

1. Termination of Child Support after High School Graduation and Upon Emancipation.

Child support is usually paid through a wage withholding garnishment at the parent's job. **Child support orders and wage withholding continue forever against you until a Superior Court Judge signs a Formal Court Order terminating or modifying support.** It is not sufficient for the payor to simply wait for a child to finish school. Many Divorce decrees and Property Settlement Agreements state that child support will end upon emancipation.

For example, the term "emancipation" is sometimes defined as follows:

1. The completion of the child's formal education on a matriculated basis, whether it be graduation from a four year

undergraduate school or high school, it being understood that so long as the child is diligently pursuing his formal education through a four year undergraduate college education and obtaining passing grades the child shall not be considered emancipated.

2. Upon the completion of any of the aforesaid segments of the child's education, and upon the failure to commence the next segment of his education, or upon leaving school, the child shall be deemed emancipated unless failure to continue on with his education has resulted from injury or illness or some other cause beyond the child's control.

3. The marriage of the child.

4. Entry into the military or armed forces by the child.

Your attorney can draft the

appropriate Motion to terminate child support if the child is emancipated. You will need to provide your attorney with relevant papers including a copy of the Final Judgment for Divorce, any other Child Support Orders, copy of birth certificate if available, proof of graduation from school or working full time, etc.

Sometimes the child support recipient, usually the mother, will sign a Consent Order, which your attorney can file without the need for a lengthy Motion. However, generally a Formal written Notice of Motion must be filed in the County Superior Court where the child support Order was entered.

The requirements of the Motion are detailed and must include the correct filing fees. Child support does not end merely if the child reaches 18 and graduates high school. Most child

support Order continue child support if the child is in college full time. However, don't give up. In the unreported Appellate Division decision of *Kozak v Kozak* ___ NJ Super. ___ (App. Div. decided January 9, 2003) the court reduced child support during the period of time the child resided at the college campus. The judge properly determined it was appropriate to calculate child support only for the period of time the child was not residing at college.

3. Police seeing defendant-smoking joint in open door justified the warrantless entry into defendant's apartment and the seizure of the marijuana cigarette. State v Walker 213 N.J. 281 (2013)

Although the information contained in the tip was uncorroborated, by the time the officers knocked at the door of defendant's apartment, subsequent

events, created by defendant's own actions, established probable cause and exigent circumstances which justified an entry into defendant's apartment. Thus, the warrantless seizure of the marijuana cigarette and all the CDS found in defendant's apartment was proper and permissible under the New Jersey and federal constitutions. Although the underlying offense here, possession of marijuana, is a disorderly persons offense, the circumstances indicate that the officers' warrantless entry into defendant's home was objectively reasonable. A limited entry was necessary to arrest defendant for the disorderly persons offense and to retrieve the marijuana cigarette. After entering, the officers saw in the living room CDS and other contraband in plain view. These items were subject to seizure as well.

3. Calendar of Non profit Events

9/14/13 Ocean Grove Run for Arts 5k
9am

9/15/13 JSRC Picnic at Monmouth Park
Racetrack

4. PROFESSIONAL OFFICE SPACE IS AVAILABLE IN EDISON LAW OFFICE

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