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- How to make sure that your child support order is fair



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HOW TO MAKE SURE THAT YOUR CHILD SUPPORT ORDER IS FAIR.

You have just been sued for child support, or you are supporting a child and not receiving support from the other parent. How do you make sure that once you go to court, the child support order signed by the Judge is fair?

The most important thing to do before you head into court is to understand how child support is calculated. Child support in New Jersey is based off of guidelines that are found in Appendix IX-F of the New Jersey Court Rules. To determine how much a party should pay in child support, you have to determine the monthly “income” of the party. Be careful, because certain things **should not** be included in calculating a party’s income, such as mandatory union dues and mandatory retirement contributions. Also, remember you have a right to see the other party’s income information.

If the court finds that a party is voluntarily underemployed or unemployed, the court can impute income to the party. Similarly, if a party is voluntarily working less than 40 hours per week, a court can calculate child support by imputing that the party works 40 hours per week. So, if you are working at a job making less than you made in the past, or you are working less than 40 hours per week, you must explain to the court (and provide evidence) as to why you are underemployed or unemployed.

If you have other child support orders, make sure to bring copies of the orders to court so that you can receive credit for your other child support obligations. Also, if your child is covered on your insurance, bring proof to the hearing so that you can receive credit off of your child support obligation for what you pay for the insurance premiums. At your hearing, make sure that you bring proof of school tuition, child care and other expenses, so that they can be factored into the child support order. Finally, the court can deviate from the child support guidelines in the interest of justice.

If you have been sued in court for child support, or you are interested in seeking child support, or have questions regarding the process, please contact **THE LAW OFFICES OF DAVID T. GARNES, LLC**