Tanya L. Freeman, Attorney at Law

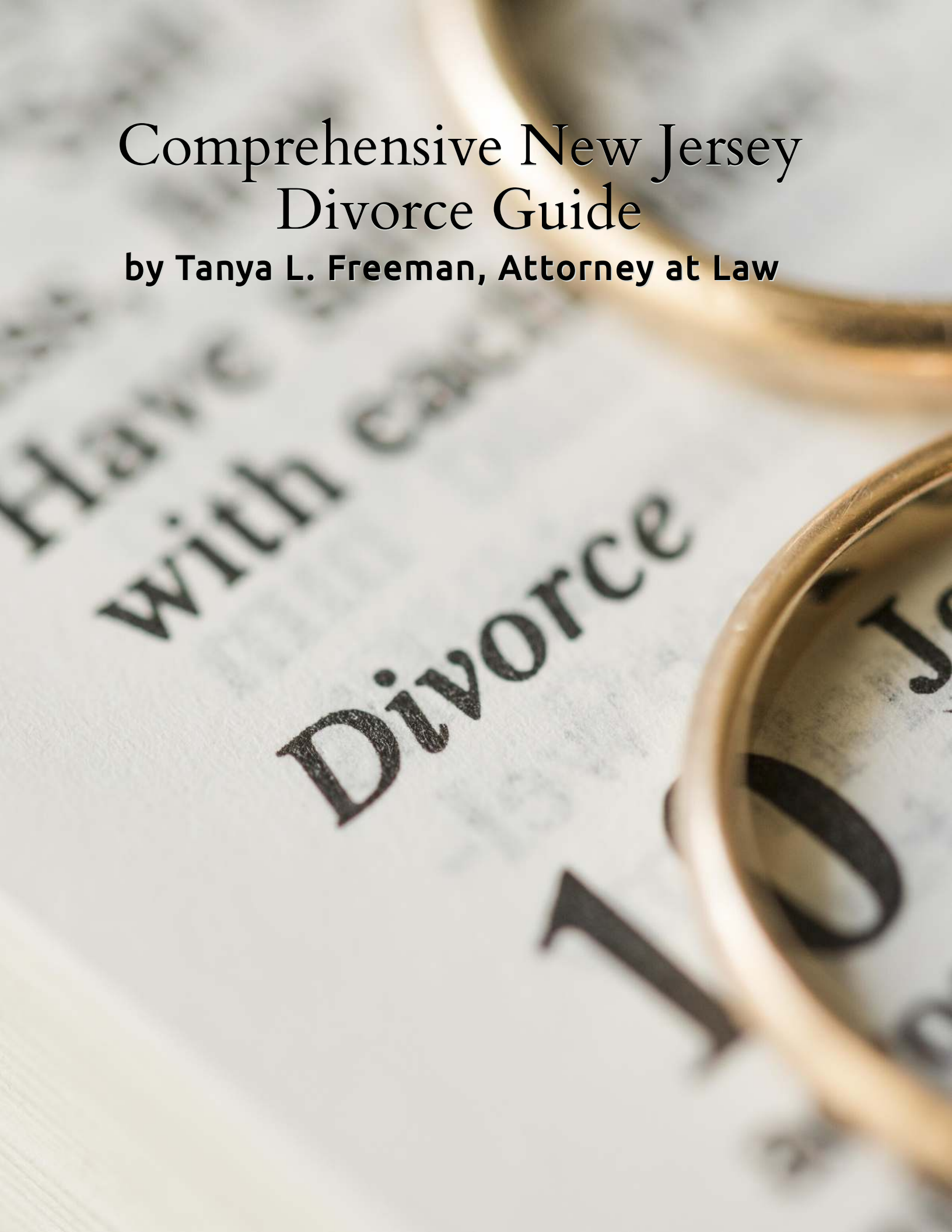
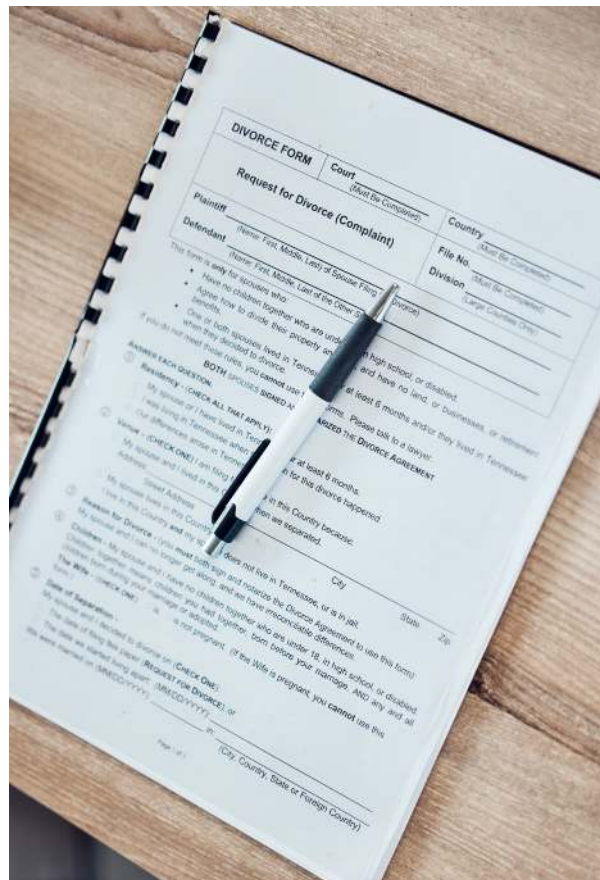


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When starting the divorce journey, you may find situations arise that you don't have an answer for. The Comprehensive New Jersey Divorce Guide was created by Divorce Attorney Tanya L. Freeman to help residents gain a perspective on the difficulties that many face while going through the divorce process.

Starting the Divorce Process



Some divorces can be filed and finished in a day: two parties agree to end a marriage, split their property and belongings, share the children, and go their separate ways. Most divorces don't proceed like this. If you've started to think about getting a divorce, you may be anticipating the emotional and financial toll of the legal process,

wondering about how you'll support yourself and where you'll go, and feeling anxious about the children. You may want to end your marriage the way you'd pull off a Band-Aid – quickly, and with your eyes closed. You may think you want to punish your spouse. You may be in fear because of domestic abuse. You may not know where to start.

Hopefully this document can help you begin to answer some of those open questions. After doing your research and thinking about your situation and the outcomes you desire, the best thing you can do is talk: with your family, your friends, with your spouse if you're safe and comfortable doing so – but finally with an attorney.

Imagine that you get to sit down for a cup of coffee with a judge. What would you ask him or her to grant you? Really, when asking a judge to grant you a divorce – on fair, equitable terms – you're asking for a form of relief: relief from an unbearable or undesirable situation, relief from undue financial burdens, relief from worry and anxiety. So, what type of relief do you want? Do you want to keep the house? Half of the bank accounts? Full or joint custody of your children? It's generally better to ask for more: you can, and probably will, retreat from that position as you work through the divorce process. In any case, you don't get to sit down for a cup of coffee with the judge, but you do get to sit down with your attorney. These are the questions you should work through with your attorney, who can put all these requests, in the proper language, into your complaint for divorce.

I've been served divorce papers. What do I do?

You don't have to go to the county where you were married to file for divorce. You can file for divorce in the country where you're living on the day of your filing. If you move outside that county after filing, that county's court will still handle your case.

There is, however, a restriction on *when* you can file. Except in cases of adultery, New Jersey law requires you to have lived in the state for one year before filing a complaint for divorce.

I've been served divorce papers. What do I do?

If a process server and sheriff come your residence and served you with papers, you will have 35 days to answer the complaint. You can ask for an extension, but really, your focus should be on finding a qualified attorney. Your spouse has an attorney and has already decided what he or she wants to get out of the process. You should select a divorce attorney, read over the complaint carefully, and think about what you want to counter. You will discuss these things in your first consultation.

What should I look for in a divorce attorney?

You'll want a trustworthy divorce attorney on your side, but beyond that, what you should look for in an attorney depends mostly on what you value and what you want to get out of the divorce.

If you expect to fight every step of the way – and if you're keen on fighting back, and don't care much for compromising – then you should get a notorious battler.

In most cases, though, you'll probably want an attorney with whom you feel comfortable. Do you feel assured that your attorney is listening to you, and using your best interests to navigate? Will you get the attorney you pick and pay for, or will that attorney hand you off to others in his or her firm after the consultation? You want someone who can foresee problems and possibilities you wouldn't – you also want someone with a reputation for creative, innovative solutions to the knotty problems of asset division, alimony, and child custody and support. You'll want an attorney who can give you peace of mind and fight for a fair and equitable outcome for you and your children.

What should I ask my attorney before moving forward with the divorce?

In your first consultation, your attorney should be able to help you get a feel for the cost and timeline of divorce. You should start asking questions about strategy right away. What are the advantages of litigation versus mediation in your case? What percentage of that attorney's cases go to trial? Is your attorney amenable to sitting down with your spouse and his or her attorney and having a settlement conference in the office? Be open about whatever is on your mind. No two divorce cases are the same: you want to know your attorney is listening to you, and ready to come up with creative solutions to meet your needs.

Common Questions About Divorce



How long will the divorce process take?

So, you've decided that you want your marriage to be over. The next question is usually, "When will this *divorce* process be over?"

You and your spouse have the most control over this timeline. The quicker you exchange financial information, discuss the situation with any children, and come to an agreement with your spouse, the quicker the process will be over. Rare cases can settle in a day; many cases are resolved within three months; and some cases, with battling spouses in entrenched positions, go to trial, and could last up to two or three years.

While you will want to get through your divorce as quickly as possible – and a family law attorney can help you to do that – you can't lose sight of what's best for you and your children. Consulting an attorney can help you come to understand what you feel is worth fighting for and what might be open to compromise.

What will my divorce cost me?



Though there are filing fees, most of the cost of the divorce process comes from your attorney's hourly rate. It's not easy to predict the ultimate cost of a divorce from the outset – that will depend on how much time is spent negotiating and litigating, and that, in turn, depends on

how quickly you and your spouse can come to an agreement.

You can help to keep costs down by minimizing contact with your attorney, as emails, texts, and phone calls can all count toward “billable hours.” If you're concerned about keeping costs down, come up with a plan and stick to it; be efficient in communication; and be ready to compromise.

What should I bring to my first consultation?

When you make your initial appointment, the more documents you can bring, the better. Try to bring:

- Two or three years of tax returns.
- Pay stubs.
- Information to aid in estimating the family budget.
- Information on debts, credit card statements, mortgages, student loans, etc.

The more information you can bring to a first consultation, the sooner you'll be able to predict and start planning for the possible outcomes of your case.

What are the steps in the divorce process?

- The first step in the divorce process is a **case management conference** – it sets a schedule for the process. This could be done in person, with the two attorneys and the judge, or it could be done by consent, meaning the two attorneys would work on a written schedule, get it signed by both parties, and send it to the judge for approval.
- Next is the **discovery phase**, which is an exchange of financial information. Often clients are surprised by “hidden” bank accounts and assets.
- New Jersey law requires couples pursuing a divorce to attend an **early settlement panel**, where both sides present a reasonable settlement for review by the other party. You can negotiate here. Your attorney will also advise you about the pros and cons of the settlement offered, and advise you about the likelihood of winning your case with your particular judge, in the event that you do go to trial.
- If you are unsuccessful in settling, you will be required to attend **economic mediation**. Part of this process will be free of charge, but part will cost you additional money.
- If you do not reach an agreement in economic mediation, your case will go to **trial**.

Will I need to go to court for my divorce?

It's totally understandable that you might want to keep your divorce out of the court. A trial means more time, money, and energy spent. In New Jersey, 98% of divorces settle out of court. This doesn't mean that you should be afraid to go to court, but you should understand the benefits of settling – beyond the time, money, and energy saved. If you come to an agreement outside of the court, you have a greater say in the outcome: you and your spouse decide together how to divide your assets and how to provide for your children.

Can we live in the same house during a divorce?



It's possible and, in some cases, advisable for spouses to continue living together during the divorce process. The most obvious reason is that it saves both money on household

expenses, but it could also benefit the children, providing stability, and giving them more time to adjust to the idea of your divorce.

However, cohabitating can lead to serious and sometimes even dangerous complications, compounding stress in an already stressful time. Have both parties emotionally moved on from their former relationship? Is there acrimony that could negatively affect either party's emotional wellbeing, or the wellbeing of the children? Seriously consider these questions before deciding whether you might continue to share a home during the divorce process.

There is no one solution to fit all divorce cases. You might move the children to another location. The children might stay in the shared home while both parents rotate occupancy, each keeping up another residence elsewhere.

If one spouse has a history of violence, continuing to live together is totally inadvisable. In cases of violence, the court will order the violent party out of the home.

How should I approach social media during the divorce process?

Social media is not the place to litigate your case. Nor is it the right place to vent your frustration against your spouse, the judge, your spouse's attorney, or your own attorney. You gain nothing by venting, and you could do a lot of damage.

You don't have to delete your social media accounts, but you should keep your legal battle off the internet. This is especially important if you have young children. Anything at all that you post is subject to be screenshot, shared, and commented upon. You don't want your child exposed to that. You don't want your divorce to become a piece of gossip for your children's friends and their parents. While it's important to be frank and open with your children, conversations about the divorce should happen in person, in your home, in a space that you control.

In high profile cases, a judge might legally bar you and your spouse from posting anything about the case.



Navigating The Discovery Process

The discovery process is what it sounds like: spouses “discover” financial information about each other, exchanging tax returns, bank statements, and documentation of assets.

Through the discovery phase attorneys on both sides try to get the fullest picture of the finances and assets of your marriage.

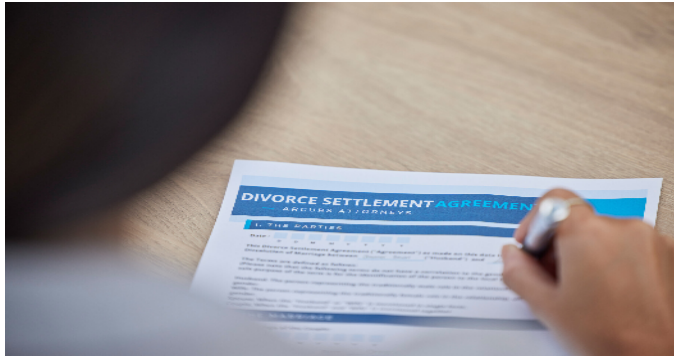
There are no limits on what you can “discover.” You can even “discover” things like retirement accounts, and request detailed letters from employers on bonus structures. Through a process of “interrogatories” – questions asked and answered under oath – you can ask about spending and assets as well as lifestyle (if alimony is involved), and questions pertaining to custody.

I think my spouse is hiding assets. What do I do?

This situation can lead to very difficult conversations. Remember, though, that if you think your spouse is hiding assets, or misrepresenting his or her investments or compensation structure, you have a legal right to any information you request. In some cases, you may need to issue a subpoena to attain that information.

Spouses can hide or misrepresent assets in several ways. One spouse might have uninvested stock options. One spouse might own a small, closely held business where revenues are unclear. Although it's important to let your attorney know if you have any suspicions as soon as possible, you may end up needing a CPA or forensic accountant to examine all taxes and bank accounts.

What comes after the discovery phase?



Clients are often exhausted at the end of the discovery phase. Before you settle and sign, however, you should go back to your original divorce complaint. What relief did you ask of the court?

If you asked for an equitable distribution of assets, does the proposed settlement agreement meet those terms?

If you have younger children, does the settlement agreement account for the changes in their lifestyle, education, and health that will occur over time? Many divorced couples end up returning to their attorneys to re-litigate things like tutors, SAT prep, driving lessons and car insurance, college, and orthodontia. A New Jersey family lawyer can help you think through these questions in advance, and get you a “one and done” settlement.

Mediation

Every court in the state of New Jersey has a mediation program, offering you and your spouse a chance to sit down with a competent mediator to see if you can come to an agreement about the division of assets, alimony, child support, and child custody. Child custody is, of course, extremely important, and mediation is an especially good opportunity to resolve these issues.

No one knows your children better than you and your spouse. Keep an open mind through the mediation process, remembering that your children's needs and interests will evolve as they grow older.

Will mediation work for me?

Most people who are getting a divorce end up with a negotiated settlement after mediating at least some issues. Even in many cases when both parties think they're going to trial, at some stage in the process, one party will retreat and accept a compromise, coming eventually to a negotiated settlement.

In any case, after the discovery phase, you should sit down with your attorney and map out your wishes and possible outcomes. Mediation begins with each side advancing a position. You should go in with three options: a best-case scenario, an "I can live with this" option, and a bottom line. This can help you come to understand what you value most, and what's worth litigating.

In almost all situations, it's better to mediate than to hand the final decision over to a judge.

Dividing Assets

A few states consider debts and assets in a divorce to be "community property," shared equally by both parties in a marriage even if only one of them is working, or if there are major imbalances in earning and spending.

Splitting 50/50 is usually less time consuming, though things like credit card debts – shared along with everything else – sometimes come as a shock to one of the parties.

New Jersey is not a “community property” state. New Jersey observes “equitable distribution,” meaning that a judge will account for earning and earning potential, spending habits, shared assets including properties, premarital assets, shared debts, and premarital debts. The judge is asking, “What’s fair under the circumstances?”

A New Jersey divorce attorney can help you identify your debts and assets and understand how they might be divided in court.

What assets are subject to distribution?

Many New Jersey divorce lawyers talk about debts and assets under equitable distribution in terms of a pot – so, what goes into the pot, and what doesn’t?

In general, debts and assets accumulated from the day of your marriage until the day one of the parties filed for divorce are subject to equitable distribution. This might include income, savings accounts, retirement accounts, stocks, a house, other properties, a business, even gambling winnings. People often think – wrongly – that any account opened in one party’s name belongs to that party alone. In fact, if that account accumulated value between the date of the couple’s marriage and the date one party filed a complaint, it is still subject to equitable distribution. Even book royalties and one partner’s frequent flier miles are subject to distribution.

In some cases a spouse will attempt to make large purchases, shift or even give away assets, or change beneficiaries on life insurance policies in attempts to get around full equitable distribution. If you fear this might be the case, you may want to have your attorney file an Automatic Temporary Restraining Order. ATROs prevent both parties from selling, transferring, or borrowing against property, selling or modifying

insurance policies held for the opposite party, changing a bank account, or destroying or hiding assets. They offer an additional advantage should any forensic accountant become involved, making that expert's job easier. In many states, a party seeking a divorce can file for an ATRO simultaneously with a divorce complaint, but in New Jersey a judge won't issue an ATRO without a hearing with both parties present.

One party's inheritance does not count as a marital asset and is not subject to distribution, unless the inheritor "used" the inheritance "for" the marriage in some way.

How do we divide all the stuff in our house?

Gifts, emotional attachments, and heirlooms all complicate the division of marital property. However, the disposition of personal belongings is guided by a few general, commonsense rules.

Obviously shared items have to be divided – these include electronics and appliances, furniture, and artwork. Gifts do not generally count as marital assets – so if your wife buys you an expensive watch for Christmas and files for a divorce after New Years, you'll get to keep your watch. Items clearly associated with one spouse's interests or hobbies – think fishing rods and golf clubs, easels and paintbrushes – will go to that spouse. Heirlooms and inherited items will also go to the spouse for whom they were intended. Although attorneys, mediators, and in some cases judges will become involved in resolving any disputes, it's best – and less expensive – if the parties can come to an agreement without involving counsel.

What happens to premarital assets?

What constitutes a “premarital” asset can sometimes be difficult to determine, unless a spouse took measures to keep an asset strictly separate over the course of a marriage. If you have a bank account before a marriage and add your spouse onto that account, it will be difficult to figure out what part of that account is “premarital” and what part is “marital.” If you have a 401(k), get married, and decide to dissolve that marriage after 20 years, you must have a statement from before the marriage to demonstrate what was in that account – and you may need to hire a forensic accountant to calculate that money’s growth during the marriage, and an equitable division of its current value.

What happens to our house?



What happens to your home depends mostly upon you and your spouse. In some cases, spouses decide immediately that they want to put a home on the market and split or escrow the selling price – each is sure that he or she doesn’t want to or can’t afford to maintain the property.

Children are an important factor. If one child is entering his or her senior year of high school, for example, one parent may want to keep the home for that year to provide some stability or stay within a certain school district.

Proximity is also an issue. One spouse may want to keep the marital home because of its nearness to a workplace. In some cases, a spouse wants to keep an inherited home.

In the case of domestic violence, the court will issue a restraining order separating the parties immediately. However, in some cases, parties live under the same roof until the day the divorce is finalized.

Ultimately, the determinant will be financial. If neither party can afford to keep the home, or can't manage to get a mortgage refinanced, you must sell the property.

What if we purchased a home together before we were married?

Couples often purchase a house or condo together before they're married. Because of this, it's a good idea to have some sort of prenuptial agreement accounting for the exact scenario of the purchase. If each contributed \$50,000 to a down payment, and that's documented, it will make things much easier in the case of a divorce. If there was a disparity in funding the purchase, or if one spouse funded the purchase completely, this complicates the issue, and a judge or mediator will consider more factors, such as the length of the marriage.

Alimony

[Alimony](#), or, spousal support, is a payment from one spouse to another spouse. It doesn't necessarily mean that one spouse stayed at home or didn't work. Alimony is usually decided after distribution of assets. Even though the distribution of assets must be "equitable," equitable doesn't mean equal – for example, a non-working spouse might benefit from a large share of a bank account, retirement savings, and other

assets, but suddenly be saddled with an equivalent share of mortgage and credit card debt, or the prospect of paying for a child's healthcare and education. One spouse may have given up a career or an education for the marriage, and be unprepared to reenter the workforce. Courts order alimony in cases of significant disparity between incomes. There is no threshold for this disparity – instead, alimony depends on factors such as lifestyle, the dependent spouse's needs, and the other spouse's ability to pay. Answers to the obvious questions – How long and how much? – depend upon these case-specific factors, especially the marital lifestyle.

Are there different types of alimony available?

In New Jersey there are two types of alimony:

- **Limited duration alimony:** One spouse will continue payments for a finite, prearranged period.
- **Open duration alimony:** Open durational alimony does not have a set end date like permanent alimony. Various triggers and conditions will determine the length of time one spouse has to pay the alimony.

As explained above, the amount of the payments depends upon the standard of living during the marriage, the dependent spouse's level of need, and the other spouse's ability to pay. The type of alimony might depend upon the length of the marriage, or on the dependent spouse's ability and preparedness to enter the workforce.

Child Custody

When a couple decides to divorce, their decisions rarely affect them and them alone. You are dismantling a nuclear family – that decision will ripple through the rest of your family and your friendships.



Most importantly, it will affect the lives of your children. To some extent, all of the decisions in a divorce – including the division of property and assets – revolve around children, because both spouses will want to prioritize their children’s stability. You’ll want to work with an attorney that can assist in coming up with creative solutions to ensure their stability and wellbeing.

Should we go through mediation to decide child custody?

If you go to trial, a judge will decide what’s best. That means a judge could be deciding what’s best for *your children* – and you’d have to abide by that decision. No one knows your children better than you and your spouse do. That means the question of [child custody](#) is often best suited to mediation. Can you and your spouse work together, with your attorneys, toward decisions that put your children’s interests first? How will you handle holidays, birthdays, and other milestones? Where will they go to school and where will they live?

In some situations – for example, where domestic abuse is involved – mediation may not be the best course. In any case, you want an attorney you can trust to help guide you – and your children – through the process of deciding child custody.

How do I choose the right form of child custody for my children?

New Jersey law recognizes two types of child custody:

- **Legal Custody:** This pertains to a parent's access to school and medical records. New Jersey precedent prefers joint legal custody in all but extreme cases – for example, when there has been a history of child abuse.
- **Physical Custody:** This pertains to where the children will live. While it's possible to have a 50/50 physical custody arrangement, you have to think hard about the feasibility of this option: complicating factors include the proximity of both parents' residences, career obligations, etc. Generally in New Jersey there will be one "parent of primary residence" – the "custodial parent" – and one "parent of alternate residence," allotted a certain amount of time with the children. There are countless ways to split this time up, accounting for holidays, summers, weekends, weekday dinners, and travel. While you have legitimate desires to be acknowledged in these decisions, it's important here, as with all other decisions directly pertaining to the children, to put their interests first.

What factors decide parenting time and visitation?

Parenting time refers to the amount and distribution of time the children will stay with the parent of alternate residence. It's important to remember that parenting time after a divorce is a fluid thing – there will be inevitable interruptions to the schedule, and the children themselves will dictate changes as their interests, needs, and desires evolve. In as much detail as possible, though, you and your attorney should try to account for holidays, birthdays, vacations, and other special events in the settlement.

Who gets the children on holidays?

Divorces disrupt family traditions established over years. You want to keep that tradition, but you have to share it with your former spouse. There are many creative ways to reach an agreement on how to share the holidays. Some are easier: Mom gets Mother's Day and Dad gets Father's Day, as well as the respective birthdays. But what about Christmas Eve and Christmas Day? The eight days of Hanukkah? New Years Eve? How will both parents get to share in the experience of their children's' birthdays?

It's unlikely that you'll get *exactly* what you want when holidays are shared. And if you leave it up to them, New Jersey courts will almost always make parents alternate. The complications of sharing holidays should be an inducement for you to go to mediation for this part of the divorce process. Coming to a cordial agreement with your spouse will allow for more creative solutions, and be better for the children.

What if one parent wants to travel abroad with the children?



members

When one parent decides to take children on a trip abroad after a divorce, this often leads to conflict, stress, and re-litigation. It's best to anticipate this issue and come to an agreement in mediation. Can you anticipate reasons for the children travelling abroad – like family

in other countries? Is there a fear that one parent might flee the court's jurisdiction with the children? If you feel this way, you should notify your attorney at the start of the divorce process, so your attorney can inform the judge at the proper time. Consider, too, that both parents have to agree before children can obtain passports. If your children don't already have passports and you anticipate wanting to travel abroad, make sure you broach the subject in mediation, and try to avoid re-litigation.

What if one spouse wants to relocate out of New Jersey?

Relocating with minor outside of the State of New Jersey is one of the most difficult legal battles a divorced person, or person seeking divorce, can face. The court considers many factors in response to a request to relocate outside of the jurisdiction, including the child's ties to the community, any extended family members who live in New Jersey, and how this move will impact the non-moving parent's custody and parenting time plan.

One spouse wanting to move to Brooklyn from northern New Jersey is almost a non-event. Although a court order is required, the process is much less difficult than it would be if the contemplated move were from New Jersey to Los Angeles, for instance. In all cases, the court will ask questions like these: How will you facilitate adequate parenting time for the non-moving parent? How will you maintain the child's family ties within New Jersey? What kind of plan can be established so that the child can communicate with the non-moving parent? Could that other parent move, along with the family, even though you're no longer a cohesive family?

It will never be as simple as, “I’m buying a plane ticket. I have a new job, and I’m leaving the state of New Jersey.” Getting a court order that allows you to move is a time-consuming process, and if you’re even contemplating such a move, you should begin discussion with your attorney early on.

Child Support

A child custody decision in a divorce can leave the primary custodial parent with the sudden burden of most childcare expenses. The obvious ones are education and healthcare, but you should also think

about extracurriculars, sports and hobbies, travel, and, for older children, cars and car insurance. New Jersey uses two sets of guidelines, or “worksheets,” to calculate [child support](#) for single or joint custodial arrangements. Still, you’ll want to consult a attorney who can help you think in the long term, anticipating changes to your child’s needs, and ensure that your former spouse contributes a reasonable and equitable share.

Both my spouse and I work outside the home. How will we handle child care?

If both parents are working outside the home, you’ll need to consider work-related childcare expenses in any child support calculations. Daycare, for example, costs a weekly set amount. School-aged children requiring care before or after, or summer camp expenses, are slightly more complicated, but not hard to factor into a settlement with the help of a attorney.

How do we account for medical expenses?

Some spouses come into the divorce process with extraordinary out-of-pocket medical expenses – for example, a child might have autism, muscular dystrophy, or some other condition or illness that requires regular attention, therapy, constant medication, or special programs. These costs are steep but easy to predict, as they recur on a regular basis and will have been well-documented before the divorce process begins. Still, these expenses are over and above regular child support. It's important that both spouses quantify these expenses early in the process, to ensure that their children receive uninterrupted services, and to avoid re-litigation.

My child attends private school. How will we pay for tuition?

If your child has been enrolled in a private school for some time, the tuition will be an important factor to bring up to your attorney and to discuss with your spouse before settlement. Recurring tuition payments will have been well-documented and easy to calculate into the future.

Complications arise with very young children. One parent might want that child to attend a private school, while the other disagrees. Resolving these conflicts is sensitive and fact-specific – many factors determine whether the parent of alternate residence, or both parents, will be responsible for the decision, and for the payment of private school tuition. Seek the counsel of a attorney to help you work through these questions.

How do we account for extracurricular activities?

Extracurricular activities do not factor into the New Jersey child support guidelines. Whether your child takes piano lessons or plays an expensive and time-consuming sport like hockey, it's important to discuss these costs with your spouse. You have to think about the expenses – and how these might grow as your children move on to new or more involved activities – but this isn't your only concern. What about lessons, practices, and big matches? Who's going to transport the child? Will you both attend? Can you emotionally handle attending together? Don't just think about these things – *talk* about these things, with your spouse and your attorney, and put them into the final settlement agreement.

What happens when our child starts driving? Who pays for insurance?



Especially with young children, parents going through a divorce can forget about seemingly far-off expenses, like car insurance. A New Jersey divorce attorney can help you plot out and think through these things in advance.

When a child gets a learner's permit, the car insurance for the household in which the child primarily resides will go up significantly. Driving school will be an additional expense. Some parents also anticipate buying a child's first car. You and your spouse need to come to an agreement about these costs in advance, to avoid relitigation.

How can we plan for something as far-off and unpredictable as college costs?

College costs can be hard to factor into a divorce settlement, because so many factors come into play. College costs range widely depending on whether or not a young person attends a private or public, in-state or out-of-state school. The total cost will range from tens to hundreds of thousands of dollars. One parent might expect to pay all or part of a child's college expenses, while the other might expect the child to pay his or her own way through a degree.

If your child isn't near college-age, you'll still want to put a placeholder in your settlement stating your intent. If you wish your child to go to a state school, to attend your own alma mater, or to choose his or her own dream school, and in any case expect your spouse to contribute to the cost, that might not be enforceable, but you should still put it in the official statement.

How long will child support payments continue?

Your attorney probably possesses the same software that the courts use to calculate child support payments, based on both the mother's and father's incomes, and can give you a reasonable estimate of the cost. In the State of New Jersey, child support continues until a child is "emancipated." This isn't determined by age alone: it occurs when your child graduates high school if he or she isn't going on to college, or is delayed until he or she graduates from college. Actually, you and your spouse have some say over emancipation. Will you give your child four years to graduate college, or five? Your settlement should have some placeholder to account for emancipation, setting an end-date for child support that you negotiate up-front.

Can I modify a child support agreement?

So much can change in a child's life and in your own circumstances that could make you want to modify a child support agreement. The most common reason clients seek to modify a child support agreement is the loss of a job. However, this circumstance alone doesn't mean that a judge will relieve you of your child support obligations. As a parent in New Jersey you are required to support your child all the way through to emancipation. The considerations that would go into modifying a child support agreement are fact-based and case-specific. If you're wondering about the possibility of modifying a child support obligation, you should contact a divorce attorney.

If you are starting the divorce process, or have questions about what to expect, contact New Jersey Divorce Attorney Tanya L. Freeman for guidance.

Alimony

Child Custody

Child Support

Child Visitation

Complex Divorce

Divorce

High Profile Divorce

LGBTQ Divorce

Marital Property Division

Mediation

Men's Divorce

Modifications

Spousal Support

Women's Divorce



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