



Question:

My ex-wife and I have joint custody of our son. She has him one more day a week than I do. In our divorce decree it states that we shall make all decisions for our son together if we cannot reach an agreement then a mediator will step in and make it for us. In the divorce decree it states that she is primary custodian, please explain to me what this exactly means, she thinks it means that if we cant agree on something together that she ultimately gets to make the final decision for our son.

Thank you,
Steve, Oklahoma

Answer:

First let me tell you that I am not licensed in Oklahoma. Since laws will vary from state to state, it is also important to seek legal advice from an attorney licensed in your state. Custody is usually divided into two categories: legal and physical. Physical custody describes where the child or children physical reside. Legal custody determines who has decision-making power. It is possible for one party to have primary physical custody yet share legal custody. If your ex is the primary physical custodian that does not mean she has sole decision-making power. If she has sole legal custody then she has sole decision-making power. If your decree indicates that you make decisions together then it is very likely that you have joint legal custody. Legal custody usual refers to the power to make major decisions together such are those pertaining to: religious upbringing, medical and education decisions.

Question:

Me and my ex are divorced and child support was established in 2005. Although there was nothing about college in the divorce decree, I will support my daughter for college Am I obligated to without the mother sharing this obligation?

Thanks,
Alfred, Georgia

Answer:

First let me tell you that I am not licensed in Georgia. Since laws will vary from state to state, it is also important to seek legal advice from an attorney licensed in your state. Every state will address college expenses differently. In some states there is no support obligation past the age of 18 and this will include educational expenses. However, many states will order parents to pay a part of their child's educational expenses. If Georgia will order parents to pay for college expenses, there are likely guidelines in place to determine each party's share.

If your divorce decree was silent on this issue you will need to Petition the court for an order on education fees when it is time for your child to attend college. There may be a time limitation for filing this petition. For example, Indiana requires that a Petition for education expenses be filed prior to the child attaining 21 years of age. Check the law of your state. If an order for education expenses is ordered, your share and that of your ex will likely be based on your respective income. If your income is equal to your ex-wife's then your share of educational expenses should be equal to her share. If your income is more, then your share will likely be more. The court will probably also find that your child is responsible for a share of her college expenses. If she receives grants, scholarships or loans these will count toward her share. Again, every state addresses this issue differently, so it is important to contact an attorney in your state.

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