**Are You Still Responsible to Pay Child Support for Your High School Graduate?**

By Amy Wechsler

In many states, child support ends when a child turns age 18. Not so in New Jersey, where there is no clear cut-off age for when a child is emancipated and child support ends. Children here are not considered emancipated until they are able to live on their own and are no longer “in the sphere of influence” of one or both parents. Absent exceptional circumstances, a child who graduates from high school, does not plan to continue his or her education, and is capable of working is considered to be emancipated, even if that child is still living with a parent.

Laws about child support apply to families in which parents are divorced are separated – not to intact families. Support for unemancipated children of divorced or separated parents is generally governed by the NJ Child Support Guidelines, which provide a multi-step formula to calculate the required amounts. That formula is based on each parent’s income, how much time the child lives with each parent, the number of children in the family, and whether other expenses, such as day care and health insurance should be included in the calculation. These guidelines are a “presumption,” which means they apply in most cases but they are not absolute. A parent seeking child support that is either higher or lower than what the guidelines provide can present evidence of unusual circumstances that might warrant a deviation from the guideline calculation. For high income families, child support is usually higher than the guidelines amounts, and involves a detailed analysis of the family’s life style and the child’s needs.

New Jersey is different from most states in that divorced or separated parents continue to have an obligation to support a child who, after graduating from high school, attends college, technical school or other educational institution. Full-time attendance at college or at another post-high school education institution usually defers emancipation until the child graduates, fails or quits school. The NJ Child Support Guidelines, however, no longer apply. Instead, for these families, the support calculation requires a case-by-case analysis of each family’s financial circumstances in order to determine how support is needed, and how much each parent must contribute to that support.

Moreover, in addition to requiring parents to continue supporting college-bound children by providing basic support to address shelter, transportation and personal expenses, New Jersey law can require parents to contribute to a child’s college expenses. The amount of support and the amount of each parent’s contributions to college expenses are based on an analysis of many factors, including each parent’s income and ability to pay, the contributions each parent is making to the child’s higher education expenses, the child’s own resources, any financial aid that has been awarded, the child’s academic performance, and the child’s relationship with each parent.

Because strict formulas do not apply to unemancipated children after high school, parents who cannot agree to the support may need a judge to decide what they should pay. To avoid litigating this issue and facing a process that will exhaust family resources, couples should consider addressing support through negotiation, mediation or other process, to exchange financial information and create support arrangements tailored to fairly meet the needs of the children and of each parent’s household.