SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-000755-24

AJIT KUMAR,	CIVIL ACTION
Plaintiff-Respondent,	ON APPEAL FORM
v.	SUPERIOR COURT, CHANCERY DIVISION/FAMILY PART
MEENAKSHI RAO (F/K/A KUMAR)	MERCER COUNTY
Defendant-Appellant.	HONORABLE JUDGE JOHN L. CALL, Jr., J.S.C. Sat below

BRIEF FOR APPELLANT
MEENAKSHI RAO

MEENAKSHI RAO
APPELLANT
322 WYNCREST DR
EAST WINDSOR, NJ 08512
(609) 619-1405
meenucrao@gmail.com

TABLE OF CONTENTS

Page

TABLE OF JUDGMENTS, ORDERS, AND RULINGS

TABLE OF APPENDIX

TABLE OF AUTHORITIES

PRELIMINARY STATEMENT

Defendant is filing this appeal for one reason and one reason only: For the benefit of Saloni Rao, daughter of Defendant, Meenakshi Rao, and Plaintiff, Ajit Kumar. Defendant has made it clear that any motion that has been filed in the past has been in the best interest of her daughters. The parties entered an agreement on February 21, 2018, when the Court ordered that Plaintiff is responsible for paying 75% of tuition costs, up to $12,000 per year, in addition to child support, for Tamanna Rao (aged 18 at the time) and Saloni Rao (aged 14 at the time). When Saloni started attending Mercer County Community College in 2022, she maintained email communication with Plaintiff regarding her plans for college, and requested that he contribute to the court-mandated 75% of her college expenses, including books. Plaintiff refused to contribute to Saloni's college expenses for the entirety of the time that she was in community college. When Saloni was accepted to a four-year

school, SUNY Purchase College, she and Defendant asked Plaintiff to start contributing to her tuition expenses, because it would be too much for Defendant to pay out-of-pocket. However, Plaintiff repeatedly stated via email that he would only pay "either Child Support or College Tuition," not both, and that Defendant would have to take him to court if she wanted to dispute that.

Defendant searched extensively for a lawyer that would take the case pro bono, but was unsuccessful, and was thus forced to hire a lawyer despite being unable to afford one. As the Court is aware, Defendant's sole sources of income are SSI and child support, with an annual income of about $26,000 to support herself and her daughter, Saloni. By the time the Court came to a decision on May 22, 2024 regarding the Motion for College Contribution and Other Relief, Defendant had accrued $6,704.53 in legal debt. The Plaintiff has a full-time job and a significantly higher annual income, but, since the Court denied

Defendant's request to have Plaintiff file Case Information Statement, it is unclear exactly how much the Plaintiff earns annually or has in assets.

As stated in her Motion for Reconsideration, Defendant believes that Plaintiff should be responsible for paying for counsel fees because (a) he acted in bad faith and refused to abide by the standing 2018 court order and insisted that the only way to get him to do so was by taking the matter to court, (b) the Plaintiff has more income and is thus more capable of paying for counsel, and (c) the Defendant needs the money that was spent on the lawyer to care for herself and her daughter, Saloni. Defendant has always had her daughter's best interest in mind, which is why she has done everything in her power to provide her with a college education. She only hopes that Plaintiff would do the same. Therefore, Defendant respectfully requests that the Court grant her counsel fees in the amount of

$6,704.53 and have Plaintiff pay back the arrears he owes as ordered by the May 22, 2024 Order.

PROCEDURAL HISTORY

Throughout 2021 to 2023, Defendant reached out to Plaintiff directly via email requesting that he contribute to tuition payments for their daughter. On April 11, 2023, Plaintiff clearly stated via email that he would only pay either child support or college tuition for their daughter, despite the standing court order obligating him to pay both. After unsuccessfully trying to settle the matter outside of Court by discussing it with the Plaintiff directly, Defendant hired a lawyer in April 2023. Defendant sent Plaintiff a letter via email, regular mail, and certified mail on May 11, 2023 requesting that he either abide by the February 21, 2018 Order stating that he is responsible for paying 75% of their daughter's college costs, up to $12,000 per year, plus child support; or, alternatively, Defendant offered to terminate child

support and health insurance so Plaintiff could instead pay 100% of their daughter's tuition costs, which would cost Plaintiff about $4,000 less per year overall. These suggestions were also mentioned in the Motion that was later filed when Plaintiff refused to settle outside of Court. On July 11, 2023, Defendant filed a Notice of Motion for College Contribution and Other Relief. A hearing took place via Zoom on May 22, 2024 (1T)[1]. When this Motion was denied in the May 22, 2024 Order (Da1)[2], Defendant filed a Motion for Reconsideration on June 10, 2024 (Da5). Plaintiff then filed a Cross-Motion for Sanctions on August 7, 2024. Defendant sent an email to the Court on August 15, 2024 to bring to the Court's attention that Plaintiff was already in violation of the May 22, 2024 Order, which specifically stated that Plaintiff is obligated to pay any financial deficiency associated with college costs within thirty (30) days of the Order, which Plaintiff failed to do, and still hasn't done to date (Da76). Defendant then filed a Reply

---

[1] Da = Defendant/appellant's appendix

[2] 1T = Transcript from May 22, 2024 hearing

Certification opposing Plaintiff's reply and Cross-Motion for Sanctions on August 31, 2024 (Pa81). The hearing for the Motion for Reconsideration was held via Zoom on September 23, 2024, concluding after only ten (10) minutes of deliberation (2T)[3]; on September 24, 2024, an Order was filed by the Court denying Defendant's Motion for Reconsideration (Da4). Defendant filed Notice of Appeal with cover letter on November 2, 2024 (Da112), and Amended Notice of Appeal and supporting documents on December 18, 2024 (Da115).

STATEMENT OF FACTS

For the past seventeen (17) years, Defendant and Plaintiff have been in and out of court to settle a number of different issues, including divorce, custody, and Plaintiff's obligation for college contribution for each of their children. Plaintiff filed for divorce from Defendant in 2008, making many false claims in Court in order to achieve the divorce with no equitable distribution (Da80). Defendant

[3] 2T = Transcript from September 23, 2024 hearing

gained residential custody and joint custody of both children after Plaintiff abandoned them in June 2010, leaving them at Defendant's doorstep when she was not even home, reflecting how little he cared about their safety and well-being. Plaintiff has not made any effort to call, visit, or maintain any kind of relationship with either child since he last saw them in June 2010, when he abandoned them of his own volition. At the time, their eldest daughter, Tamanna, had tried to get in contact with Plaintiff through his friends, Sanjeev and Kavita Shrivastava, but Plaintiff told them not to give his daughter his phone number so that she could not contact him. When she tried again to reach him by calling his family member's phone number, they repeatedly cursed at her and discouraged her from ever trying to contact her father again. She was eleven (11) years old. Defendant only filed for sole custody after learning of the neglect and abuse Plaintiff put their children through while they were under his sole care (Da81). It is clear that Plaintiff

is the one who did not want to maintain a relationship with his children, not the other way around. In fact, Defendant has made many efforts throughout the years to reach out to Plaintiff via email to give him updates on their daughter's lives, but he expressed no interest.

Since Defendant had no way of contacting Plaintiff, she could not locate him in order to pursue child support relief. Defendant became physically disabled in 2010 and filed for disability, which she received, and had to go to Mercer County Board of Social Services to seek assistance, as she had no way to support herself and her children. When Defendant went to Social Services to file for Food Stamps and TANF (Temporary Assistance for Needy Families), she had to sign over the case to Social Services so they could pursue child support. As a result, Social Services had to locate Plaintiff and file for child support on Defendant's behalf many years after he had already left his children. Defendant started receiving

child support in December 2016, six and a half (6 1/2) years after Plaintiff's abandonment of his children (Da39). When Plaintiff failed to make consistent child support payments, Defendant reached out to Child Support Probation and they had to issue a wage garnishment to ensure child support was being paid (Da60). Despite his unwillingness, Plaintiff still had and has an obligation to his children.

When their daughter, Tamanna, was accepted to Johnson & Wales University in 2017, Defendant sought college contribution from Plaintiff in order to help cover Tamanna's tuition costs. For the first year she was in college, Defendant paid the entirety of her college costs, despite having extremely limited income from SSI and child support. She had to take out a personal loan of $14,000 just to keep up with payments. On February 21, 2018, the Court ordered that Plaintiff is responsible for paying 75% of each child's college costs, up to $12,000 per year, in addition to continuing to pay child support (Da46).

Since Tamanna was receiving a very substantial academic scholarship at the time, her tuition was significantly lower than that of Saloni, their youngest child, when she started attending a four-year college in 2023. Since Defendant grew up in India and was completely unfamiliar with the college system in the United States at the time the 2018 Court Order was issued, she deemed it was appropriate at the time to have Plaintiff's obligation only be up to $12,000, only realizing how small of a portion of the total tuition cost that actually is much later. When Saloni began applying to colleges in 2021, Defendant learned that she was ineligible to receive any academic scholarships because she was pursuing a music degree, despite doing exceptionally well academically when she was in high school. As a result, when Saloni was accepted to Berklee College of Music, a world-renowned music school located in Boston, MA, in 2021, Defendant was shocked to realize just how expensive her tuition would be (about $70,000 per year; almost $50,000 after

accepting all financial aid and loans). Because of the insurmountable cost of attending Berklee (about double the Defendant's annual income), and since Plaintiff plainly refused to pay for Saloni's tuition while paying child support, Saloni deferred and worked on applying for scholarships for the semester following her high school graduation. Saloni then started attending Mercer County Community College (MCCC) in January 2022 to fulfill her general education requirements (Da101). Saloni attended MCCC for three (3) consecutive semesters as a full-time student, and maintained communication with Plaintiff via email to keep him in the loop on her plans for secondary education (Da10). She emailed him multiple times politely asking that he contribute his court-mandated 75% of college costs to help her pay for books, but he refused (Da94). To this day, he still has not paid those arrears. He owes $1,617.80.

When Saloni was accepted to the Music Conservatory at SUNY Purchase College (where the tuition fees were

substantially lower than at Berklee) in March 2023 for admission starting in Fall 2023, she informed Plaintiff of her new plans to attend a four-year college so that he could reasonably prepare to start making payments that August (Da103). However, just as he had previously refused to contribute to Saloni's college costs at community college- in violation of the February 21, 2018 Court Order- he again refused to contribute to her college tuition at SUNY Purchase, wrongly claiming that his obligation was for either child support or college tuition, when, in fact, the Court Order clearly states that his obligation is for both (Da103). He ignored and dismissed any efforts to correct him on his misinterpretation of the Court Order, and insisted to his daughter and the Defendant to take the matter to Court.

Although Saloni's email communications with the Plaintiff have always been very polite and thankful towards Plaintiff any time he has made payments towards her college costs, Plaintiff's email

communications with his daughter over the past few years have often been rude and dismissive, reflecting his continued lack of regard for the well-being of his children (Da104). As recently as August 2024, Saloni politely requested to be taken off Plaintiff's health insurance because of the extremely high deductible ($3,000 at the time, which then increased to $3,500 a few months later), lack of dental coverage, and the fact that it did not cover necessary doctor's visits and medications; she explained that she is better covered under Defendant's Medicaid (Da107). She hoped that Plaintiff would be able to take some of the money he saved from taking her off his health insurance to contribute more to her college costs, but Plaintiff was very dismissive and petty in his response, refusing to cooperate and insisting that "both parties [would] take a hit" simply because he did not want to put that money towards her college costs (Da108). Plaintiff has claimed that he wants to see his daughter succeed and complete her college education,

but any time she or Defendant have requested in good faith that he make compromises- which would not negatively impact him financially in any way, and would actually save him money- he has refused to cooperate. His response has always been to go to court (Da11).

Because Plaintiff seemed so bothered by his child support obligation, and even told his daughter he "would not like [her] getting used to social welfare benefits," Defendant tried offering an alternative solution that would save him about $4,000 per year and ensure Saloni's tuition costs were covered (further explained in Heading I of ARGUMENT section), but he flippantly dismissed any such request and claimed he would "decide how to proceed, at the appropriate time" (Da108). At this point, it had already been two (2) years since Saloni graduated high school, and there were only three (3) months before her tuition for her first semester at SUNY Purchase was due (Da42). Plaintiff had also contributed nothing to her college

costs up until that point, despite being made aware by Defendant that he was in violation of the standing 2018 Court Order. It was well past the appropriate time to discuss his contribution towards their daughter's tuition.

Defendant filed the Motion for College Contribution and Other Relief after exhausting every other option because it was so time-sensitive. Defendant has always wanted the best for her children, and that meant she had to take Plaintiff to Court because it was impossible to pay Saloni's tuition costs without his financial contribution. She took out an $8,000 personal loan in 2023 to cover counsel fees, and is currently in debt from the $6,704.53 that was spent on counsel over the past two (2) years (Da12). She has made every effort to avoid going to court, but Plaintiff has made it impossible.

ARGUMENT

I. THE TRIAL COURT FAILED TO CONSIDER CRUCIAL EVIDENCE THAT WAS PRESENTED TO THEM, SPECIFICALLY THE MANY TIMES

PLAINTIFF REFUSED TO SETTLE THE MATTER OUTSIDE OF COURT AND INSISTED, IN WRITING, THAT DEFENDANT SHOULD GO TO COURT IF SHE WANTS HIM TO ABIDE BY THE STANDING COURT ORDER.
(Raised below: 1T, Da106)

The primary reason Defendant made the decision to file a Motion for College Contribution and Other Relief was that Plaintiff refused to settle the matter outside of court. Defendant and child tried on multiple occasions to communicate with Plaintiff via email requesting that he start contributing to child's college costs, as required by the February 21, 2018 Order. However, Plaintiff repeatedly, and incorrectly, stated that he was only obligated to pay "either Child Support or College Tuition. Not Both" (Da103). When Plaintiff was told that this was not true, and that the Court Order required that he pay his mandated 75% of college costs in addition to child support, he simply refused to do so. For the three (3) semesters that the child, Saloni Rao, was attending MCCC, she

sent Plaintiff emails detailing exactly how much he needed to contribute to pay for books (Da95). He refused.

Defendant would have had no need to hire counsel if Plaintiff abided by 2018 Court Order, or agreed in good faith to discuss the matter outside of court. Unfortunately, Plaintiff made it impossible to do so, and repeatedly prompted Defendant to go to court, demonstrating a lack of willingness to discuss in good faith with the Defendant. Defendant again tried to avoid filing Motion by sending Plaintiff a letter via mail on May 11, 2023, requesting that he abide by the standing Court Order or discuss alternatives that would save Plaintiff several thousands of dollars per year if he was unwilling to do so. As outlined in the letter, if Plaintiff had a problem with both paying child support and college tuition, as his emails strongly suggested, Defendant would be willing to waive his child support and health insurance obligation for Saloni, which are about $16,000 and

$3,000 per year, respectively, and instead pay 100% of Saloni's tuition costs directly to the school, which would be about $27,000 per year after all financial aid and federal loans are accepted (not $40,000, as was falsely claimed in the September 23, 2024 Hearing, as this was not taking into consideration any financial aid) (2T 4:23). Plaintiff's current obligation of child support, health insurance, and $12,000 in college payments per year results in a total obligation of about $31,000 per year. Therefore, Plaintiff would be saving about $4,000 per year with the alternative solution offered by Defendant. Defendant was willing to make this compromise out of hope that Plaintiff would be more likely to contribute to Saloni's college costs this way, and ensure that Saloni's tuition would be covered.

In response to the letter, Plaintiff sent an email claiming he "[has] not violated any of the Litigant's rights" and that he "will decide how to proceed, at the appropriate time." This email was sent on May 15,

2023, seventeen (17) days before the decision deadline for SUNY Purchase College, where Saloni planned to attend, and three (3) months before the first semester's tuition bill was due (Da41). Defendant only filed Motion for College Contribution and Other Relief after countless attempts to get Plaintiff to abide by 2018 Court Order and contribute to Saloni's college costs in a timely manner. Plaintiff made it clear he had no intention of doing so, so Defendant had no choice but to file a motion.

II. THE TRIAL COURT FAILED TO CONSIDER HOW MUCH EACH PARTY COULD REALISTICALLY CONTRIBUTE TO CHILD'S TUITION COSTS BASED ON THEIR RESPECTIVE FINANCIAL CIRCUMSTANCES. THE COURT ERRED IN REFUSING TO ORDER PLAINTIFF TO SUBMIT CASE INFORMATION STATEMENT.
(Raised below: 1T 11:5)

The Court is aware that Defendant's only sources of income are SSI and child support, as reflected in the Case Information Statements submitted by Defendant (Da36, Da56). Defendant's annual income is about

$26,000 per year, which is used to support herself and her daughter, Saloni. Defendant currently pays about $15,000 per school year for Saloni's tuition costs, which only leaves about $11,000 per year to pay for rent, utilities, transportation, medical expenses, food, clothes, and other necessary expenses for both the Defendant and her daughter. Defendant's quality of life is severely impacted by living so frugally and having the constant stress of possibly not being able to afford Saloni's tuition costs. Since starting college, Saloni has been taking out the maximum amount of federal loans possible to reduce her tuition bill, meaning she will owe about $30,000 in student loans before interest by the time she graduates in May 2027 (Da109). It is clear that both Defendant and child are doing everything they can to cover tuition costs.

New Jersey case law dictates that a parent's college contribution to their child should be influenced by how much they can reasonably contribute, as reflected in *Newburgh v. Arrigo*, 88 N.J. 529, 545

(1982). Since a determination has not been made on how much Plaintiff has in income or assets, it is difficult to appropriately determine how much he can reasonably contribute to the child's college costs. The most appropriate response would be for the Court to request that Plaintiff submit a Case Information Statement. If the Trial Court had prioritized the best interest of the child, and followed the precedent set forth in *Newburgh v. Arrigo*, they would have ordered the Plaintiff to submit a Case Information Statement much sooner. Defendant has always been transparent about how much money she is living off of, while Plaintiff has remained secretive. If Plaintiff felt that he was paying more than he could reasonably afford based on his income, then it would make sense for him to submit a Case Information Statement so that the Court could determine if that were true. However, because of his unwillingness to do so, it is likely that his income is higher than what was reported when his child support obligation was determined many years

ago, and therefore he is much more financially capable of contributing to Saloni's tuition costs compared to the Defendant (1T 13:9).

According to Rule 2A:17-56.9a, parties involved in a child support agreement have the right to request a review of child support payments to determine if any adjustments need to be made based on cost-of-living and "shall take into account any changes in the financial situation or related circumstances of both parties and whether the order of child support is in full compliance with the child support guidelines." Similarly to how child support obligations are adjusted based on cost-of-living changes over time in New Jersey, it makes sense for college contributions to work the same way. Based on reasonable assumptions of Plaintiff's financial circumstances, especially in contrast to Defendant's very poor financial situation, it is likely that the Court would issue an increase in Plaintiff's obligations, at least in reference to his child support obligation, if not also for contribution

to college costs. Defendant has not exercised the right laid out in Rule 2A:17-56.9a out of consideration for Plaintiff and gratitude for his current obligation, and in an effort to prevent both parties from having to be involved in more court dealings. Defendant has not pursued alimony in the past for the same reason (1T 11:2).

III. THE TRIAL COURT FAILED TO CONSIDER THAT DEFENDANT HAD NO CHOICE BUT TO HIRE A LAWYER BECAUSE NO ONE WOULD TAKE THEIR CASE PRO BONO; AND, UP UNTIL THAT POINT, PLAINTIFF REFUSED TO ABIDE BY STANDING COURT ORDER. (Raised below: Da9, Da87)

After Defendant had tried many times to communicate directly with Plaintiff to settle the matter outside of court, and he refused, she tried first to find a lawyer who would take her case pro bono. She contacted Manavi, who had helped her in the past with custody filings, LSNJ Law, Central Legal Aid, Community Health Law Project, and a large number of legal firms and lawyers on their personal numbers

in an effort to find a lawyer to take the case pro bono. However, after explaining the nature of the case, she was turned away by every organization and firm she contacted. Defendant was extremely hesitant to hire a lawyer because she knew she would be unable to afford it with her extremely limited income, and she knew she would have to take out personal loans to pay for counsel. She made every effort to avoid accruing counsel fees. However, after exhausting every other option, she had no choice but to hire a lawyer.

IV. THE TRIAL COURT FAILED TO CONSIDER THAT PLAINTIFF REPEATEDLY REFUSED TO ABIDE BY STANDING FEBRUARY 21, 2018 COURT ORDER. THE COURT ERRED BY NOT ACKNOWLEDGING THAT PLAINTIFF WAS IN VIOLATION OF MAY 22, 2024 ORDER. (Raised below: 1T 11:21, Da79)

In the May 22, 2024 Court Order, the Trial Court ordered that "the Court will enforce the February 21, 2018, Order as it limits the contribution of Plaintiff/Father to the on-going college education of either child to $12,000.00 per year" (Da1). The Court

also ordered: "In the event Father has not contributed to college costs associated with either child the financial deficiency shall be cured within thirty (30) days." However, since the Court did not enforce this in any way, Plaintiff again failed to abide by this Order. Defendant reached out to Plaintiff during the thirty-day period following the Order reminding him to pay the arrears that he owed from when Saloni was attending community college and needed money for books, but he failed to do so (Da77). Defendant made the Trial Court aware of this fact via the email that was sent on August 15, 2024, as it was relevant to the Motion for Reconsideration that was filed on June 10, 2024 (Da89). The Trial Court did not mention the information set forth in this email in the hearing, nor did the Court give Defendant the opportunity to bring it up during the hearing. When Defendant tried to explain that she "wouldn't have had to come to court if [Plaintiff] had abided by the 2018 court order," the Trial Judge cut her off and refused to let

her continue her argument (2T 9:8-13). This was another piece of pertinent information that demonstrates Plaintiff's habitual behavior of not respecting Court Orders and failing to abide by them which the Court blatantly overlooked. The only reason Plaintiff is contributing child support is because the Court issued a wage garnishment in 2017, before which Plaintiff was not fulfilling his child support obligation, and the only reason Plaintiff began contributing to Saloni's college costs in 2023 (after three semesters of refusing to do so) was because Defendant took the matter to court. As Defendant stated in her Reply Certification filed on August 31, 2024, "[Plaintiff] only made the [first tuition] payment after the initial hearing with Judge Bhattacharya that took place on August 25, 2023" (Da85).

Defendant had no choice but to go to Court after Plaintiff had refused to abide by a standing court order for years. According to Rule 2A:34-23a, "If a

party in any action to enforce and collect child support ordered by a court pursuant to the provisions of N.J.S. 2A:34-23 has incurred counsel fees, the court shall require the defaulting party to pay those counsel fees." Just as the defaulting party is responsible to pay for counsel fees incurred in collection of child support, the defaulting party (Plaintiff) should be responsible for paying fees incurred in collection of college contributions as laid out in the February 21, 2018 Order, and arrears as ordered in the May 22, 2024 Order. The rule also states that the Court shall "consider the financial circumstances of the parties and whether each acted in good faith." Defendant has only made good-faith efforts to get Plaintiff to make financial contributions for their daughters, while Plaintiff has repeatedly demonstrated a lack of willingness to cooperate in the best interest of their children.

V. THE TRIAL COURT FAILED TO CONSIDER THE BEST INTEREST OF THE CHILD. (Not raised below)

New Jersey case law dictates that, when it comes to determining college contributions, "Any decision must be made in accordance with the best interests of the children," as stated in Jacoby v. Jacoby, 427 N.J. Super. 109, 116 (App. Div. 2012). It is also stated that "there is no presumption that a child's required financial support lessens because he or she attends college. As each case must turn on its own facts, courts faced with the question of setting child support for college students living away from home must assess all applicable facts and circumstances, weighing the factors set forth in N.J.S.A. 2A:34-23[(a)]." It is evident that, in this case, the child's required financial support is higher since she started attending college, and she is in need of any and all money that is owed to her by Plaintiff, especially considering how much student loan debt she has already accrued. If the Court considers what is best for the child, it would be obvious that granting

Defendant's request for counsel fees would be the appropriate thing to do.

Defendant has made it clear to the Court that the only reason she has pursued the matter of Plaintiff's obligation to their child's college contribution is because she wants to see her daughter succeed and fulfill her dreams of receiving a college education. Plaintiff has suggested in the past that this could be achieved by Saloni getting a degree from community college, which would be significantly cheaper; however, the program Saloni wants to pursue in music is only offered at the current college she is attending, SUNY Purchase. She already had to give up attending her first-choice school, Berklee College of Music, because she couldn't afford it. Defendant takes no pleasure in having to pay an additional $15,000 per year that she cannot afford, but it is a necessary expense because she cares more than anything about making her daughter happy, and she knows how hard Saloni has worked to get into music school and pursue

her career in music. Plaintiff has expressed no such interest in their daughter's aspirations, other than the compulsory emails asking what her future plans are. More often than not, he has been rude and insensitive in his email communications with his daughter, despite her continued respectfulness towards him (Da104). It is and always has been the Plaintiff's decision not to maintain a relationship with his children.

As reflected in the original Motion for College Contribution and Other Relief filed on July 11, 2023, Defendant has made conscious efforts to inform Plaintiff of what is going on in their children's lives, to no avail. Up until now, Plaintiff has only acted to make things more difficult for his children. If he was willing to set aside any disagreements with the Defendant and focus instead on what is best for their daughter, he would have agreed to discuss his college contribution in good faith with the Defendant, and the entire ordeal of taking the matter to court

could have been avoided. If the Court had recognized the importance of doing what is best for the child, rather than what is best for her absent father who makes no effort to maintain any kind of relationship with her (and could not even be bothered to attend any of the Court hearings since 2023, all of which have been via Zoom, and therefore incredibly accessible), then they would recognize the importance of granting the Defendant counsel fees. The $6,704.53 that was spent by Defendant on counsel has not just taken away from the Defendant, but also from her daughter. While Plaintiff is presumably living a very financially comfortable life, Defendant and her daughter are growing more in debt by the day because of the burden of paying for college and the fees associated with having to repeatedly take Plaintiff to court. The defendant in C.A.F. v. H.F. (N.J. App. Div. 2020) was facing a very similar situation, in which the plaintiff, who was very financially capable, did not contribute to his children's college tuition payments

and even moved to terminate child support, which the trial court granted, despite the defendant being disabled and having much more limited income. However, the appellate court recognized the plaintiff's obligation to his children and reversed the trial court's ruling, in favor of the defendant. Although the Defendant in the Kumar v. Kumar case is not requesting an adjustment to child support, when considering what is best for the child in this situation, it is self-evident that the Court should grant the Defendant counsel fees so that the money can be invested back into the child's future.

CONCLUSION

When considering the evidence that has been presented to the Court, it is indisputable that the Defendant only went to Court and accrued counsel fees because Plaintiff left her no other option. Filing a motion was a necessary action because Plaintiff was in violation of February 21, 2018 Order for two (2) years

and repeatedly stated, in writing, that he had no intention of contributing to their child's college costs. It was only after the initial Motion for College Contribution and Other Relief was filed in July 2023 that Plaintiff began making any payments towards Saloni's college tuition in August 2023, which he clearly did as a direct result of Defendant's Motion. Because Defendant did everything in her power to avoid accruing counsel fees, and only hired a lawyer as a last resort, and Plaintiff is more financially capable of affording counsel, Plaintiff should be responsible for covering counsel fees. Plaintiff should also pay back arrears in the amount of $1,617.80 as ordered by the May 22, 2024 Order.

Respectfully submitted,

Meenakshi Rao

Meenakshi Rao

Dated: June 5, 2025

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
MERCER COUNTY, NEW JERSEY

DOCKET NO. A-000755-24

AJIT KUMAR
Respondent - Plaintiff Pro Se

vs.

MEENAKSHI KUMAR
Appellant – Defendant Pro Se

RESPONDENT'S ANSWER

AJIT KUMAR RAO (F/K/A AJIT KUMAR)

AJIT KUMAR RAO (F/K/A AJIT KUMAR)

15163 DUPONT PATH

APPLE VALLEY, MN 55124

ajitkrao@gmail.com

I, Ajit Kumar Rao (f/k/a Ajit Kumar), of full age, hereby certify that:

I am the Plaintiff Pro Se pursuant to the above matter.

I provide this Respondent's Answer, to each of the five (I - V) arguments, in response to Defendant's Brief filed with the Appellate Division on Jun. 5th, 2024.

PLAINTIFF'S ANSWER TO DEFENDANT'S BRIEF

I. The Defendants' actions, motions, and appeals on matters that were mutually agreed upon as listed in the Feb. 21st, 2018 Court Order, have resulted in unnecessary expenditures upon me. Sharing my viewpoint in an email does not change a Court Order. It was the Defendants' own interpretation of the Court Order or what she heard from others, that led her on this path. I made no attempt to get the Court Order modified, for either Child Support or College Expenses. Both Child Support and College payments are current and ongoing.

II. The Defendant keeps bringing up the same set of arguments, to obtain more money. The Court, having considered the arguments previously, arrived at the decisions on May 22nd, 2024 and Sep. 24th, 2024.

Currently, I am paying the following:

Child Support $347/week	$18,044 annually.
Health Insurance $39/week	$2,028 annually.
College Tuition	$12,000 annually.

The Child is a full-time college student, residing on-campus for a major part of the school year. College expenses, based on the first three semesters, average $22,782 annually. My payments towards the Child's welfare totals $32,072 annually. That is an upward of $9,290 annually, in the Defendants' favor.

III. It was the Defendants' own interpretation of the Court Order or what she heard from others, that led her on this path. I was never in violation of the standing Court Order. I made no attempt or filed any motion, to get the Court Order modified for either Child Support or College Expenses. Both Child Support and College payments are current and ongoing.

IV. The Court Order from Feb. 21st, 2018 (Sec. COLLEGE EXPENSES Point# 2) reads "**If a full-time college student**...". The Child was not attending full-time college for a full 2 years, after graduating from High School in May 2021, up until

Aug. 2023. The Defendant did not provide any evidence or payment receipts, in any of her motion/appeal filings, that the Child was attending full-time college and that expenses were incurred for college tuition, room & board, books, etc. There were no full-time college student costs incurred between June 2021 and July 2023, and as such, there were no deficiencies for me to cure. The allegation by the Defendant that I was in violation of the May 22nd, 2024 Court Order has no basis.

The Child started attending SUNY Purchase College in Aug. 2023. The Defendant (and Child) intentionally failed to give me access to the College Parent Portal to make tuition payments. And then the Defendant alleged that I was in violation of the standing Court Order. This was a premeditated attempt by the Defendant, so she can accuse me of violating the Court Order. As soon as I was given access to the College Parent Portal, on Aug. 30th, 2023, I started paying my allocated share of college expenses. Child Support continues to be paid through Mercer County Probation Division via wage garnishment, as per the default standard process. I make College tuition payments on the College Parent Portal.

V. The best interests of the Child were always on my mind. As noted in the Court Order from Feb. 21st, 2018 (Sec. COLLEGE EXPENSES Point# 3), the allocation of 75% deviates in the Defendant's favor, from the 68% allocation based on each

party's income. That was an upward of $54 weekly, which adds up to over $20,000 to Date. This upward allocation was intentional on my part, to assist and compensate for future needs of the Children. Defendant should have saved that extra money for the Children's needs. The Defendant has a history of living on social welfare schemes and free money. She harassed me into getting full custody of the Children, not thinking about the best interests of the Children, but rather, to use the Children as a means to extract money from me, to support her lifestyle.

I hereby certify that the foregoing statements made by me are true. I understand that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: Jun. 28, 2025

Ajit Kumar Rao (f/k/a Ajit Kumar)

Plaintiff Pro Se

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-000755-24

AJIT KUMAR,	CIVIL ACTION
Plaintiff-Respondent,	ON APPEAL FORM
v.	SUPERIOR COURT, CHANCERY DIVISION/FAMILY PART
MEENAKSHI RAO (F/K/A KUMAR)	MERCER COUNTY
Defendant-Appellant.	HONORABLE JUDGE JOHN L. CALL, Jr., J.S.C. Sat below

REPLY BRIEF FOR APPELLANT MEENAKSHI RAO

MEENAKSHI RAO
APPELLANT
322 WYNCREST DR
EAST WINDSOR, NJ 08512
(609) 619-1405
meenucrao@gmail.com

I, Meenakshi Rao, of full age, duly certify as follows:

1. I am the Appellant pursuant to the above captioned matter.
2. I provide this Reply Brief in response to Respondent's Brief, filed on July 3, 2025.

APPELLANT'S REPLY TO RESPONDENT BRIEF

3. Respondent makes a point to mention how much his total yearly obligation is in paragraph II of his brief, suggesting Appellant is seeking more money than Respondent is currently obligated to provide. To be clear, Appellant is not seeking more money from Respondent. If the Appellant was seeking the Respondent to pay more than his current and past obligation, she could have pursued alimony when Respondent filed for divorce after fourteen (14) years of marriage; an increase in child support; or an increase in contribution for their first daughter's college tuition payments, which could

have been achieved by taking out less in loans and instead having Respondent fulfill his maximum obligation of $12,000 a year (he only ended up paying about $24,000 for three years of the eldest child being in college because she took out so many loans); but Appellant chose to do none of these things to avoid the lengthy and expensive process of going to court, as well as the trauma it would cause her and her daughters to engage in any more court battles with the Respondent. The only reason she did not ignore the Respondent's negligence in terms of college contribution was that she had no way of sending her daughter to college without his contribution because of her limited income. Currently, Appellant is only seeking Respondent to pay for counsel fees incurred in the process of taking him to Court for violating a Court Order, and arrears that Respondent still owes for the three (3) semesters

that the youngest child was attending college and he refused to contribute to her expenses.

4. Respondent's brief contains a number of willfully false claims made in an effort to make the Court overlook the fact that he has, simply put, been the sole reason that either party has had to go to court regarding Respondent's obligation towards college contribution for the children. It is an indisputable fact that the Respondent has a history of violating court orders, including the February 21, 2018 order, which is the reason Appellant had to seek legal counsel in April 2023. As stated in Point III of the Argument Section of the Appellant Brief, Appellant made every effort to settle the matter outside of Court. Respondent claims that "Sharing [his] viewpoint in an email," referring to the many times he insisted he would only pay child support or college tuition (despite the standing 2018 Court Order clearly stating his obligation is for both) "does not change a Court

Order." However, diminishing the importance of these statements in hindsight does not change the simple fact that, in tandem with making these statements, Respondent also failed to contribute to the youngest child's college tuition payments throughout 2022 and 2023. In paragraph III of Respondent's Brief, he alleges: "I was never in violation of the standing Court Order. I made no attempt or filed any motion to get the Court Order modified for either Child Support or College Expenses." It is true that he never filed any motions for modifications of child support or college contribution obligations— instead, he just failed to pay both as required by the standing court order. From 2022 to 2023, he made no payments towards his daughter's college costs, so he was, in fact, in violation of the February 21, 2018 Court Order.

5. Respondent repeatedly uses the argument that the child, Saloni Rao, was "not attending full-time

college for a full 2 years, after graduating from High School in May 2021, up until Aug. 2023," as stated in paragraph IV of his brief. This is factually incorrect. At most colleges and universities in the United States, including both schools that Saloni has attended, a full-time student is defined as someone who is enrolled in 12 or more credits per semester. Every semester since January 2022, at both Mercer County Community College (MCCC) and SUNY Purchase College, Saloni has maintained full-time student status. On December 9, 2022, prior to the start of her first semester at MCCC, Saloni sent Respondent a copy of her schedule showing her status as a full-time student. She even sought additional proof of her full-time status from the college's registrar, which is attached as Exhibit D to Reply Certification of the Defendant in the Appellant Appendix (Da98). The Child Support Probation Office required that Saloni maintain full-time

student status in order to continue receiving child support after her high school graduation in 2021, so Appellant provided this proof to that office, who determined that Saloni was satisfying the requirement and was therefore eligible to continue receiving child support (Da39). Therefore, Respondent's argument that he owes nothing in arrears for the three (3) semesters Saloni was attending MCCC because of her alleged failure to maintain full-time status has no basis in fact, since she was a full-time student during that entire period. She also kept Respondent in the loop regarding her plans for college during this time, and provided receipts showing how much she spent on books for classes, despite Respondent's claims that she did not do so (Da95). Respondent's claim that "There were no full-time college student costs incurred between June 2021 and July 2023, and as such, there were no deficiencies for me to cure" is blatantly false.

Saloni incurred a total of $2,157.07 in expenses spent on books and materials for college during her time at MCCC, making Respondent's obligation (75% of the total cost) $1,617.80 owed in arrears (Da77).

6. Respondent claims in paragraph IV of his brief, "The Defendant (and Child) intentionally failed to give me access to the College Parent Portal to make tuition payments." This is another lazy attempt by the Respondent to paint Appellant– and his own daughter– as villains, with no real basis in fact. Appellant has absolutely no reason to pull such a scheme that would put her own daughter's ability to attend college in jeopardy; she has made it clear since the beginning that her only priority is making sure Saloni gets the college education she deserves. As soon as it was possible for Saloni to grant proxy access to Respondent so that he could make tuition payments, she did so. As for Respondent's tendency to vilify

his own daughter— that reflects more on how little he thinks of her than anything else, which is in line with how he has behaved towards her in the past (Da87). Saloni has been nothing but respectful towards Respondent, despite his history of neglect and abuse towards her when she was a child, and his continued disrespect via email communications with her (Da105). Respondent made a similar accusation in an email sent to his daughter on July 23, 2024, asking "Did you revoke my access?" (Da107). Saloni immediately disproved his accusation by explaining, "I didn't revoke your access, it just expires every year and I have to manually renew it, which I just did" (Da107). It is evident that it is in the Respondent's nature to jump to conclusions that paint his daughter in a negative light, even though none of his accusations have had any basis in reality.

7. In paragraph V of his brief, Respondent makes the ridiculous and blatantly false claim that "She

[Appellant] harassed me into getting full custody of the Children, not thinking about the best interests of the Children, but rather, to use the Children as a means to extract money from me, to support her lifestyle." This statement is clearly coming from someone who doesn't understand what it means to be a parent— while Appellant has spent her life caring for her children and providing them with love and support, Respondent has been cold and distant from them at best, and abusive at worst. During the period of time from 2008-2010 that the children were living with Respondent, he was neglectful and emotionally, verbally, and physically abusive towards them. Appellant pursued sole custody *after* Respondent abandoned his children of his own volition. Respondent has tried relentlessly to silence his children's cries of abuse and violence ever since they spoke out about it in 2010, and he continues to do so to this day. What he calls "harassment" was the Appellant doing

what she knew was best as a mother of two children who were hurt and abandoned by their father. Appellant sought sole custody of her children because it was the only way she could appropriately care for them; when she still had joint custody shared with the Respondent, her children required both legal parents' signatures for the acquisition of their passports, permission to go on school trips, 504 approvals, etc., making it incredibly difficult for the children to live their lives normally. When the Appellant finally gained sole custody of the children in 2014, the Respondent had already been absent from his children's lives for four (4) years by his own choosing, and despite the children's and Appellant's efforts to reach out to him to be a part of the children's lives. Gaining sole custody was especially a priority because the children's therapists emphasized as soon as 2010 that it was important for the children to see their other

family, all of whom live in India, after the trauma of being abandoned by their father; they could only obtain their passports after Appellant gained sole custody because she was unable to get in contact with Respondent, who completely cut himself off from her and her children. Appellant didn't find out until 2016 that Respondent had moved across the country to Minnesota shortly after abandoning his children in 2010, further reflecting how impossible he made it for his children to stay in touch with him or maintain any kind of relationship with him. Appellant has always thought about the best interests of her children; Respondent, on the other hand, has never done so, and has made no effort to change or do better for his children in the last fifteen (15) years since abandoning them. Instead, he continues to make his daughter's life more difficult. If he was truly considering the welfare of his child, he would have been more receptive to Saloni's

requests to take her off his health insurance which has a $3,500 deductible (which she cannot afford), does not cover necessary medications or doctor's visits, and offers no dental coverage. She explained that she would be better covered under her mom's Medicaid, and suggested that he could instead put the additional money he saves from canceling her health insurance toward her college tuition. This proposition would be beneficial for the child and have no negative impact on the Respondent, but instead he replied to his daughter, "I am not paying you or her [the Appellant] anything extra in lieu of that [health insurance]. If you disagree, then let it continue the way it is - both parties take a hit" (Da87). It is clear he has never made a good faith effort to do anything that considers the best interest of his children. He hasn't even made an effort to attend either of the court hearings— which were

held over Zoom, and therefore very accessible— in May 2023 and September 2024, respectively.

8. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

PROOF OF SERVICE

I, Meenakshi Rao, served the attached Reply Brief in accordance with the time and manner required by the New Jersey Court Rules.

Respectfully submitted,

Meenakshi Rao

Meenakshi Rao

Dated: July 17, 2025