

# College Contribution

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## Divorced Parents' Obligations to Contribute to their Children's College Expenses

Paying for college is never easy. With tuition and fees at private colleges reaching an average of approximately \$35,000 per year, funding a college education is a universal struggle for both students and parents. In cases of divorce, parents are likely to have many questions about their obligations to contribute financially to their child's college education and related expenses. In New Jersey, the courts have held that divorced parents generally have a responsibility to contribute to the higher education of their children, if they have the financial means to do so. In many situations, the divorce settlement or judgment itself will address the issue of college contributions. Some divorce settlement agreements or judgments will assign each parent's financial obligation to pay for their children to attend college, a vocational school or other post-secondary education. Other agreements or judgments will require the issues to be addressed at the time the child is getting ready to apply to college. When such a provision is not included in the judgment or an agreement does not address the issue, a court may require both parents to financially contribute to their children's post-secondary education costs, after consideration of the relevant legal factors.

The Supreme Court case of *Newburgh v. Arrigo*, 88 N.J. 529 (1982) is the seminal case in New Jersey establishing that divorced parents must contribute to their children's college education costs. In this case, the Supreme Court explained that post-secondary education is no longer limited to the elite, it is available to practically everyone. Accordingly, parents who are financially capable of contributing, have a responsibility to assure that their children can attend college and potentially, even graduate school.

## New Jersey Divorce Attorney Advising Parents on College Contribution

The attorneys at Einhorn Barbarito have decades of collective experience helping clients navigate complex and contentious family law matters. Our family law and divorce lawyers understand the tremendous financial challenges associated with raising children into adulthood. Paying for college is a constant worry for parents, and costs are only expected to rise. In cases of divorce, parents often have many questions and disagreements over what costs should be covered and how much each parent should be required to contribute when their children graduate from high school and move on to college.

When contribution disputes arise that cannot be fairly resolved outside of formal legal proceedings, the court will take into consideration a host of factors ranging from the financial resources of the child and each parent to any scholarships, financial aid, and grants that may be available, to the child. The court will also take into consideration the child's relationship with his or her parents. If a parent is estranged from a child, the Court will consider that estrangement and the reasons for it as part of its analysis.

## College Contribution Issues Can Be Complicated

There are no simple answers in college contribution matters. Many times, an agreement or divorce judgment will provide that parents will contribute "to the extent they are able." As a result, it is not uncommon in a child's junior or senior year of college for this issue to be presented to the court to decide how much each parent should contribute to the college education of their child.

College contribution is not an issue that can be dealt with at the last minute. It is advisable for the parent seeking contribution or looking to defend against a request for financial contributions, to consult with an attorney well in advance of the time that the issue arises. For example, if one parent knows that their situation is not positive financially, they should consider writing a letter to the other parent advising that finances may need to dictate the colleges that the child is considering. One must be careful not to look at high-end colleges and participate in college searches when they cannot contribute to the costs of higher education.

# A New Jersey Divorce Lawyer at Einhorn Barbarito Can Guide You Through College Contribution Matters

College contribution is a highly complex area of New Jersey family law requiring the knowledge and effort of skilled family law attorneys. If you are seeking college contributions or are defending against such a request, it is important to seek assistance from a New Jersey divorce and family law attorney who understands the specific issues associated with these types of matters. The Family Law practice at Einhorn Barbarito combines advanced negotiation skills with sophisticated litigation techniques to help clients throughout New Jersey achieve fair and effective results. We will take the time to learn about your circumstances and work with you to develop an individualized strategy that will best serve you and your child's interests. [Contact](#) our law firm today to schedule a case evaluation.