

## N.J. EXTENDS SUPPORT OBLIGATION TO GRANDPARENT

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IN THE RECENTLY published case of *Savoie v. Savoie*, the Superior Court of New Jersey Appellate Division recognized that while there is no statutory authority in that state requiring a grandparent to support a child, it would nonetheless order a grandfather to pay support for his granddaughter. No. A-2526-89T3 (Nov.29).

The grandparents had been married for 34 years, but had been separated for three years. The wife was disabled from rheumatoid arthritis and other ailments, and had been unable to work since 1985. the parties' oldest child, who suffered from schizophrenia, had given birth to a child out of wedlock while hospitalized, and had left her child with the grandparents when the child was three days old.

### **Parents Incapable of Caring for Child**

There was no question that the daughter was incapable of caring for the child, and the child's father - who was also a patient at the psychiatric hospital - had never had any contact with the child.

The Appellate Division decided that the record established that the grandfather had assumed an in loco parentis relationship with the grandchild by voluntarily undertaking to provide support for her and to rear her, and that he would now be equitably stopped from abandoning that obligation. The court observed that by his conduct in undertaking to support and raise the grandchild, the grandfather effectively precluded the child from being placed for adoption, and that she had no other source to turn to for support.

### **Similar Case**

In an earlier decision in *Miller v. Miller*, 97 N.J. 154, 166 (1984), it had been stated: "To protect children from the whims of those who, for several years, treated them as their own, courts have held that both 'adoptive' parents must be estopped from denying their duty to support the child."

The appellate division then ruled that the trial court was correct in holding that the plaintiff was obligated to provide support for the child, since it would otherwise inflict irreparable harm to the child