

## Important Changes to Child Support and Emancipation in New Jersey

The State of New Jersey continues to look for ways to streamline the financial aspects of matrimonial cases with the recent supplement to the statute on child support, which was signed into law by Governor Christie on January 19, 2016. The new child support statute hopes to resolve issues that previously plagued cases when children reached the age of emancipation, but will likely cause confusion and litigation when it goes into effect on February 1, 2017.

The most significant change under the new statute is that child support can terminate without a court order when a child turns 19. It then becomes the recipient's obligation to demonstrate that child support should continue, either because the child is still in high school or pursuing a post-secondary education (such as college), or has a physical or mental disability. Previously, the burden was on the paying parent to petition the court for an Order emancipating their child. Now, this process can happen automatically.

To effectuate the new procedure, the statute calls for notices to be sent to parents who pay and receive child support through Probation. Probation must provide two notices to parents advising them that the child support will terminate. The first notice must be sent 180 days prior to the child's 19th birthday and the second must be sent 90 days later. If child support is not paid through Probation (meaning, one parent pays the other directly) there will be no notice, and if there is no property settlement agreement or governing order, the payor can automatically stop paying. In that case, the recipient would need to show cause why child support should resume.

In addition to the automatic termination of child support, the new statute also states that child support will not continue after a child turns 23 years old. Under existing case law, there was no "cut off" point for child support. Though, this particular clause does not demonstrate a signif-

icant shift in the law because many settlement agreements include a final age when child support will terminate. Additionally, most parents consider the child's 23rd birthday as an end date for support, based on the presumption that their child will have graduated from college by then and established some level financial independence.

There are several issues with the new statute that will likely occur in a year when parents begin to be affected by the changes. First, parents who do not pay or receive child support through Probation may have little notice of the changes. This will be detrimental to the paying parent, who may continue to make payments without knowledge of his or her right to stop, as well as the recipient, who may be confused and frustrated when the other parent suddenly stops making payments. Second, the statute will have little to no change for parents with multiple children under the age of 19, as any modification of child support after one child's emancipation will require consent or court involvement. Third, the statute as originally drafted allowed a child to bring a claim on their own behalf for child support to continue beyond the age of 19. But since that language was removed, only a custodial parent can petition for continued child support. Although it is rare for children to have to move for child support, the statute now expressly prevents it.

As the statute goes into implementation in February of 2017, we will likely see other issues arise and gain more insight as courts make decisions based on the changes. In the meantime, parents have one year to educate themselves on the law and determine how the changes will affect their families. Please contact our family law department if you have further questions about the statute and how it may affect your child support award or payments.