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Glenn A. Grant, JAD
Acting Administrator of the Court
Hughes Justice Center
P.O. Box 37
Trenton, NJ 08625

Dear Judge Grant:

As with most practitioners running a small general practice in a suburban community the issue of college education seems to be a perennial thorn in the side of the office practitioner as well as the general public and the court system.

I reviewed with great interest the proposed amendment to Appendix V of the Family Part Case Information Statement. When I reviewed twenty-one points of information to be required on the Case Information Statement with regard to college it was almost an absurdity. The time involved in preparing the documentation getting materials from the college, costs, expenses and documentation as set forth in paragraph one, in particular if the student is applying to one, two or three colleges becomes incredibly cost intensive and unnecessary (e.g Montclair State, v. William Paterson v. Rutgers).

Not to mention by way of a footnote there is a real tendency despite many Property Settlement Agreements providing to the contrary that the parent of primary residence simply selects with the minor "child", institutions on an exparte basis, and hands the parent who does not share that level of custodial time and authority with the "child" a bill for college education.

Let me be plain about this comment, even a modest out of state school can run some place between $35,000-$40,000.00 a year or more with all of the extras will total in excess of $200,000.00 over a four period. I would like to see a provision that a comparison must be presented in each and every case (the major selected) compared to the cost to attend Rutgers University or an equivalent state school, for exactly the same type of education.

There is no reason why, except for exceptionally wealthy parents, that the educational game should not be played out with this type of information available to the Trial Court. I note that a statement from the college that a child has filed an application, paid the applicable fee, together with a cancelled check or credit card statement, is interesting, and the more I considered the line item almost absurd. Why would anyone submit that a child is going to attend for example, Princeton University, and not make an application to that school and not pay the required fee (why anyone needs documentation is a waste of time).

The perception of the parents when looking at this is going to be an "eye roll", not at college costs, but our profession.

I just cannot imagine telling one of my clients that a child most go to the local high school, and get a copy of his transcripts, or prior transcripts from the college or University, if the child is transferring and attach it to a Case Information Statement. I have always thought that the grades somebody earns in school were somewhat confidential and "somewhat" privileged. (I know young adults have no right to privacy). If the "child" is over 18 the school will not release that information to a parent, regardless who pays the tuition. Grades are usually shared with the "other" parent, on an ongoing basis, it might be a suggestion, if a parent is not getting regular information from the school, or student, or the parent is blocked from seeing grades and denied electronic access to grades, that the denial of basic information automatically suspends college payments. This area of perennial motion practice might come to a grinding halt.

Number 6 of course made me laugh. Why is it always one parent that selects an SAT preparation class, that is staggering in cost, when the other parent finds a variety of SAT classes that are more reasonable in cost, and have had similar results. I wonder if we are not micro managing situations to the extreme, when we require not only an "invoice", but proof of payment for SAT preparation.

Did it ever occur to anyone that a student should be obligated to prepare himself or herself for the scholastic aptitude test by getting the usual workbook and spending their own time in preparing themselves as

opposed to sitting like a bump on a log in some class selected by Mom or Dad, the payment for which one parent is seeking reimbursement the SAT class selected naturally on an ex parte basis. This section codifies "ex parte" selection, and we all know who will receive the bill.

I have always thought that proof of enrollment was interesting, and I am going to assume for a moment this is included in good faith. If someone is enrolling, lets say, in architecture at NJIT, thirty seconds on the computer will tell anyone what the basic requirements for the first year are going to be as well as a second year, third year, fourth year and if it is a fifth year of course of study, year five.

However, if someone thinks that this is necessary, I wonder if we are going to have a heavy duty form with lots of attachments that will be simply pages copied from the internet, lots of paper, which no one reads while the real issue will remain how much, and who pays what. This entire form does little to assist in resolving that issue.

Paragraph 8 is the most important of all and confusing. Proof of all financial aid, scholarships, grants and student loans copies of all applications for financial aid, is interesting and critical.

Does this mean, for example, if a state college grants everyone a "knee jerk" student loan to every student who attends that institution, that a parent, lets say, who is not the primary residential custodian can insist that a child must take any loan offered by the university, to offset the cost of education, or can that same parent insist that the child apply, for example, for outside loans of at least 50% of the cost of the schools tuition per year. In addition, scholarships, grants and student loans are not synonymous, and lumping them together creates a nightmare type of situation in this "catch all" listing. This paragraph must be very carefully reconsidered.

The area of financial aid is one of the slippery slopes of college education. Having just finished a case in which financial aid was required by the Trial Court, and a student was ordered to take the student loan offered by NJIT, I went through exactly this type of issue. When the student's grades slipped below an acceptable level, and NJIT cancelled further loans, the student then took it as a green light that he did not have to replicate that same level of financial assistance by obtaining an outside loan. The student continued in school final flunking four of five classes before the college mercifully dismissed the student from school.

With regard to paragraph 9, I think it is interesting. Many people do not save enough money for college, and wind up seriously indebted

when children go off to school. I would think that any clever attorney, representing the person who is generally going to pay the lion's share of the money can certainly set up a scenario in which the existence of accounts, savings accounts, or other resources that include a residential home, and a retirement account or a pension plan established by an employer, can now be tapped into for a child's college education.

Suppose the child elects to go to an Ivy League school and one parent wants to pay for only a State school and no more. This is an open invitation to raid what one person has accomplished over a lifetime of work and the other person makes barely no contribution at all. I know exactly what you are going to say, this is a sexist comment (it probably is) I can hear my male clients screaming as I review this particular clause with them and stating that the former wife got remarried, or should be employed fill time her "new" husband is wealthy; therefore, the fact that she has few or no assets in her name at this point should under no circumstances place the burden solely on her former spouse. The post high school college education roulette game will be in full swing with this clause.

Paragraph 11 transportation I think is an interesting clause. I do not think that a student going to college needs to have a car at college, and most students simply come home and use the family car when they have travelled from school for holidays or the summer recess. The idea of plugging in the cost for transportation, which includes a car at school seems incredibly, shall we say, over indulgent.

In addition, I find it distressing that someone has not taken a more adult position that a student who can commute from home should do so, and we need to reconsider the issue when doing these Case Information Statement changes requiring students to first and foremost apply to State Universities.

As the cost of college escalates, the more we should not spend other people's money without due regard to the cost of education for dollars spent. I would like to know right now, if it is the committee's contention, that a bachelor of literature degree from Princeton University is more worthy than the same degree from Rutgers? Probably, better Ivy at Princeton.

I am beginning to have the old feeling and the hairs on the back of my neck are rising as I review this form and think of the real implications that are contained therein. I think that there is no necessity under normal circumstances for a student to have a car at school unless that student is commuting from home and then I think the cost of the

automobile in that case includes gas, insurance and maintenance should be split between the parents equally.

With regard to 12, the number of credits taken and achieved seems almost absurd. A child goes to school and in the first several years the credits taken are mandatory, and I do not know how I would answer this except to say to be determined as required by the University, please see attached which would be a copy of whatever I copied from the Internet. The usual Property Settlement Agreement language should suffice, four years, full time, diligently pursued, no sabatals.

With regard to paragraph 13, proof of cell phone costs, landline telephone and internet access. Unless I am suffering under a great delusion most Universities allow students access to the internet as part of being students at the institution. I realize the cell phone is a way of life, I would say that we can place into the law at this point that a student shall be entitled to a "cell phone" no more than the most basic phone offered with nothing more than the ability to receive and make phone calls, oh my, no video games, or U-tube, tweets or facebook.

If everybody wants the student to have every bell and whistle offered by Apple or the equivalent competitors that is fine but it should be a parent's decision and not part of something a Court can order. I find this an intrusion by the Court into what I consider to be the Provence of parents unsettling.

Paragraph 15, costs of sundries. I believe that there should be an amount of money earned per week either by the student working while at school, or the child support paid by one parent to the other which should now be paid directly to the student; therefore, those monies should be used by the student to cover his weekly out of pocket expenses. I am not going to go and encourage parents speculate on the cost of cleaning, laundry, and toiletries and sundries for a college student (fertile soil for another war zone with our "child" in the middle).

Far better the student uses the monies received from child support and budget accordingly or work during the summer to offset their expenses by saving and have a taste of the real world. I object to this statement because of what it incorporates now as a Court requirement which will just become another line item on an expensive punch list that one parent will pay the lion's share of, while the other parent escapes paying almost nothing.

Paragraph 17, is the cost of entertainment. Does that include parties, fraternities, rock concerts, "pot" smoking, and other college events including football games, wrestling matches, dances and parties.

When I was at school, there were certain events that we all went to that were provided by the University. After that, we provided for our own out of pocket expenses, if we wanted to go to watch a wrestling match, basketball game or a football game. I guess the Big Ten era is with us considering Rutgers football and their new stadium. I don't see any reason why a parent should now have to underwrite same by providing money to a student to drink beer at a football game, oops I forget we don't drink beer at football games.

Paragraph 18, I believe that the reasonable amount of spending money is again another excuse to over charge one parent and to under charge the other. Perhaps everyone will take this more seriously, if we state that no charge for spending money shall exceed the weekly amount of child support, which will be paid directly to the "child" during that time the "child" is at school. During the summer months child support shall go to the residential parent. At least, this might tip the scales somewhat in favor of a reasonable costs.

Paragraph 19, with regard to automobile insurance, if mother owns the car she pays for the insurance, if Dad owns the car, he pays for insurance. The issue should not be something that is simply plugged into an equation. An automobile owned by a student, should be insured by the student, and he or she should provide the money for that insurance based upon summer employment. We are setting up a situation in which parents are covering everything. Usually Property Settlement Agreements and a comprehensive Final Judgment of Divorce dispose of health insurance, one parent usually providing coverage for the child with regard to same based upon employer provided insurance. With the current administration in Washington, that is certainly one provision we will have to wait for a later time before we can deal with intelligently.

Paragraph 20, I don't think it makes any difference that the "child" has worked in the past, I think the Court should simply view the child's age, school that the child is going too, curriculum the child is enrolled in, and impute an minimum income per week. There are indulgent parents that will always take the position a child could not find summer employment, a common disease that seems to happen during May and finds a cure some place between May and the start of school in September when the monthly allowance kicks in again.

I think 21 is an insult to the intelligence and should be removed. Might I strenuously suggest to the Court that this addition to the Case Information Statement be immediately scrapped. It is insulting, humiliating, degenerating, and certainly I believe that an application following high school should be made to the Superior Court, Chancery

Division with each parent filing current Case Information Statements and the Court having reviewed, at that point, colleges applied for and the circumstances under which those applications were made. I believe if one parent counsels a child to make an ex parte application to an expensive private school without the consent of the non-residential parent that that parent should bare the sole cost less grants, scholarships and financial aid incurred by the student.

This might be one way that the sticker shock is taken off of the classic move where one parent bypasses another and a child who should be at Rutgers winds up going to the Florida State University (it's never Yale or MIT) at a cost that is five times the cost of Rutgers per year. I think that a full time student at Rutgers University in New Brunswick, commuting to school receives a quality education. There is absolutely nothing wrong with our State schools.

There are usually State schools within easy driving distance from almost everyone's home and I would strongly recommend that the Court take the committee to task on what they are attempting to do in the micro management of people's lives, forcing the invasion of a lifetime in savings, over a very debatable result. The wealthy will always find a way to send the "children" to the Ivy League schools, while the middle class will again be irreparably harmed by our thoughtless but "well intention" micro management.

Respectfully yours,

Stephen E. Samnick

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