

NOTICE TO THE BAR

Quadrennial Review - Child Support Guidelines

Pursuant to the Family Support Act of 1988 (42 U.S.C.A. § 667(a)) and 45 C.F.R. 302.56(e), each state must review its child support guidelines every four years ("Quadrennial Review") to "ensure that ... application [of the guidelines] results in the determination of appropriate child support award amounts." 42 U.S.C.A. §667(a). The New Jersey Administrative Office of the Courts sponsored two reports to satisfy this Quadrennial Review requirement: (1) "New Jersey Economic Basis for Updated Child Support Schedule Report" (hereinafter "Economic Basis Report"), dated March 30, 2004; and (2) "Findings from Child Support Order Case File Reviews" (hereinafter "File Reviews Report"), dated January 12, 2005. Those two reports are posted in full-text form on the Judiciary's Internet website at www.njcourtsonline.com.

The Economic Basis Report reviews current economic data, and applies more recent Consumer Expenditures Survey (CES) data than reflected in the existing child support guidelines. Using the more recent CES data, 2004 price levels, and income/spending factors specific to New Jersey, that report recommends adoption of an updated Child Support Schedule and suggests that an anomaly exists in the self-support reserve. The File Reviews Report sets out an analysis of actual New Jersey child support cases to determine the application of and deviation from the child support guidelines. That case file review attempts to verify that any deviation from the child support guidelines is the exception rather than the norm.

The Supreme Court Family Practice Committee, after having considered these reports and the findings therein, has adopted the reports as required by 42 U.S.C.A. § 667(a) and 45 C.F.R. 302.56(e). The Practice Committee thus proposes that the "Schedule of Child Support Awards," included in the Rules of Court as Appendix IX-F, be amended as set forth in the Economic Basis Report. Prior to making its recommendation to the Supreme Court in that regard, the Practice Committee is here requesting public comment as to this recommendation. Any such comments should be submitted in writing by October 31, 2005 to the following address:

Hon. Philip S. Carchman, J.A.D.
Acting Administrative Director of the Courts
Administrative Office of the Courts
Hughes Justice Complex, Box 037
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Comments also may be submitted via Internet e-mail to the following address:
Comments.Mailbox@njcourts.gov .

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments should include their name and address and, if submitting comments by e-mail, their e-mail address as well. Comments submitted in response to this notice will be maintained in confidence only if the author specifically requests confidentiality. In the absence of such a request, the author's identity and his or her comments may be subject to public disclosure after the Court has acted on any recommendations by the Committee.

The Family Practice Committee also is considering making recommendations as to other issues addressed in the two reports. One such issue is the previously noted suggestion in the reports that an anomaly exists in applying the self-support reserve. See §20 of Appendix IX-A ("Considerations in the Use of Child Support Guidelines"), New Jersey Rules of Court. To resolve that issue, the Practice Committee is considering recommending amendments to Appendix IX-A as well as to Appendix IX-B ("Use of the Child Support Guidelines"). The Committee also has under consideration a possible recommendation to apply the child support guidelines to children age 18 or older who are enrolled in college and who commute to school from a parental home. Should the Practice Committee make any such further recommendations, those recommendations would similarly be published for comment before submission to the Supreme Court for action.

Philip S. Carchman, J.A.D.
Acting Administrative Director of the Courts

Dated: September 6, 2005

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