



## What You Should Know about the New Child Support Law

Governor Christie rung in the New Year by signing a statute that dramatically changes New Jersey's laws governing child support. It is now codified as N.J.S.A. 2A:17-56.67. Here's what you should know:

**As a general rule, child support terminates automatically upon a child reaching 19 years old.** Under the old law, the person paying child support had to file a motion to terminate it. Now the burden has shifted – it terminates upon the child turning 19 unless the court is asked to do otherwise. **There are 3 exceptions to the general rule.** Child support will not automatically terminate upon a child reaching 19 years old if (1) a court order specifies another age, but not beyond age 23; (2) a parent or child files a motion to extend child support past age 19; or (3) the child receiving support is a child placed with another family by the Division of Child Protection and Permanency.

**You can file a motion to extend child support past age 19 before the child turns 19.** Under the second exception to the general rule, a parent or child may file a "written request, on a form and within the timeframes promulgated by the Administrative Office of the Courts," to extend child support past age 19 if (1) the child is still in high school; (2) the child is attending college full-time; or (3) the child suffers from a disability that existed prior to turning 19. If none of the above 3 conditions exist, a parent or child may file a motion to continue child support based on other "exceptional circumstances."

**Child support will not extend past age 23.** Regardless of any agreement or court order to pay child support passed the child's attaining age 19, it automatically terminates upon the child reaching age 23, without exception.

Questions abound. When child support automatically terminates for a 19 year old, what happens to support for younger child(ren)? An earlier version of the bill suggested that the total award would automatically adjust downward only if the amount allocated to the younger child(ren) was previously specified.

Is the payor still on the hook for arrears (unpaid child support) that accrued before the child turned 19? New Jersey public policy would seem to say yes.

Does this law apply to child support orders entered in foreign jurisdictions (out of New Jersey)?

**This statute takes effect on February 1, 2017.** The good news is we have a year to try and figure this statute out before it goes into effect.