

How To Be Sure Your Child's Tuition Is Paid After Divorce

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Tuition is a major expense. Average elementary tuition at a private school is about \$7,000 annually; high school tuition averages \$13,030, according to the [National Center for Education Statistics](#). College tuition is even more costly. Annual tuition for in-state students at public colleges in 2018/19 averages about \$10,000 a year; at private colleges, about \$36,000, according to the [College Board](#). Paying for private school after divorce can be accomplished in one of several ways depending upon your state, the judge and your decree. The same is true for college tuition.

Support Payments vs Separate Decree

A [child support order](#) requires a non-custodial parent to pay a certain amount to the custodial parent for the support of the child. Often support orders continue only until the child reaches the legal age of majority. In some states, that age is 18, while in others, the age extends until age 21. That means that unless ordered by the courts, often there is no legal obligation to pay for college tuition or even to extend general child support payments until the young person begins college.

State laws also do not necessarily address who pays for private school. If the divorcing parents have not already agreed on who pays for this expense, judges have discretion about whether to order the non-custodial parent to pay for some or all private school education,

either through higher general support payments or in a separate decree. The judge may also require the custodial parent to show why attendance at a private school is necessary or the noncustodial parent to show why it is not.

The clearest way to designate who pays what is to have tuition specifically included in the divorce decree. Agreeing with your soon-to-be-ex on a fair payment schedule may provide you with more control over than waiting for a judge to decide. If payment is not included in the decree, a judge may still order payment. In the case of divorced parents and college tuition, judges in some states may not be able to legally order the noncustodial parent to pay. A good divorce lawyer can help you understand the laws in your state and negotiate a fair tuition payment agreement.

Escrow, Upfront or As You Go

In a divorce, college tuition may be paid for in one of or a combination of several ways including:

Money put into an escrow account or trust account by one or both parents. This ensures the funds are available when needed.

Use of a dedicated asset. Instead of selling everything and splitting the proceeds, agree to use a joint asset to fund college; for example, putting a stock portfolio in trust for this purpose.

A lump-sum payment upfront which is then invested so that it earns interest and dividends until needed

A jointly-funded 529 college savings account

A decision in advance on which parent will co-sign any student loans

Divorce negotiations can be difficult and the ins and outs of funding tuition can become complex. Hiring an experienced attorney helps you understand your options and negotiate the best arrangement possible for your child.