

**WHEN DOES YOUR NEW SPOUSES INCOME
COME INTO PLAY WHEN DETERMINING YOUR
COLLEGE CONTRIBUTION FOR YOUR CHILDREN?**

Under the New Jersey Child Support Guidelines "income from other household members" is excluded from consideration of a parent's gross income when determining an appropriate level of child support. The exclusion of the current spouse's income does not alter the opportunity to disregard the guidelines if an injustice would result in a particular case.

The Court does not put blinders on. A current spouse's income is still relevant in the determination of the financial resources of a parent and the impact of such resources on determining a parent's contribution to college expenses. A Court cannot consider college contribution in a vacuum and disregard substantial economic benefits and financial resources inuring to the benefit of a parent as a result of a remarriage. But, the Court cannot ignore the fact that the new spouse can have no legal obligation to share in his or her spouse's parental responsibility for college expenses.

The Court has to walk a fine line when reviewing these issues. The current spouse has no obligation to support someone else's child while accounting for the reality that the current spouse may provide economic resources to the household.

Suppose you have remarried and your new spouse is the sole breadwinner for the family. Should the Court ignore the lifestyle which you enjoy as a result of your remarriage? You have the benefit of living rent or mortgage free. Your lifestyle may be supported completely by your new spouse. The Court is charged with doing equity and cannot ignore the economic realities of your case. While your new spouse has no legal obligation to pay college expenses it can create a basis for meeting current living expenses or payment of long-term financial obligations which a Court must review when allocating college education expenses between two parents.