

The law regarding the payment of college expenses by divorced parents, requirements for the submission of college documents by the child and the emancipation age of a college bound child significantly changed in Missouri in August 2007. The prior law allowed a court to order divorced parents to pay for the college expenses of their children through the age of twenty two years old. The child was obligated to provide copies of transcripts at the start of each semester and grade report at the end of each semester to each parent. If the child failed to provide the grades and transcripts, the direct child support (not the order for college expenses) could be suspended by the court. The child was obligated to complete twelve hours each semester, unless working an average of 20 hours per week in which case they needed to complete only nine credit hours each semester. A child was allowed a one time drop to only six hours of completed course credit during the eight semesters of college.

The recently change in law lowered the emancipation age to a maximum of twenty one years of age for a healthy child. At twenty one any direct support, college expense and obligations for extra support such as maintaining health insurance terminates. The child still must enroll in college by October 1 following graduation from high school. Upon enrolling, the child must provide copies of grades and transcripts only upon request from a parent. If the child fails to provide the grades or transcripts within thirty days of the request, the child support obligation can be terminated. Therefore, the obligation to request the college documents now falls upon the parents, the consequences if not produce are increase substantially. The child can now be emancipated for failing to provide grades. The obligation to complete twelve hours of course work is still in place, but the obligation is reduced to nine hours per semester if the child works only fifteen hours during the semester. The option to take only six hours in a semester has been removed from the new statute.

A child that is unable to take the normally required number of hours can claim a hardship such as illness. The extent of the illness would be a factual question for the trial court. One case allowed a exception for a child that was diagnosed with Bi-polar disorder and a separate case did not allow an exception where the child was diagnosed as depressed largely due to the break up with a boyfriend. Case law also has carved out an exception where one parent failed to pay for the college expenses that were ordered in the dissolution judgment would not count the semester missed by the child.

Under both the old and new statute it was typical to place a maximum payment for the parents at the University of Missouri-Columbia tuition, average dormitory costs, lab fees, books and a median meal plan. Therefore, even if a child attended a much more expensive university such as St. Louis University or Harvard, the maximum a parent would pay is a percentage of Mizzou.

Courts should only order college expenses to be paid by one or both parents if the parent is

capable of contributing toward the college costs. Because parent loans are available from many sources, courts often can justify ordering college costs even with parents that are not wealthy. If the parents can pay for the college costs in the court's opinion, the court will typically apportion out the percent either equally between parents or on a percentage of the parents income. I often suggest to my client's that a portion of the costs be left open for the child to accept some financial responsibility for their education. If the parties' incomes are reasonably close and I will suggest that the parents each pay 40 or 45% of the cost and the child pay 10-20%.

It should be noted that the costs that are assigned to parents are a percentage of the costs after scholarships and non-repayment grants are used. I make sure that in the college payment order or agreement that a provision is included that the child will make all reasonable efforts to explore and apply for scholarships and grants.