

FUSCO & MACALUSO

FAMILY LAW

Family Law, Divorce, Child Support



“At times when emotions run high,
the family is affected.

When lives take another turn in the road,
help may be needed.”

Fusco & Macaluso understands with compassion.

Any major life event or change is a traumatic time
and usually requires genuine help.

Help is always available during these times- at Fusco and Macaluso.

If you're involved in a contested or uncontested divorce, the adoption of a child or placement of a child for adoption, child abuse matters, child support modifications, child visitation and custody, being accused of or a victim of domestic violence, elder law, juvenile law, probate or other major family law issue, count on the understanding of the attorneys and their team at Fusco and Macaluso. At Fusco and Macaluso, we offer the best advice about your rights under the law, presented discreetly, compassionately and carefully with your needs in mind.



What is a "fault" divorce?

A fault divorce is where there are grounds present and one spouse files for it.

What is a "no-fault" divorce?

“NO -fault" divorce is when a spouse is suing for divorce but does not have to prove that the other spouse did something wrong. To file for a no-fault divorce, one spouse must state a reason recognized by the state.

Is there a benefit in filing for a fault divorce? After a long period of separation you are able to file for a no-fault divorce, but some people who do not want to wait file sooner, file a fault divorce.

It's best to consult with Fusco and Macaluso's attorneys before engaging in a court petition for a divorce, whether it be fault or no-fault, so you can be sure you are complying with New Jersey

state's laws on this matter.

Dissolution? Terminating a marriage, is not an annulment. Dissolutions have laws that provide for this. Laws govern termination of a marriage and distribution of marital assets, custody, visitation, and support issues.

What is a legal separation?

Legal separation is a status given by a court, as parties remain married, but there are rights and liabilities of the parties for child custody, support, visitation, alimony, property and debts. Legal separation is sometimes called separate maintenance. If parties in a legal separation desire a divorce, they must file a new divorce action.

What is an Annulment of the Marriage?

An annulment is a way of voiding the marriage. It's as if the marriage never took place, never was. An annulment can be granted if the initial marriage contract has a defect in contract formation, i.e., one of the parties was under age, was wronged or was not aware of the circumstances of marriage, and more...

Can a divorce action be stopped by one of the spouses?



Divorced parties may choose to submit to mediation at either parties' request. A good mediator will take the parties' circumstance into serious account and may suggest to the parties to halt their petitions. Better mediators will likely encourage clients to have independent counsel, marriage counseling or family counseling before entering or writing divorce agreements. The lawyers will play a limited role during

this time.

My spouse would never agree to mediation.

Can I force him? Not really- mediation is 100% voluntary.

Fathers and Child Support

The importance of child support and how is this determined?



Child support is a periodic payment made to a custodial parent by a non-custodial parent. It pays for a child's living expenses, i.e. food, clothes, etc., and any other related debts. If one parent has sole custody, the non-custodial parent must fulfill his or her child support obligation with these payments. When parents are awarded joint custody in a divorce, the support obligation **may or may not be shared**.

Support is based upon each parent's income, and the amount of time the child spends with each parent.

What are some facts regarding child support payments?

Federal law now requires that the amount of a child's support be set in accordance with **NATIONWIDE** guidelines. Under Child Support Enforcement, child support payments can be based upon each parent's current income. This includes occupational wages, assets, stocks and bonds, etc.

Child support payments can also be modified over time?

Yes. The facts of an increase may come from either a parent's new earnings or additional income from remarriage, or, on the other hand, a decrease can be had because of new or lost income, spousal illness, etc. These facts can bring a change in support obligations. It is however a parent's obligation to pay child support until the child becomes 18 years old, or emancipated according to the terms of a Settlement Agreement. But, if arrears are owed on child support, a court order may enforce collection until the debt is paid in full. (Emancipation is when a minor has shown freedom from parental control or support, and has ability to be self-supporting.)

Is a father who never married the mother still required to pay child support?



A man who never marries a child's mother, but brings a child into his home and supports the child as his own may be an assumed father. Regardless of marital status, an assumed father becomes a biological father of a child where paternity is established. Assumed fathers pay child support.

What happens to a father who refuses to pay court ordered child support?

Under the Child Support Enforcement Act, it is against the law for any father, presumed or assumed, to not pay court ordered child support to the custodial guardian, regardless of joint custody. Federal laws allows tax refunds to enforce child support, and other methods of enforcement. Federal law now requires that the amount of a child's support be set in accordance with **NATIONWIDE GUIDELINES**.



What else is considered?

Time Spent With the Child, besides net incomes, is very important and this is factored into support.

When a parent spends more time with a child they are incurring greater expenses in raising that child. Also, special circumstances can affect the guideline of child support.

Fusco and Macaluso, in court can have a dramatic effect in the determination of the child support amounts.

Is there a Formula for Child Support? Federal law now requires that the amount of a child's support be set in accordance with NATIONWIDE GUIDELINES.

The formula is based upon net incomes of the parents. Federal and state income taxes, Social Security and Medicare tax, health insurance, union dues and other mandatory expenses are subtracted from a parent's gross income (that is, income from all sources including, but not limited to, wages and investments) to arrive at his/her net worth.

Each parent is supposed to pay for child support her ability. Everyone has circumstances and parent with the higher standard of living has the ensure his or her children share in that same custodial parent can not be forced to pay child or her means. It may be required however, that parent may simply match the custodial parent's new station in life (as when a custodial parent remarries into a wealthier social position).



according to his or stations in life. A obligation to lifestyle. The non-support beyond his the non-custodial

Divorce and Bankruptcy



What if my ex has threatened me with bankruptcy?

Filing for bankruptcy protection does NOT allow your ex to discharge past due child support obligations.

Does my divorce decree protect me if my ex-spouse files for bankruptcy or she has listed me as a co-signer on a Schedule D? If you are bound by a written contract with your ex-

spouse on any debt, the creditor can require the entire payment of that debt from aslo your share of the community property even though the divorce decree assigns the debt to your ex-spouse.

Contact the Firm of Fusco and Macaluso for the LATEST Information in NJ's Matrimonial Laws and Guidelines.

We can help.

Call 973-779-1163

Disclaimer: The information on these pages are for informational and educational purposes only. **Call Fusco and Macaluso** when these life changes need strong, professional legal consultation to know and protect your rights.