

Blog

So, Sue Me - Can My Child File Suit For Support?

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By now, the [story](#) of a young woman in New Jersey suing her parents for private high school tuition and a stipend of \$650 per week is old news. But, parents across the country have taken notice, wondering if the rebelliousness of their teenager could create standing for that child to sue when he or she doesn't like the rules of the house. Those of you in Pennsylvania should take a deep breath and keep reading.

First, the plaintiff in the New Jersey case is 18 years old. In Pennsylvania, parents have no legal obligation to support an emancipated child but for extraordinary circumstance, i.e. severe disability. In either event, there is no duty in Pennsylvania to support an emancipated child through college. The important caveat here is that in Pennsylvania, a child is emancipated upon turning 18 years of age *or* being graduated from high school, whichever occurs last.

Alright, so maybe you can't be sued for college tuition, but what about situations like the one above? What if your child is 18 and in his or her senior year of a private high school? Do you have any obligation to support that child when you are served with papers for refusing to pay for that final semester?

In all likelihood, you're safe here too. First, private school is not a right in the same manner as [child support](#). That said, it is nearly unheard of for any private institution to forcibly expel a student midway through his or her senior year because of non-payment of tuition. In the recent New Jersey case, the high school publicly stated it would allow the woman to remain enrolled through graduation. Second, the woman had already moved out of her family's home, claiming abuse, while simultaneously claiming "non-emancipation" as the basis for being owed support. In moving out, she left an intact household. It is established in Pennsylvania that an order in support will not be entered when the parents are intact as the court does not wish to intervene to manage a family's finances. An exception to owing a minor support is when he or she lives outside of the house and a third party, such as a protection agency, exercises custody over the child.

In summary, this case grabbed national headlines and was being litigated in a state with emancipation laws that were enacted by legislators who never could have envisioned the disaster that played itself out in the courts of New Jersey and in every newspaper across the country. Unfortunately, for those of us watching from the sidelines, the drama was cut short before the case was adjudicated as the young woman moved back in with mom and dad and is, presumably, mending some very broken fences. Only time will tell if her actions blazed a path for future rebellious teens to follow and, unlike in this case, see similar litigation through to the very bitter end.