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Divorced From College?

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DIVORCED FROM COLLEGE?

Should courts be allowed to extend child support payments
beyond age 18 in order to pay for college or other expenses?

A Special Report To:
Senator Diane Watson

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August 1988

Senate Office of Research

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SELECT COMMITTEE ON
CHILDREN AND YOUTH

August 15, 1988

Dear Colleagues:

Child support for dependent children is one of the most critical issues affecting families in the 80's.

In recognition of the increasing period of time it takes for individuals to become financially self-sufficient, I have authored Senate Bill 215. SB 215 permits the court, at its discretion, to extend parental support obligations until the age of 21. This would greatly assist children in their educational and vocational pursuits.

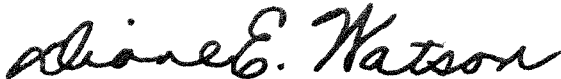
Currently, SB 215 is awaiting action on the Assembly floor. To answer questions on this issue and to describe child support policies in other states, I asked the Senate Office of Research to prepare the attached briefing paper. Key findings in the fifteen page document include:

- States which provide for child support to 21 have higher rates for college-bound youth than states which do not;
- Between 1980 and 1984, the percentage of California high school graduates who went on to college declined by 5.5% (from 61.5% to 56.0%), whereas New York, which has child support to 21, has had a 3.6% increase in the number of high school graduates who go on to college;
- There are many unintended consequences resulting from California's policy of not requiring child support beyond 18 (in addition to reduced rates of college attendance), including an increased debt incurred by students who continue their education and a reduction in the amount of available financial aid for children from low income families;
- Although the age of majority in California is 18, census data shows that among 18 to 24 year olds, 60% of the men

and 40% of the women lived at home or in college dorms in 1985. (This is up from 54% of men and 43% of women in 1980.) Thus, a larger percentage of young adults remains financially dependent on their families after the age of 18.

The briefing paper was prepared by staff of the Senate Office of Research, Sara McCarthy and Michael Canul. If you have any further questions on this paper, they may be reached at 445-1727.

Sincerely,

A handwritten signature in cursive script that reads "Diane E. Watson".

DIANE E. WATSON

DW:mcg

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GOLDEN GATE UNIVERSITY

DIVORCED FROM COLLEGE?

Should courts be allowed to extend child support payments
beyond age 18 in order to pay for college or other expenses?

Prepared by: Sara L. McCarthy and Michael Canul

Senate Office of Research

August 1988

INTRODUCTION

Prior to 1972, California law required that the "duty of child support" was an obligation of each parent until the child reached age 21. However, in 1972 the age of majority was reduced from age 21 to 18, and at that time the duty of child support was also reduced to age 18. The primary purpose of reducing the age of majority was to change the voting age to 18. This was a result of the Vietnam war, when it became untenable to send young people to war when they were not eligible to vote.

Under current California law, the parental obligation to pay child support terminates at age 18 (or 19 if the child is still in high school). There are two exceptions to this.

- 1) Parents occasionally agree at the time of divorce to pay child support beyond age 18, typically for college expenses.
- 2) Persons divorced prior to 1972 may have an obligation to support the child beyond age 18.

WHAT IS THE LAW IN OTHER STATES?

To various degrees, 20 states allow for court-compelled post minority support. These states are: New York, Pennsylvania, New Jersey, Colorado, Washington, Iowa, Indiana, Kansas, Oregon, New Hampshire, Illinois, Mississippi, South Carolina, Missouri, Michigan, Florida, Ohio, Georgia, South Dakota, and Oklahoma.

Of these 20 states, some have statutory or case law which explicitly allows court-compelled post minority support for college expenses. Others have broader provisions which allow for support for both educational and non-educational expenses.

COLLEGE EXPENSES ONLY

Five of the 20 states allow court awards of post minority college support for educational expenses only and not for the child's general maintenance. Generally, if the student exhibits the aptitude for a college education, and the parents have the ability to pay, college support can be determined to be an "extraordinary" education expense which merits such parental support. The states which have such a provision are: Colorado, Mississippi, New Jersey, Oregon, and Washington.

GENERAL CHILD SUPPORT

Other states have broader statutory and/or case law language which permits court-compelled post minority support for both the "education" and the "maintenance" (General Support) of the child.

Within these states, the Court must consider various factors in awarding such support. Some of these factors include:

- the financial resources available to the parents and child;
- the health and welfare of the parents and child;
- the child's aptitude for a college education.

States which allow for such post minority support include: Pennsylvania, New York, New Hampshire, Missouri, Iowa, Indiana, Illinois, and Florida.

CASE LAW VERSUS STATUTORY PROVISIONS

Twelve of the 20 states have not enacted specific legislation which would allow for child support beyond age 18, but case law within those states has frequently determined that post minority-aged children are still "dependent," and merit college support from their parents. Usually, the court will award such support until the child reaches the age of twenty-one.

OTHER STATES WITH VOLUNTARY POST MINORITY SUPPORT

In addition to the 20 states which allow court mandated post minority support, other states allow for post minority support if support is based on a voluntary agreement between the parties involved. The law in these states generally reads like the following:

A parent may by agreement incorporated in the divorce decree. . . become obligated to provide a college education for his child even though the performance required by the decree may extend beyond the minority of the child.

States with such a provision include Michigan, Kansas and California.

WHAT DOES THE RESEARCH INDICATE?

A report released by J. Wallerstein and S. Corbin provides some research data based on a study of 52 Northern California families. That report, "Father-Child Relationships After Divorce: Child Support and Educational Opportunity", was the result of a ten year longitudinal study of the responses of children and their parents to separation and divorce. The study reviewed the effects of insufficient post minority college support on college attendance. It was found that among the students sampled, parental "financial support or its absence had special implications for their continuing education." Specifically, the report found that:

"Within the average middle-class family, children anticipate that their educational aspirations will be acknowledged and that serious plans to pursue a college education will be encouraged and economically supported by parents to the extent of their capacity to do so. Such expectations appear to be severely shaken by divorce. Findings over the ten year period that was brought to a close in 1982 show that child support payments, which were established and maintained with varying degrees of regularity when the child was young, were generally not revised upward when the same child entered adolescence, and were terminated abruptly when the youngster reached age 18." (Source: "Father-Child Relationships After Divorce: Child Support and Educational Opportunity", Family Law Quarterly, Summer 1986, p. 109).

In addition:

- When court-compelled support ceases and post minority support is not received, children are less likely to attend college than students from two parent nuclear or separated (but college supporting) families; of the students studied, only 67% entered college, while 85% of their peers did so.
- On the average, students from separated families attended and completed 2 or 4 year college programs less frequently than peers enrolled in their same high school;
- Of the sampled students who did attend college after high school and parental divorce, 16% had difficulty with meeting college expenses although many had to couple their academic programs with full or part time work; most students in this position had fathers who were financially capable of helping the student to a greater extent;
- Overall, 75% of the students who dropped-out "had fathers who could have helped them out financially," but did not because they were not required to do so;
- Those students with financial difficulty were less likely to complete 2 or 4 year college programs than those students who were supported by either or both of their divorced parents;
- Of the students who were forced to drop out of college due to financial difficulties, "half of them had the intellectual capacity to have pursued a college education successfully."

A study conducted by S. Krein and A. Beller investigated the relationship between offspring college attendance rates, family status, and post minority support. In that study, Educational Attainment of Children From Single-Parent Families: Differences by Exposure, Gender, and Race, Krein and Beller conclude that there is lower college attainment by children of divorced families. This negative effect was found to increase with the number of years spent in a single parent family.

The study goes on to state these additional conclusions about single-parent families:

- "Limited family income affects the child's educational attainment by reducing financial support for further schooling and necessitating early entrance into the labor force."
- "The negative effects of living in a single-parent family on educational attainment levels results in part from the lower levels of family income."
- The most important factor in educational attainment is the father's presence because his absence usually results in a lower income for the child.

DOES SUPPORT MAKE A DIFFERENCE IN COLLEGE ATTENDANCE?

A comparison of states which allow for post minority college support and those which do not, illustrates the effects that the absence of post minority support may have on children's educational opportunities. Those states which provide for post minority support have, on the average, higher "college bound" rates than those states which do not. In states where post minority college support may be awarded, through either statutory provisions or case law, an average of 33% of all graduating seniors are "college bound." In those states where no such support is required, an average of 23% of all high school graduates will attend a college or university.

In general, the less financial resources that are available to a child of a divorced or separated family, the greater the chance that the child will not enroll in college, complete college, or will have to couple his academic program with a job in order to meet his educational expenses.

COLLEGE BOUND RATES DECLINING IN CALIFORNIA

Currently, the state of California, with the greatest number of high school graduates in the nation, has no such statutory provisions and ranks 20th among the fifty states in the percentage of "college bound" seniors./1

Between 1980 and 1984, the percentage of California's high school graduates who went on to college declined by 5.5% points (from 61.5% to 56.6%). In the same time period, the percentage of New York State's high school graduates who go on to college increased by 3.6 percentage points (from 69% to 72.6%)./2

New York is one of the states with child support beyond the age 18.

**Trends In Going to College Rates
New York and California*
1980-1984
Percentage of High School Graduates
Enrolling in College**

	New York	California
	<u>TOTAL</u>	<u>TOTAL</u>
1980	69.0%	61.5%
1981	69.4%	60.8%
1982	70.3%	61.4%
1983	71.8%	57.2%
1984	72.6%	56.0%

*Source: California Postsecondary Education Commission

FEDERAL RESEARCH DATA

Although the age of majority in California is 18, most "adult" children are still dependent upon their parents for financial support. Many 18 to 21 year olds continue to live at home or receive financial assistance from their parents while attending college, vocational training, or working at low-paying jobs. According to recent Census Bureau studies,

[a]mong the 18-24-year-old-crowd, 60 percent of men and 40 percent of women lived at home or in college dorms in 1985. That's up from 54 percent of men and 43 percent of women in 1980 and 52 percent and 41 percent in 1970./3

The importance of support, as well as a child's own resources, in financing education is emphasized by a U.S. Department of Education report published in June 1988. This study of how undergraduates finance their postsecondary education found that:

Out of all possible combinations of financial support the parent and student combination was relied upon by the largest proportion of undergraduates./4

The majority of students, 53%, relied solely on parental or the child's personal resources to finance their education in 1986-87; in other words, the majority of students did not receive financial aid from institutional sources. An additional 41% relied on a combination of parental support, self support and financial aid. Only 6% relied solely on financial aid.

CALIFORNIA COLLEGE STUDENTS STILL DEPENDENT

Similar to national studies, research on California students indicates they are dependent on parental support. As indicated in the table below, 24% of all freshmen who enroll in the University of California come from divorced or separated families. Yet, parental tax returns show that over 90% of these students are still "dependent" upon their parents. Additionally, over 80% of the students enrolled in the University of California continue to live with their parent(s) while attending college.

Familial and Dependency Status of Students in the University of California*

<u>ITEM DESCRIPTION</u>	<u>TOTAL MALE</u>	<u>FIRST-TIME FEMALE</u>	<u>FULL-TIME TOTAL</u>
Dependency Status for 1987			
Lived With Parents for 6+ Weeks.	81.1	85.1	83.1
Dependent on Parent's Tax Return	91.8	93.0	92.4
Received \$600+ from Parents.....	93.2	93.5	93.3
Status of Parents			
Living With Each Other.....	72.7	70.3	71.5
Divorced or Separated.....	22.2	25.8	23.9
One or Both Deceased.....	5.2	3.9	4.6

*Source: Summary of Data of Entering Freshmen, American Council on Education, 1987.

WHAT DOES HIGHER EDUCATION COST?

Support for college expenses or for vocational training is important because higher education is an expensive enterprise. College tuition and board costs have increased faster than the rate of inflation in the past five years. According to the U.S. Department of Education (DOE), the average cost of postsecondary

education for the school year 1986-87 was \$6,000; the range was \$2,100 to \$12,000 annually./⁵ For students who economized and lived at home, the cost of postsecondary education averaged \$4,000; however, the DOE noted that these students may have underestimated the actual cost as they may not have included the food and housing costs borne by their parents or parent.

WHAT ARE THE OTHER IMPACTS OF NOT PROVIDING SUPPORT BEYOND AGE 18?

In addition to lower college attendance rates, there may be other impacts of not providing support beyond age 18. Financial aid funds have become more limited in recent years. When the child of middle class parents receives support from only one parent and must apply for financial aid, he or she uses up some of the funds which would otherwise be available to children from low income families. Thus, financial aid officers have noted that when middle class parents do not contribute to the support of their child's college education, there is less financial aid available for children from low income families.

Another problem of not providing support over age 18, is that the child who does choose to go to school and is able to secure loans to do so, must carry a burden of debt which otherwise might be shared by both parents. Middle class families with intact marriages finance college expenses using a combination of funding sources. These include loans taken out by the parents, gifts from the parents, the child's earnings from part time work and any grants or loans that the child may obtain. However, when parental support is lacking, the bulk of the debt for college may be transferred from the parents to the child.

Another unintended impact of not requiring child support for college expenses is that pressure is sometimes exerted on the custodial parent, typically the mother, to bargain away spousal support in return for a guarantee that college support will be provided for the child. This can create an unfair bargaining disadvantage for women who must give up the spousal support they need and are entitled to in order to secure the economic future of their children.

DOWNWARD ECONOMIC MOBILITY

Of concern are indications that children of divorce may experience downward economic mobility when their lifetime earning potential is compared with their parents' earnings. As many of California's children may experience the divorce of their parents, the impact of frequent downward economic mobility could have significant impacts on the community at large.

Wallerstein and Corbin found that there were "striking socioeconomic differences" between the status of a sample of

young people and that of their divorced parents, with the children being markedly lower in earning potential. For example, only 30% of the young men and women studied were "...headed for the same economic stratum..." as their parents. Although it is difficult to separate the impact of the divorce itself from the impact of reduced support for higher education, in many cases, the unavailability of funds for college is a major stumbling block to educational opportunity and to the attainment of career aspirations./6

ARGUMENTS AGAINST POST MINORITY SUPPORT

During the lengthy, three year debate this concept has received in the California legislature, numerous arguments in favor and against the legislation have been discussed. The major arguments against are presented below, along with the answers these arguments have received as the bills progressed through the legislative process.

1. Needs of younger children should come first.

One objection against child support beyond age 18 is that the needs of younger children, typically those from a second or third marriage, should be considered before the needs of the child from the first marriage for college support. **However, minor children (i.e., those under age 18) already have priority for the parents' income under current California law.** In addition it would be unfortunate public policy to allow parents to excuse themselves from their obligation to support children from the first marriage solely because of their decision to start a second or subsequent family. Instead, public policy should focus on the responsibility of the parent to support all of their children to the best of their ability.

2. An adult should not support an adult.

One argument against providing child support beyond age 18 is that one adult, i.e., the parent, should not be required to support another "adult" i.e., the child. However, when a person becomes an adult is arbitrary and varies depending upon circumstances. For example, in California 18 year olds are "adults" for the purposes of voting and entering certain contracts, but are not "adults" for the purpose of purchasing liquor. As mentioned previously, the primary purpose of reducing the age of majority to age 18 was to ensure voting rights. Also, a child of a veteran killed in a service connected incident may receive benefits until age 23 or beyond as long as that child remains in college.

3. Supporting parents, typically fathers, would have less discretionary income under this proposal.

In many cases, this would be true for a few years. However, the ability of the parent to pay the child support is always taken into account. Child support is always based on the parents' income. In addition, custodial parents, typically mothers, currently have less discretionary income because they alone often must shoulder the obligation to support the child through college.

WHAT DIRECTION/DISCRETION SHOULD BE GIVEN THE COURTS?

States vary considerably in the direction that is provided in statute to the courts as to circumstances under which support beyond age 18 should be granted. The specific requirements of many states are included in Appendix A. However, listed below are the most common types of directions that are given to courts. Typically, courts in other states must consider:

- o the financial resources of the parent(s) and child;
 - o the aptitude of the student to successfully complete a college education;
 - o whether the student is registered as a full-time student in an educational or vocational program; and
 - o the child's physical and emotional needs.
1. Should support be given for education expenses only or should it apply regardless of the employment or training status of the child?

As discussed above, of the states that provide child support beyond age 18, approximately one-half limit support to children who are in college or some type of vocational training. This underscores the intent of many states to encourage children to attain higher education. In other states child support which is available to children under age 18 may simply be continued to older ages, typically a maximum of age 21. Thus, the child has a regular source of support and may decide to go to college, vocational training or obtain employment at his or her own discretion.

SB 13, which failed passage in the Assembly Judiciary Committee on May 25, 1988, and the previous versions of SB 215, both targeted for support beyond age 18 only those children involved in higher education or vocational training. However, at the May 25, 1988 hearing of the Assembly Judiciary

Committee, the Committee voted to support an expanded version of SB 215, which would allow judges to order support for children including those seeking higher education and those who are not.

2. "Retroactivity" - who should be eligible once the law is changed?

Another issue frequently discussed in connection with child support beyond age 18 is the time at which such a law would become effective. For example, the current version on SB 215 is quite restrictive in that a child must meet two tests in order to be eligible: an age test and a "child support order" test. The current version of SB 215 limits eligibility to children who have not turned age 18 by January 1, 1989, and those for whom a final child support order is not in existence at that time (e.g., those whose parents are currently married and those whose divorce is not yet final).

The rationale for the "child support order" test is controversial. Those who support this eligibility test maintain that parents who have already entered into final child support agreements should not find the law changing in a way that will increase their financial obligations. For example: a parent who was divorced in 1987 and whose child was 17 at the time, may have thought that they would be obligated to pay child support for only 1 year. Without a "child support order" test, the child could go into court and ask for a continuation of his or her child support to age 21. However, critics maintain that it is discrimination to provide child support for only those children whose parents happen to be currently married, or for whom only a temporary support order has been entered. These critics point out that when the law was changed in 1972, parents who had previously been obligated to pay support through age 21 were allowed to go to court and reduce their child support obligation once the child reached age 18. Thus, there is a precedent in current law which allows final child support orders to be revised.

3. Will the parent maintain control over the child's activities?

Many states have recognized that when child support is an obligation which extends beyond 18, parents need some procedure by which to relieve themselves of the obligation to support the child if the child is "out of parental control." For example, New York case law holds that a child must acquiesce to the "reasonable wishes" of the parent in order to maintain eligibility for support beyond age 18.

Considerable discussion has gone into the desirability of parental control language to be contained in SB 215. The author recently proposed language which directs the court that

the obligation of the parent should cease if the child is capable of study or employment:

"The obligation of a parent to support a child beyond the age of majority may be reduced or suspended upon showing of good cause. The Legislature intends to provide support until the age of 21 only for children who are in need of parental support, for example, for educational or employment related pursuits. It does not intend to subsidize children who, although capable of study or employment, without good cause choose to do neither, nor does it intend to provide a guarantee of support to adult children who violate the reasonable wishes of their parents."

However, this language is not in the current version of the bill; instead discretion over parental control is left to the courts.

4. Should only divorced parents be obligated to support their children beyond age 18?

The original versions of SB 13 and SB 215 required the obligation of post minority child support to apply only to divorced parents. It was assumed that in an intact marriage, parents would voluntarily support their children in their educational endeavors, depending on the parents' financial status and other circumstances.

However, an equal protection question was raised in the Assembly Judiciary Committee. Shouldn't children of divorced and intact marriage be treated equally under the law? Some states impose the obligation only on divorced parents, assuming as mentioned above, that in intact marriages things will take care of themselves. However, in states such as New York, the duty of child support to 21 applies to all children regardless of their parent's marital status.

The Senate Task Force on Family Equity also debated this issue. While Task Force members supported both SB 13 and SB 215 (in their earlier versions) as a step in the right direction, the Task Force preferred the concept of making the requirement apply to all families. The Task Force rationale was based on a review of the studies (see summary of research above) which indicated that children of intact marriages in the majority of cases, are still financially dependent on their parents in the years immediately following the age of 18.

5. Should the child's financial resources and ability to earn income be considered?

A review of other states indicates that opinion is divided as to whether or not the child's resources and the child's ability to become employed should be considered. Many states such as Illinois, specifically require judges to consider the child's financial resources when making an order of support beyond age 18. However, other states do not spell this out in statute. As a practical matter, judges undoubtedly are influenced in such decisions by evidence that is presented on the child's ability to pay his or her own way.

WHAT IS THE HISTORY OF THE CHILD SUPPORT TO 21 LEGISLATION?

In 1986, two bills were introduced in the California State Legislature which would have allowed support to be ordered for children beyond 18. Both of these bills, SB 1129 (Watson) and SB 2065 (Morgan), limited the child support obligation to divorced parents and to children who were seeking college or vocational training. These bills passed the state Senate but the Assembly Judiciary Committee sent the bills to an Interim hearing for further study. The hearing was held in February of 1987. In 1987, these bills were reintroduced as SB 13 (Morgan) and SB 215 (Watson) and again passed the state Senate. On August 19, 1987, both bills were heard in Assembly Judiciary. At that time, the Committee suggested that the authors merge the bills into one bill and bring the merged bill back to the Committee.

An Assembly Judiciary hearing was held in December of 1987 on other family law bills. However, at the end of the hearing, the Chairman asked for comments on the child support to 21 legislation from a panel of six family law experts. A majority of the panel supported the concept of the bills.

In the ensuing months, Senators Morgan and Watson agreed to merge their bills into a new bill, using the SB 13 number (SB 13 Watson/Morgan). On April 6, 1988, the Assembly Judiciary Committee heard the merged version of SB 13 (Watson/Morgan). After a lengthy hearing the Committee requested that the two authors bring back two different versions of the bill for the Committee to hear. One version would apply only to children of divorced parents who were seeking higher education and generally was more restrictive in nature. As mentioned above, this bill, which the authors included in SB 13 (Watson/Morgan) was voted down in Assembly Judiciary on May 25, 1988.

The second version the Committee requested contained broader language, along the lines of New York's child-support-to-21 law. It raised the duty of support for all parents - married or divorced - to age 21 and did not restrict support to children obtaining higher education. This version, contained in SB 215

(Watson), passed the Assembly Judiciary committee on May 25, 1988. However, the bill was amended by the Committee to address, among other things, the retroactivity/eligibility issue. In addition, the Committee requested the bill be amended to not allow child support to simply continue beyond age 18, but instead require the child or custodial parent to go back to court and seek continuation of support.

IF SB 215 OR SIMILAR LEGISLATION WERE TO PASS, WHO WOULD BENEFIT?

The most obvious and immediate beneficiaries of such legislation would be the children of divorced families who desire to go to college or obtain vocational education beyond high school. Such students would have more financial resources available to reach their educational, and consequently, their lifetime income goals. Less obvious, but also immediate beneficiaries would be younger siblings in the households of such students as more money would become available for the family as a whole. This is because the custodial parent would not have to stretch dollars quite as far in order to support older children in college. Furthermore, mother's would be under less pressure to bargain away spousal support in return for the support of their children in college, if they knew that a judge could potentially order child support to age 21.

Additionally, students from truly low income families would benefit because there would be more financial aid available to them. Furthermore, certain schools and vocational education institutions potentially would benefit by having more students able to pay tuition and avail themselves of educational opportunities.

Perhaps most important is that the State of California could benefit. As noted above, the percentage of California's graduating high school seniors who go on to college has been steadily declining. There may be other reasons for this decline other than lack of child support. However, if providing child support beyond age 18 can encourage more students to attend college, the State of California will benefit by having a more educated population with a greater potential for generating more income and jobs.

Appendix A

Summary of Case law/Statutory Provisions in Other States

Colorado: Within the state of Colorado, state law provides that post minority college support may be deemed as an "extraordinary education expense," and merits post minority support. The law reads as follows:

Any extraordinary education expenses incurred on behalf of the children may be added to the basic child support obligation. Extraordinary education expenses are any reasonable and necessary expenses for attending private or special schools, for attending any institution of higher education, or necessary to meet particular education needs of a child, when such expenses are incurred or paid by agreement of both parents and approved by the court. [CO CODE ANN. Sections 14-10-115(1) and 14-19-122]

Mississippi: Allows for court-compelled minority support. "Where the minor child is worthy of and qualified for a college education and shows an aptitude therefore it is a primary duty of the father, if financially able to do so, to provide funds for the college education of the minor child in the custody of the mother, where the father and mother are divorced and living apart" [Miss. ANN. Section 93-5-23.10, Pass v. Pass 238M 449, 118 S.2d 769].

New Jersey: Within the state of New Jersey, state law mandates that the court may make such order as to the care, custody, education, and maintenance of the children. New Jersey case law has determined that a parent may be required to financially contribute to the support of his child's educational expenses even though the child has reached the age of majority [N.J. REV. STAT. Section 2A: 34-23].

Oregon: In the state of Oregon, the law provides for support or maintenance of a child attending school who is unmarried, is 18 years of age or older and under twenty-one years of age and is a student regularly attending school, community college, college, or a university, or regularly attending a course or vocational or technical training designed to fit the child for gainful employment [OR. REV. STAT. Section. 107.108].

Washington: In 1973, the Washington legislature passed the Washington Dissolution Act. This act provides the following:

In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court may order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses ability to pay an amount reasonable or necessary for his support. (WASH. REV. CODE. ANN. Sections 26.09.100 & 26.09.170)

Pennsylvania: In Pennsylvania, it is now case law that "...a parent may, under certain circumstances, have a legal duty in providing a college education for his child "[Lederer v. Lederer, 435 A.2d 199 at 201 (Pa. Super. 1981)].

Florida: In Florida, "a court of competent jurisdiction is not prohibited from requiring support for a dependent person beyond the age of 18 years; or crippled child until the age 21." Florida will allow post minority support upon the finding of the court of actual dependency. However, college expenses do not always deem a child as being "dependent," nor assure parental financial support. In general, Florida provides that a child shall receive benefits until the child reaches the age of twenty-one. [FLA. STAT. ANN. Section 743.07]

Illinois: Unless emancipated, a court may make such provision for the education and maintenance of the child, whether of minority or majority age. In determining these awards, the court must consider various factors. Some of these factors include:

- the financial resources of both parents;
- the standard of living the child would have enjoyed had the marriage not been dissolved; and
- the financial resources of the child. [ILL. STAT. ANN. Ch.40, Section 513]

Indiana: Indiana statutes contain provisions which provide for the award of sums "for the education in elementary and secondary schools and at institutions of higher learning." This support may continue until the child reaches his twenty-first birthday. Additionally, Indiana will award college support for children who have previously been emancipated. [IND. CODE ANN. Section 31-1-11.5-12]

Iowa: The state of Iowa has a statute which warrants post minority support. Child support may include support for a child who is between the ages of eighteen and twenty-two who is:

- regularly attending an accredited school in a study leading to a high school diploma;
- attending a vocational training program;
- a full-time college student;
- has been accepted to college; or
- a child who is dependent on the parties due to a disability. [IOWA CODE ANN. Section 598.1(2)]

Missouri: In Missouri, "the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for his support after relevant factors including. . .his educational needs." Unless otherwise agreed, provisions for support are terminated by emancipation. In connection with child support, Missouri's age of emancipation is twenty-one. [MO. REV. STAT. Sections 452.340 and 452.370]

New Hampshire: New Hampshire law states that "the court shall make such decree in relation to the support, education, and custody of the children and may order a reasonable provision for their support and education. . .beyond the time when the child reaches the age of eighteen. [N.H. REV. STAT. ANN. Sections 458:17 and 458:35]

New York: In the state of New York, parents are liable for the support of their children under twenty-one years of age. This support includes care maintenance and education upon consideration of all relevant factors, including:

- the financial resources of the parents;
- physical and emotional needs of the child;
- his or her educational or vocational needs and aptitudes; and
- the standard of living the child would have enjoyed had the family remained intact. [N.Y. DOM. REL. LAW Section 32]

ENDNOTES

1. College Bound Seniors, The College Board, 1984.
2. California Postsecondary Education Commission, 1988.
3. Sacramento Bee, February 2, 1987, p. A-11, and reported in the February edition of American Demographics magazine.
4. Undergraduate Financing of Postsecondary Education, U.S. Department of Education, Office of Educational Research and Improvement, June 1988, CS 88-239, pp. viii-xii.
5. Ibid.
6. Wallerstein, Judith and Corbin, Shauna, "Father Child Relationships After Divorce: Child Support and Educational Opportunity," Family Law Quarterly, Vol. xx, No. 2, Summer 1986, p. 122.