

College Decision Day – Now, Who Pays?

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May 1 is an important and exciting day for high school seniors around the country, as this day is known as National College Decision Day. On May 1 each year, high school seniors are required to have made their formal commitment to the university they intend to attend by accepting their offers of admission and placing their college deposits.

While some states have laws that grant courts the authority to order a non-custodial parent to contribute to a child's college expenses, New Jersey does not have this requirement. Instead, New Jersey law grants the court the discretion to require that divorced or separated parents both contribute to a child's college education and related expenses.

In Newburgh v. Arrigo, 88 N.J. 529 (1982), the Supreme Court of New Jersey set forth several factors to consider in determining parents' college contributions. These factors include:

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.

Id. at 545.

Subsequent case law in New Jersey has narrowed the obligation for contribution to a period in which there is an affirmative

request and subsequent agreement or Order directing each party's contribution. See Gac v. Gac, 186 N.J. 535 (2006).

If you are looking to require your ex-spouse/partner to contribute to your child's college contribution, here are some tips to consider to help achieve a favorable outcome:

1. Assist your child in first obtaining all available loans, scholarships, grants, and aid.
2. Keep the other parent informed of what schools the child is considering, the tuition costs, etc.
3. If the two of you do not reach an agreement as to how the costs will be paid by May or June immediately preceding the child's matriculation to university, you should make the appropriate application to the court to avoid application of Gac.

We strongly recommend that you consult with a knowledgeable family law attorney licensed in New Jersey regarding the facts and nuances of your matter, as all cases are fact sensitive and specific to the family involved. If you would like to discuss this issue or any other with us, please contact us by email at Emily.Ingall@offitkurman.com and msmith@offitkurman.com or by phone at 929-476-0046 or 267-338-1378.