

New Jersey Law for Special Needs Children

NEWS & UPDATES ON ESTATE PLANNING FOR NEW JERSEY FAMILIES WITH SPECIAL NEEDS CHILDREN

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Child Support and Children with Special Needs

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One issue often overlooked by divorce attorneys as well as their clients is the payment of child support when the couple has a child with special needs. Child support, although paid directly to a spouse, is considered to be an asset of the child for purposes of determining eligibility for means-tested governmental programs. To avoid disqualifying the child from governmental benefits, the divorce agreement should direct child support payments to be made directly to a first party special needs trust, instead of directly to the custodial spouse. The child with special needs will be the sole beneficiary of the trust and the custodial parent will be the trustee. In this way, the child support will be used for the child without disqualifying the child from benefits he or she may receive.

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