

Exhibit B

Kane Legal Child Support Handbook

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[Section 1 - Child Support](#)

The payment of child support reflects the continuous duty of both parents to financially support their children. Generally, this duty continues until the children are emancipated or until a court orders otherwise. If one parent seeks to terminate their child support obligation and there is a court order in place for child support, that parent must file a petition with the court seeking to terminate that obligation. Until that is done, both parents are obligated to support their child/ren based upon their income, ability to earn income and assets. If a parent stops paying child support, he/she may be required to pay back child support (past due child support.)

Contact one of our child support lawyers to discuss what your child support obligation will, can or should be. Depending on your circumstances, you may be entitled to either a downward or upward modification of your child support payment or your child/ren may be emancipated and your child support obligation should cease. Each case is fact sensitive and you should discuss all of your options with a competent attorney.

[Section 2 - Adoption](#)

Child Adoption is the means by which a legal relationship is created between a parent and a child who are not biologically related. Each state has its own statutes regarding adoption. When children are adopted, they are given the same rights and responsibilities under the law they would have if they were born to their adopting parent. For example, adopted children have the same rights of inheritance as if they were the biological product of their adopting parent. Anyone who is at least eighteen years old, and ten years older than the child to be adopted, may adopt under the statute.

Kane Legal facilitates a variety of adoption types including:

- Independent (private) adoptions and agency adoptions
- International adoptions
- Same-sex adoptions
- Step-parent adoptions and relative (kinship) adoptions
- Single parent adoptions
- Adult adoptions
- Identified adoptions

Contact one of our child adoption lawyers to schedule a consultation to assist with your child adoption matters.

[Section 3 - Annulment](#)

The consequences of obtaining an annulment rather than a divorce can be significant. Unlike a divorce, a court does not have the power to order equitable distribution of marital property when an annulment is granted, although alimony may still be awarded. Therefore, you should carefully weigh with your lawyer the advantages and disadvantages of seeking an annulment rather than a divorce.

There are limited circumstances under which you can annul your marriage rather than obtain a divorce. A marriage may be either void from its inception (ab initio) or subsequently declared void (voidable). If the parties are deemed incapable of marrying at the time of the marriage, it is as if the marriage never existed, and therefore, the marriage is void ab initio. For example, a marriage is void ab initio when either of the parties has another spouse at the time of the marriage or if the parties are each other's sibling, niece or nephew, or aunt or uncle. If your spouse was physically and incurably impotent at the time of the marriage and you did not know and you have

not subsequently ratified the marriage, you may be entitled to an annulment as the relationship is void ab initio. You may have ratified the marriage if after you became aware of the impediment to the marriage you continued to live with your spouse. Another ground for annulment arises when either spouse did not have the capacity to marry because of mental condition or because they were under the influence of drugs, provided that the parties have not subsequently ratified the marriage. Additionally, if either spouse was under the age of 18 at the time of marriage and did not subsequently ratify the marriage after turning 18, the marriage is void ab initio.

The most common ground for a voidable marriage is the failure of a spouse to disclose, prior to the marriage that he or she does not want to have children at the time of the marriage.

If you are interested in nullifying your marriage as an alternative to divorce because of religious concerns, it is important to keep in mind that the grounds for annulling a marriage by your church, synagogue or other religious institutions may be different than the grounds for annulling a marriage under the law of your state. In some religions, even people who have received a civil divorce are able to obtain an annulment with their religious institution. If that is a concern to you, the best approach is to speak to a representative at your religious institution to obtain specific information. You should also speak to your lawyer about the possibility of addressing the religious annulment in your matrimonial settlement agreement.

To find out more about the grounds for annulment, [speak with one of our knowledgeable family law attorneys](#) regarding the pros and cons of obtaining an annulment now.

The Child Support Guidelines include the child's share of expenses for housing, food, clothing, transportation, entertainment, un-reimbursed health care, and other miscellaneous items.

The Court may also add other expenses into the Guidelines such as child care expenses, health insurance for the child, predictable and recurring unreimbursed health care expenses, and other expenses approved by the Court. These expenses will be included prior to a final calculation and will be allocated in the support amount in proportion to the parties' income.

Adjustment to the Child Support Guidelines Calculation:

Adjustments are made on the Child Support calculations for other legal dependents of either parent, other child support orders, government benefits paid to or for the child, and adjustments for parenting time. Adjustments for parenting time are made because as a child spends more or less time with the non-custodial parent, his/her costs for the child will increase or decrease and the custodial parent's costs will change as well.

Effect on the Child's Age:

The Child Support Guidelines average the cost of raising a child from birth to 17 years of age. In fact, it is less expensive to raise an infant than it is to raise a teenager. Therefore, there is the assumption that a surplus builds in the younger years to support the child in the later years. If a child support Order is not entered before the child is twelve years old, the child support calculated by the Guidelines is in fact too low to support the child. Therefore, if the child support is first calculated when the child is twelve or older, the Guidelines should be adjusted upward.

Although the Guidelines average the cost of raising a child from birth through 17 years of age, they may be applied to children above age of 18 as long as those children are still in high school or attending a similar secondary educational institution.

Once a child attends college, the Guidelines are no longer applicable because there are many duplicate expenditures between the Guidelines and costs associated with college (e.g. room, board, transportation). However, if the child attends college but continues to live at home, the court does have discretion to apply the Guidelines in determining support.

Imputation of Income:

If the Courts find that a parent is without just cause, voluntarily unemployed or underemployed, it may impute income to that parent when determining the support required under the Guidelines. The Court may impute income to a party using either the party's former income or average income of residents of a given state as income of the party.

Reasons to deviate from the Guidelines:

The Guidelines are a rebuttable presumption and the Court may deviate from the Guidelines for certain reasons. These reasons include, but are not limited to, special needs of the children, one household having more than six children, unreimbursed medical expenses of either parent, and educational expenses of the children. If the Court does deviate from the Guidelines, that deviation must be stated in writing in the Court's Order or on the Child Support Guidelines worksheet.

Shared Parenting:

Child Support Guidelines are based on the presumption that the child/children live in only one household. If the child/children spend the equivalent of 2 or more overnights per week in the non-custodial parent's household (104 overnights), the Court may determine that a shared parenting arrangement has occurred. For the Court to find that there is a shared parenting arrangement, the "non-custodial" parent must exercise at least 104 overnights and the parties must file a Parenting Plan with the Court that sets the parenting time and responsibilities for each parent.

If the Court determines that there is a shared parenting situation, it may use the Shared Parenting Guidelines. Unlike the Sole Parenting Guidelines, the Shared Parenting Guidelines are not presumptive, and instead are subject to the discretion of the Court. This means that the Court has more discretion to deviate from the Shared Parenting Guidelines than it does from the Sole Parenting Guidelines.

If you need legal assistance with Child Support Guidelines, [contact one of our family law attorneys](#) to schedule a consultation.

[Section 4 - Modifications of Child Support](#)

The payment of child support reflects the continuous duty of both parents to financially support their children. This duty continues until the children are emancipated or until a court orders otherwise. If one parent seeks to terminate their child support obligation and there is a court order in place for child support, that parent must file a petition with the court seeking to terminate that obligation. Until that is done, both parents are obligated to support their children based upon their income, ability to earn income and assets. If a parent stops paying child support, he/she may be required to pay back child support (past due child support).

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support payment or your children may be emancipated and your child support obligations should cease. Each case is fact sensitive and you should discuss all of your options with a competent attorney.

Section 5 – Collaborative Divorce

Collaborative Divorce is a non-adversarial process that is designed to maintain an amicable relationship between the parties and their children during and after the divorce. In Collaborative Divorce, the parties collaborate rather than litigate. This process requires that each retain a family law attorney trained in and committed to the Collaborative process. Each party and their respective counsel signs a Retainer Agreement which provides, in the event either party commences or threatens to commence litigation, the representation is terminated and the parties must seek litigation attorneys.

Contact one of our divorce attorneys to schedule a consultation to assist with your collaborative divorce matters.

Section 6 – Divorce

Some divorces can be settled without litigation; couples may choose mediation, an increasingly popular process in which a mediator facilitates the resolution of the matter. In many circumstances, mediation is mandated by the court. In other cases, divorcing couples may arbitrate disputes by retaining an independent person to adjudicate the case. These alternative approaches can reduce legal fees and expedite the process. Our matrimonial attorneys have extensive training and experience in divorce mediation and arbitration.

The many referrals our divorce attorneys receive from clients, experts and other lawyers confirm our reputation for successfully handling complex cases in a compassionate and professional manner. We are uniquely positioned to draw upon the firm's Tax, Commercial Real Estate, Trusts & Estates, Criminal Law/Civil Rights, Corporate Finance and other teams, when needed.

Section 7 - Factors for College Expense Contributions

Parents are not always under an obligation to pay post-high school tuition for their children. There are twelve factors a court should consider in evaluating a claim that a parent should contribute toward the cost of higher education. These factors are detailed below.

These factors are:

1. whether the parent, if still living with the child, would have contributed toward the costs of the requested higher education;
2. the effect of the background, values and goals of the parent on the reasonableness of the expectation of the child for higher education;
3. the amount of the contribution sought by the child for the cost of higher education;
4. the ability of the parent to pay that cost;
5. the relationship of the requested contribution to the kind of school or course of study sought by the child;
6. the financial resources of both parents;
7. the commitment to and aptitude of the child for the requested education;
8. the financial resources of the child, including assets owned individually or held in custodianship or trust;

9. the ability of the child to earn income during the school year or on vacation;
10. the availability of financial aid in the form of college grants and loans;
11. the child's relationship to the paying parent, including mutual affection and shared goals as well as responsiveness to parental advice and guidance; and
12. the relationship of the education requested to any prior training and to the overall long-range goals of the child.

Contact one of our attorneys to schedule a consultation to assist with your college expense concerns.

Section 8 – Grandparents’ Legal Rights

A grandparent’s application for visitation generally follows a family crisis, such as the death of one of the child’s parents, a divorce between the parents or a rift between the grandparent and the child’s parent or parents. In some cases, where the child is older, the child may have expressed a desire to visit with a grandparent, a request which their parent has denied. If a grandparent has established a close and continuing relationship with their grandchild, the grandparent may be able to demonstrate that the first factor listed above has been established. However, the more time that elapses between the last contact with the child and the court application, the harder it will be to meet the third factor. And an existing rift between grandparent and parent will mitigate against granting visitation to the grandparent (factor two).

The court will also look at the impact of awarding grandparent visitation on the relationship between the child and his or her parents (factor four) and upon their time-sharing agreement with the child, if they are divorced or separated (factor five).

Section 9 - Motions

A Motion is an application to the Court seeking pre- or post-judgment relief to modify prior Orders, enforce prior Orders or for entirely new Orders. A litigant may file a Motion or defend against a Motion. A litigant on either side should understand the Court Rules regarding Motions.

Types of Motions

Pendente Lite Motions

Pendente Lite Motions are motions filed prior to an entry of a judgment in a case. The general rule for a pendente lite application is that the Court should maintain the family's status quo, if possible. The Orders generated from a pendente lite motions are temporary Orders until the Judgment of Divorce is entered.

A typical Motion will request the following relief: a) temporary support; b) enforcement of orders for support or parenting time; c) request for compliance with discovery, such as compelling more specific answers to interrogatories (questions served on adverse party) and non-compliance with production of documents; d) request for counsel fees; and e) parenting rights such as visitation.

You should be aware that if you ask for and receive unallocated support, the support will be treated as alimony and is fully deductible by the payor and fully taxable to the payee.

Motions for Reconsideration

Whenever you believe that an Order entered by the Court is unfair or the judge misunderstood important facts or misapplied the law, or new facts emerged, a Motion for Reconsideration may be appropriate. The Motion for Reconsideration must be filed with the Court and served on the adversary within 20 days of your receipt of the Order.

Post Judgment Motions

The reasons that Motions are filed in Family Court are almost unlimited. The following is a list of typical Motions one might see during and after a divorce:

- Modification of Child Support/Alimony
- Custody and Parenting Time
- Resumption of Maiden Name
- Assumption of Any Surname
- Emancipation
- Termination of Child Support/Alimony
- Enforce provisions of Court Order or Judgments

If you need guidance on any of the above Motions, contact one of our family law attorneys to schedule an appointment.

Section 10 – Reimbursement Alimony

There are four types of alimony that may be awarded in a divorce. Depending on the circumstances of your case, you may be entitled to what is called reimbursement alimony. Reimbursement alimony “is intended to compensate a spouse who has made financial sacrifices resulting in a reduced standard of living by enabling the other spouse to forego gainful employment while securing an advanced degree or professional license to enhance the parties’ future standard of living.” Cox v. Cox, 335 N.J. Super, 465, 475(App. Div. 2000).

Because the wife financially contributed to her husband’s education “with the expectation that both parties would enjoy material benefits flowing from the professional license or degree,” the Court concluded that it would be “patently unfair that the supporting spouse be denied the mutually anticipated benefit while the support spouse keeps not only the degree, but also all of the financial and material rewards flowing from it.” The Court reasoned that reimbursement alimony is appropriate where a “young professional who after being supported through graduate school leaves his mate for supposedly greener pastures.” The Court reasoned that, “one spouse ought not to receive a divorce complaint when the other receives a diploma.” However, the Court made it clear that every spouse who contributes to his or her partner’s education pursuits is not entitled to reimbursement alimony.

If you need more advice on Reimbursement Alimony, contact one of our highly professional divorce lawyers to schedule an appointment.

Section 11 – Relocating Your Child

Generally, if you want to move with your child to another state or country, you need permission of the child's non-custodial parent or you need a court order. The reason for this requirement is to maintain the non-custodial parent's rights to have an ongoing relationship with the child.

Moving to another state:

There are twelve factors the Court must consider in determining whether the custodial parent has proven those two things:

1. The reasons given for the move;
2. The reasons given for the opposition;
3. The past history of dealings between the parties insofar as it bears on the reasons advanced by both parties for supporting and opposing the move;
4. Whether the child will receive educational, health, and leisure opportunities at least equal to that which is available here;
5. Any special needs or talents of the child that require accommodation and whether such accommodation or its equivalent is available in the new location;
6. Whether a visitation and communication schedule can be developed that will allow the non-custodial parent to maintain a full and continuous relationship with the child;
7. The likelihood that the custodial parent will continue to foster the child's relationship with the non-custodial parent if the move is allowed;
8. The effect of the move on extended family relationships here and in the new location;
9. If the child is of age, his or her preference;
10. Whether the child is entering his or her senior year in high school, at which point he or she should generally not be moved until graduation without his or her consent;
11. Whether the non-custodial parent has the ability to relocate; and
12. Any other factor bearing on the child's interest.

After the parent seeking to remove the child from a state has provided prima facie proof that the move is in good faith and is not inimical to the interests of the child, the court will hold a hearing to review the twelve factors. If the parent is unable to provide this prima facie proof, the Court may deny the move without a hearing.

The ultimate issue for the court is whether the move is inimical to the child. Prior to the hearing, there will be a discovery period. Often the court will require that a psychologist offer a recommendation regarding the impact on the child of moving. The fact that a move out of state will change the visitation schedule even lessening the visitation is not by itself a reason for preventing a move.

If the parent seeking to move proves that the move is in good faith and the move is not inimical to the child, the custodial parent will be allowed to move. However, the move is a change in circumstances that may require a change in the parenting time schedule (often the non-custodial parent will receive larger blocks of parenting time during the summer and school breaks) and may require a change in who is responsible for transportation/cost of transportation of the child.

Moving Within the State:

Under the current case law, a strong argument can be made that you do not need the court's permission to move within the state. Therefore, when moving to another part of the state, court approval is generally not needed, but where the move will have a significant impact upon the relationship between the child and the non-custodial parent, the Baures factors should be considered in determining whether modification of the custodial and parenting-time arrangement is warranted