

Who Will Pay for Private School After We are Divorced?

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The answer is... it depends. Isn't that a lawyer's answer to everything?

In an ideal world, the parties agree on where their child will go to school, and they have endless funds to cover the child's educational expenses, so there is no need for lawyers and courts. If that is not the case, the next best thing is to try and reach an agreement regarding the child's education.

In many states, the court may order a parent to contribute to all or a portion of their child's private school tuition. In deciding on education, the court is to consider what is best for the child. Factors to be considered and weighed by the court may include, but not be limited to, the child's educational history, the child's educational needs, the school's resources, the parent's ability to pay, the parent's decision regarding the child's education while married, and the child's educational performance history.

Absent the court's interference, the parties may come to an agreement on which school they want their child to attend and how it is to be paid. In some instances, the child is so young the parties may come to a written agreement on a process for determining which school their child should attend.

Whether via court or an agreement, finances are typically a large factor. How was tuition paid during the marriage? Are there enough funds to support two households and private schools? Are third parties, like grandparents, contributing to private school expenses? And the list of questions to be considered goes on and on depending on the facts of each family.

With the help of a lawyer who understands your child's needs and your educational goals, ideally, you can come to an agreement on terms that are best for your child. Sometimes, the controversy is so high between the parents that a resolution outside of court is not tenable, and you will want an attorney who is prepared to address the factors to the court to most benefit your child's educational needs.