

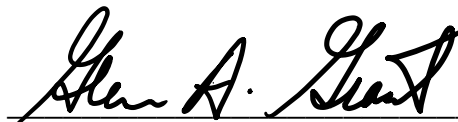
NOTICE TO THE BAR

CHILD SUPPORT – ELIGIBILITY FOR CHILD SUPPORT FOR A SEVERELY DISABLED CHILD OVER THE AGE OF 23 WHO IS FINANCIALLY DEPENDENT – INTERIM RELAXATION OF COURT RULES TO CONFORM TO STATUTE

The Supreme Court has relaxed and supplemented Rule 5:6-9 (“Termination of Child Support Obligations”) so as to conform to L. 2019, c. 453, §1, which amended N.J.S.A. 2A:17-56.67 by authorizing the continuation of a child support obligation for a child over the age of 23 who has severe physical or mental incapacity and financial dependency. Child support for a physically or mentally incapacitated child over the age of 23 shall continue until the court finds that the child is relieved of the incapacity or is no longer financially dependent on the parent. The new law does not apply to financial maintenance that is not child support (e.g., college contributions).

The Court’s January 5, 2021 Order is attached. The rule relaxation is effective retroactive to December 1, 2020 and will remain in effect pending development and adoption of conforming rule amendments.

Questions may be directed to Assistant Director for Family Practice Joanne M. Dietrich at (609) 815-2900 x55350 or to Assistant Director for Probation Services Brenda Beacham at (609) 815-3810 x16243.



Hon. Glenn A. Grant
Acting Administrative Director of the Courts

Dated: January 15, 2021

SUPREME COURT OF NEW JERSEY

IT IS ORDERED, pursuant to N.J. Const. (1947), Art. VI, sec. 2, par. 3, that retroactive to December 1, 2020, the provisions of Rule 5:6-9 ("Termination of Child Support Obligations") of the Rules Governing the Courts of the State of New Jersey are supplemented and relaxed as follows:

1. Consistent with L. 2019, c. 453, §1, which amended 2A:17-56.67 effective December 1, 2020, upon application of a parent or child, the court may order full child support services for a child over the age of 23 with a severe mental or physical incapacity that causes the child to be financially dependent on a parent, taking into consideration the factors set forth in N.J.S.A. 2A:34-23. The parental obligation to provide support shall continue until the court finds that the child is relieved of the incapacity or is no longer financially dependent on the parent.
2. This Order does not apply to financial maintenance or reimbursement orders not related to child support for a child over the age of 23.
3. The provisions of this order shall remain in effect pending adoption of conforming rule amendments.

For the Court,



Chief Justice

Dated: January 5, 2021