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Extracurricular Activities: More Support for the “Gifted” Child?

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Extracurricular Activities: More Support for the “Gifted” Child?

As the recent New Jersey Superior Court case of [P.S. vs. J.S.](#) shows, some aspects of child support require more careful analysis. In this ruling, the Court decided whether a child who participated in an extra-curricular activity would qualify for more support, as an

“entertainment expense,” under the guidelines. Such pursuits can be instrumental in a child’s development, but should one or both parents pay extra because the child has a talent for them?

The Facts

Both parents knew their daughter, Julie, loved to act and they wanted to support her endeavors. They made \$23,000 and \$33,000 yearly before taxes. Julie’s mother believed she couldn’t afford to pay most of the acting expenses without her ex-husband’s help, and asked him to cover half of them, including clothing, travel, make-up, dues, and coaching. The former husband refused, insisting that those costs were covered in his \$113 weekly child support.

The court interviewed Julie in 2014, when she was 11, and again, in 2016, when she was 13. In the more recent interview, she said she planned to audition for a local play, and if she got the part, would rehearse every Saturday morning all summer. She didn’t want any parenting time to affect her acting schedule. The court was impressed with her “extraordinarily deep focus on, and dedication to, theater

and public performance” and considered her “one of the most committed children this court has interviewed in years.”

New Jersey Superior Court Ruling

The court ruled that the Child Support Guidelines expressly provide that it “may in fact add supplemental funds to guideline-level support to help defray expenses for the development and special needs of a ‘gifted’ child.”

“Under the guidelines, if a court deems a child to be ‘gifted’ regarding a particular field or discipline, it may be financially fair, equitable and appropriate for a court, upon application of a parent, to add a reasonable additional earmarked stipend onto both parents’ basic support obligation to help defray” expenses for enhancing and encouraging the growth and development of a “gifted” child.

Further, the additional support “must be economically reasonable, with significant deference to each parent’s financial situation and actual ability to pay.”

Judge Jones then considered whether Julie was just interested in acting, or if she was truly gifted. He believed giftedness generally relates “to a child’s aptitude, abilities, and/or achievements” in one of four areas: academics, athletics, technology, or the arts.

Determining giftedness may be more difficult in the arts because, as the judge said, an actor’s performance can be subjective — “mesmerizing” to some and “stale as a bucket of overpriced popcorn” to others.

He said it isn’t enough to have an “expert” testify to the giftedness of a child because the child may have extreme talent but might not have the drive, discipline, or commitment to achieve that greatness.

“In this case, Julie demonstrates such an unusually heightened desire and ability, through her attitude, her confidence, and her willingness to work hard and commit,” Jones wrote. “In this respect, she is in fact, a gifted child.”

The court then determined that outside of the base child support payment, each parent should pay \$250.00 more yearly (or \$5 a week) to cover Julie’s acting-related expenses. The court also noted that this ruling doesn’t mean parents must pay additional support for activities their children like, but there is a distinction between an extracurricular activity and a talent or a “gift.”

Source:

DIVORCED PARENT MUST PAY ADDITIONAL SUPPORT FOR GIFTED CHILD, J. (2019). *DIVORCED PARENT MUST PAY ADDITIONAL SUPPORT FOR GIFTED CHILD, JUDGE RULES | NEW JERSEY LAW JOURNAL*. [ONLINE] NEW JERSEY LAW JOURNAL. AVAILABLE AT: [HTTPS://WWW.LAW.COM/NJLAWJOURNAL/ALMID/1202771266519/DIVORCED](https://www.law.com/njlawjournal/almid/1202771266519/divorced)