

## CUSTODY

N.J.S.A. 9:2-4c:

1. THE PARENTS' ABILITY TO AGREE, COMMUNICATE AND COOPERATE IN MATTERS RELATING TO THE CHILD.
2. THE PARENTS' WILLINGNESS TO ACCEPT CUSTODY.
3. ANY HISTORY OF UNWILLINGNESS TO ALLOW VISITATION NOT BASED ON SUBSTANTIATED ABUSE
4. THE INTERACTION AND RELATIONSHIP OF THE CHILD WITH ITS PARENTS AND SIBLINGS.
5. THE HISTORY OF DOMESTIC VIOLENCE, IF ANY.
6. THE SAFETY OF THE CHILD.
7. THE SAFETY OF EITHER PARENT FROM PHYSICAL ABUSE BY THE OTHER PARTY.
8. THE PREFERENCE OF THE CHILD WHEN OF SUFFICIENT AGE AND CAPACITY TO REASON SO AS TO FORM AN INTELLIGENT DECISION.
9. THE NEEDS OF THE CHILD.
10. THE STABILITY OF THE HOME ENVIRONMENT OFFERED.
11. THE QUALITY AND CONTINUITY OF THE CHILD'S EDUCATION.
12. THE FITNESS OF THE PARENTS.
13. THE GEOGRAPHIC PROXIMITY OF THE PARENTS' HOMES.
14. THE EXTENT AND QUALITY OF THE TIME SPENT WITH THE CHILD PRIOR TO OR SUBSEQUENT TO THE SEPARATION.
15. THE PARENTS' EMPLOYMENT RESPONSIBILITIES.
16. THE AGE AND NUMBER OF THE CHILDREN.

## STATUTORY FACTORS

### GRANDPARENT/SIBLING VISITATION

N.J.S.A. 9:2-7.1(b):

1. THE RELATIONSHIP BETWEEN THE CHILD AND THE APPLICANT.
2. THE RELATIONSHIP BETWEEN EACH OF THE CHILD'S PARENTS OR THE PERSON WITH WHOM THE CHILD IS RESIDING AND THE APPLICANT.
3. THE TIME WHICH HAS ELAPSED SINCE THE CHILD LAST HAD CONTACT WITH THE APPLICANT.
4. THE EFFECT THAT SUCH VISITATION WILL HAVE ON THE RELATIONSHIP BETWEEN THE CHILD AND THE CHILD'S PARENTS OR THE PERSON WITH WHOM THE CHILD IS RESIDING.
5. IF THE PARENTS ARE DIVORCED OR SEPARATED, THE TIME SHARING ARRANGEMENT WHICH EXISTS BETWEEN THE PARENTS WITH REGARD TO THE CHILD.
6. THE GOOD FAITH OF THE APPLICANT IN FILING THE APPLICATION.
7. ANY HISTORY OF PHYSICAL, EMOTIONAL OR SEXUAL ABUSE OR NEGLECT BY THE APPLICANT.
8. ANY OTHER FACTOR RELEVANT TO THE BEST INTERESTS OF THE CHILD.

N.J.S.A. 9:2-7.1(c) It shall be prima facie evidence that visitation is in the child's best interest if the applicant had, in the past, been a full-time caretaker for the child.

### EQUITABLE DISTRIBUTION

N.J.S.A. 2A:34-23.1:

1. THE DURATION OF THE MARRIAGE.
2. THE AGE AND PHYSICAL AND EMOTIONAL HEALTH OF THE PARTIES.
3. THE INCOME OR PROPERTY BROUGHT TO THE MARRIAGE BY EACH PARTY.
4. THE STANDARD OF LIVING ESTABLISHED DURING THE MARRIAGE.
5. ANY WRITTEN AGREEMENT MADE BY PARTIES BEFORE OR DURING THE MARRIAGE CONCERNING AN ARRANGEMENT OF PROPERTY DISTRIBUTION.
6. THE ECONOMIC CIRCUMSTANCES OF EACH PARTY AT THE TIME THE DIVISION OF PROPERTY BECOMES EFFECTIVE.
7. THE INCOME AND EARNING CAPACITY OF EACH PARTY, INCLUDING EDUCATIONAL BACKGROUND, TRAINING, EMPLOYMENT SKILLS, WORK EXPERIENCE, LENGTH OF ABSENCE FROM THE JOB MARKET, CUSTODIAL RESPONSIBILITIES FOR CHILDREN, AND THE TIME AND EXPENSE NECESSARY TO ACQUIRE SUFFICIENT EDUCATION OR TRAINING TO ENABLE THE PARTY TO BECOME SELF-SUPPORTING AT A STANDARD OF LIVING REASONABLY COMPARABLE TO THAT ENJOYED DURING THE MARRIAGE.
8. THE CONTRIBUTION BY EACH PARTY TO THE EDUCATION, TRAINING OR EARNING POWER OF THE OTHER.
9. THE CONTRIBUTION OF EACH PARTY TO THE ACQUISITION, DISSIPATION, PRESERVATION, DEPRECIATION OR APPRECIATION IN THE AMOUNT OR VALUE OF THE MARITAL PROPERTY, AS WELL AS THE CONTRIBUTION OF A PARTY AS A HOMEMAKER.
10. THE TAX CONSEQUENCES OF THE PROPOSED DISTRIBUTION TO EACH.
11. THE PRESENT VALUE OF THE PROPERTY.
12. THE NEED OF A PARENT WHO HAS PHYSICAL CUSTODY OF A CHILD TO OWN OR OCCUPY THE MARITAL RESIDENCE AND TO USE OR OWN THE HOUSEHOLD EFFECTS.
13. THE DEBTS AND LIABILITIES OF THE PARTIES.
14. THE NEED FOR CREATION, NOW OR IN THE FUTURE, OF A TRUST FUND TO SECURE REASONABLY FORESEEABLE MEDICAL OR EDUCATIONAL COSTS FOR A SPOUSE OR CHILDREN.
15. ANY OTHER FACTORS WHICH THE COURT MAY DEEM RELEVANT.

## ALIMONY

N.J.S.A. 2A:34-23(b):

1. THE ACTUAL NEED AND ABILITY OF THE PARTIES TO PAY.
2. THE DURATION OF THE MARRIAGE.
3. THE PARTIES' AGE, PHYSICAL AND EMOTIONAL HEALTH.
4. THE STANDARD OF LIVING ESTABLISHED IN THE MARRIAGE AND THE LIKELIHOOD THAT EACH PARTY CAN MAINTAIN A REASONABLY COMPARABLE STANDARD OF LIVING.
5. THE EARNING CAPACITIES, EDUCATIONAL LEVELS, VOCATIONAL SKILLS, AND EMPLOYABILITY OF THE PARTIES.
5. THE LENGTH OF ABSENCE FROM THE JOB MARKET OF THE PARTY SEEKING MAINTENANCE.
7. THE PARENTAL RESPONSIBILITIES FOR THE CHILDREN.
8. THE TIME AND EXPENSE NECESSARY TO ACQUIRE SUFFICIENT EDUCATION OR TRAINING TO ENABLE THE PARTY SEEKING MAINTENANCE TO FIND APPROPRIATE EMPLOYMENT, AND THE OPPORTUNITY FOR FUTURE ACQUISITIONS OF CAPITAL ASSETS AND INCOME.
9. THE HISTORY OF THE FINANCIAL OR NON-FINANCIAL CONTRIBUTIONS TO THE MARRIAGE BY EACH PARTY INCLUDING CONTRIBUTIONS TO THE CARE AND EDUCATION OF THE CHILDREN AND INTERRUPTION OF PERSONAL CAREERS OR EDUCATIONAL OPPORTUNITIES.
0. THE EQUITABLE DISTRIBUTION OF PROPERTY AND ANY PAYOUTS ON EQUITABLE DISTRIBUTION, DIRECTLY OR INDIRECTLY, OUT OF CURRENT INCOME, TO THE EXTENT THIS CONSIDERATION IS REASONABLE, JUST AND FAIR.
1. THE INCOME AVAILABLE TO EITHER PARTY THROUGH INVESTMENT OF ANY ASSETS HELD BY THAT PARTY.
2. THE TAX TREATMENT AND CONSEQUENCES TO BOTH OF ANY ALIMONY AWARD INCLUDING THE DESIGNATION OF ALL OR A PORTION OF THE PAYMENT AS A NON-TAXABLE PAYMENT.

## CHILD SUPPORT

N.J.S.A. 2A:34-23(a):

1. NEEDS OF THE CHILD.
2. STANDARD OF LIVING AND ECONOMIC CIRCUMSTANCES OF EACH PARENT.
3. ALL SOURCES OF INCOME AND ASSETS OF EACH PARENT.
4. EARNING ABILITY OF EACH PARENT, INCLUDING EDUCATIONAL BACKGROUND, TRAINING, EMPLOYMENT SKILLS, WORK EXPERIENCE, CUSTODIAL RESPONSIBILITY FOR CHILDREN INCLUDING THE COST OF PROVIDING CARE AND THE LENGTH OF TIME AND COST OF EACH PARENT TO OBTAIN TRAINING OR EXPERIENCE FOR APPROPRIATE EMPLOYMENT.
5. NEED AND CAPACITY OF THE CHILD FOR EDUCATION, INCLUDING HIGHER EDUCATION.
6. AGE AND HEALTH OF THE CHILD AND EACH PARENT.
7. INCOME, ASSETS AND EARNING ABILITY OF THE CHILD.
8. RESPONSIBILITY OF THE PARENTS FOR COURT-ORDERED SUPPORT OF OTHERS.
9. REASONABLE DEBTS AND LIABILITIES OF EACH CHILD AND PARENT.
10. ANY OTHER FACTORS THE COURT MAY DEEM RELEVANT.

NOTE: These factors are to be considered in determining child support in those cases where the Child Support Guidelines are not applicable.

## COLLEGE COSTS

NEWBURGE v. ARRIGO, 88 N.J. 529, 545 (1982):

1. WHETHER THE PARENT, IF STILL LIVING WITH THE CHILD, WOULD HAVE CONTRIBUTED TOWARD THE COSTS OF THE REQUESTED HIGHER EDUCATION.
2. THE EFFECT OF THE BACKGROUND, VALUES, AND GOALS OF THE PARENT ON THE REASONABLENESS OF THE EXPECTATION OF CHILD FOR HIGHER EDUCATION.
3. THE AMOUNT OF THE CONTRIBUTION SOUGHT BY THE CHILD FOR THE COST OF HIGHER EDUCATION.
4. THE ABILITY OF THE PARENT TO PAY THAT COST.
5. THE RELATIONSHIP OF THE REQUESTED CONTRIBUTION TO THE KIND OF SCHOOL OR COURSE OF STUDY SOUGHT BY THE CHILD.
6. THE FINANCIAL RESOURCES OF BOTH PARTIES.
7. THE COMMITMENT TO AND APTITUDE OF THE CHILD FOR THE REQUESTED EDUCATION.
8. THE FINANCIAL RESOURCES OF THE CHILD, INCLUDING ASSETS OWNED INDIVIDUALLY OR HELD IN CUSTODIANSHIP OR TRUST.
9. THE ABILITY OF THE CHILD TO EARN INCOME DURING THE SCHOOL YEAR OR ON VACATION.
10. THE AVAILABILITY OF FINANCIAL AID IN THE FORM OF COLLEGE GRANTS AND LOANS.
11. THE CHILD'S RELATIONSHIP TO THE PAYING PARENT, INCLUDING MUTUAL AFFECTION AND SHARED GOALS AS WELL AS RESPONSIVENESS TO PARENTAL ADVICE AND GUIDANCE.
12. THE RELATIONSHIP OF THE EDUCATION REQUESTED TO ANY PRIOR TRAINING AND TO THE OVERALL LONG-RANGE GOALS OF THE CHILD.

NOTE: Where there are unemancipated children under age 18, in addition to the college student(s), the Child Support Guidelines shall be first applied as to said unemancipated children, before determining the college contribution and any child support obligation as to the college student.