



2009-09-18 Columns

A Parent's Obligation to Contribute Towards College Costs

By Lisa Rosenberg Moore, Esquire

The cost of obtaining higher education in this country has increased at an alarming rate. At the risk of revealing my age, the in-state cost of tuition, room, board and books at Rutgers University in 2009 exceeds my cost for three years of law school. Most states do not require parents to contribute towards their children's higher education costs. New Jersey remains in the minority, requiring parents to contribute towards a child's higher education expenses once the factors of *Newburgh v. Arrigo* are met.

Pursuant to *Newburgh*, The Courts consider the following factors when determining parental contribution towards a child's higher education expenses: 1. whether the parent, if still living with the child, would have contributed toward the costs of the requested higher education; 2. the effect of the background, values and goals of the parent on the reasonableness of the expectation of the child for higher education; 3. the amount of the contribution sought by the child for the cost of higher education; 4. the ability of the parent to pay that cost; 5. the relationship of the requested contribution to the kind of school or course of study sought by the child; 6. the financial resources of both parents; 7. the commitment to and aptitude of the child for the requested education; 8. the financial resources of the child, including assets owned individually or held in custodianship or trust; 9. the ability of the child to earn income during the school year or on vacation; 10. the availability of financial aid in the form of college grants and loans; 11. the child's relationship to the paying parent, including mutual affection and shared goals as well as responsiveness to parental advice and guidance; and 12. the

relationship of the education requested to any prior training and to the overall long-range goals of the child.

Many parents, generally unsuccessfully, argue that had they remained married, the child would have paid for his/her education. Therefore, Newburgh creates an unanticipated financial burden resulting from the divorce. Further, the obligation to pay for higher education is separate and apart from the non-custodial parent's obligation to continue paying child support until the child's emancipation. Although the obligation is reduced while a child attends college away from home, an obligation remains. Under certain circumstances, a parent may be obligated to contribute towards a child's graduate school, law school or medical school.

The Supreme Court decided Newburgh twenty-seven (27) years ago when the cost of higher education was less of a financial burden for even the most financially capable parents. Newburgh remains the standard upon which the Court will determine whether a parent will be responsible to contribute towards a child's higher education. Accordingly, divorcing parents must consider the anticipated cost of their child's higher education in their overall resolution of their differences.

— *Advertorial.*

[Return to top](#)

Share / Save    

 **Our Hometown**

Newspaper web site content management software and services

DMCA Notice