

§ 46b-56c. Educational support orders.

Connecticut Statutes

Title 46B. FAMILY LAW

Chapter 815J. DISSOLUTION OF MARRIAGE, LEGAL SEPARATION AND ANNULMENT

Current through P.A. 1 of the 2014 Legislative Session

§ 46b-56c. Educational support orders

- (a) For purposes of this section, an educational support order is an order entered by a court requiring a parent to provide support for a child or children to attend for up to a total of four full academic years an institution of higher education or a private occupational school for the purpose of attaining a bachelor's or other undergraduate degree, or other appropriate vocational instruction. An educational support order may be entered with respect to any child who has not attained twenty-three years of age and shall terminate not later than the date on which the child attains twenty-three years of age.
- (b)
- (1) On motion or petition of a parent, the court may enter an educational support order at the time of entry of a decree of dissolution, legal separation or annulment, and no educational support order may be entered thereafter unless the decree explicitly provides that a motion or petition for an educational support order may be filed by either parent at a subsequent date. If no educational support order is entered at the time of entry of a decree of dissolution, legal separation or annulment, and the parents have a child who has not attained twenty-three years of age, the court shall inform the parents that no educational support order may be entered thereafter. The court may accept a parent's waiver of the right to file a motion or petition for an educational support order upon a finding that the parent fully understands the consequences of such waiver.
 - (2) On motion or petition of a parent, the court may enter an educational support order at the time of entry of an order for support pendente lite pursuant to section 46b-83.
 - (3) On motion or petition of a parent, the court may enter an educational support order at the time of entering an order of support pursuant to section 46b-61 or 46b-171 or similar section of the general statutes, or at any time thereafter.
 - (4) On motion or petition of a parent, the court may enter an educational support order at the time of entering an order pursuant to any other provision of the general statutes authorizing the court to make an order of support for a child, subject to the provisions of sections 46b-212 to 46b-213w, inclusive.

- (c) The court may not enter an educational support order pursuant to this section unless the court finds as a matter of fact that it is more likely than not that the parents would have provided support to the child for higher education or private occupational school if the family were intact. After making such finding, the court, in determining whether to enter an educational support order, shall consider all relevant circumstances, including: (1) The parents' income, assets and other obligations, including obligations to other dependents; (2) the child's need for support to attend an institution of higher education or private occupational school considering the child's assets and the child's ability to earn income; (3) the availability of financial aid from other sources, including grants and loans; (4) the reasonableness of the higher education to be funded considering the child's academic record and the financial resources available; (5) the child's preparation for, aptitude for and commitment to higher education; and (6) evidence, if any, of the institution of higher education or private occupational school the child would attend.
- (d) At the appropriate time, both parents shall participate in, and agree upon, the decision as to which institution of higher education or private occupational school the child will attend. The court may make an order resolving the matter if the parents fail to reach an agreement.
- (e) To qualify for payments due under an educational support order, the child must (1) enroll in an accredited institution of higher education or private occupational school, as defined in section 10a-22a, (2) actively pursue a course of study commensurate with the child's vocational goals that constitutes at least one-half the course load determined by that institution or school to constitute full-time enrollment, (3) maintain good academic standing in accordance with the rules of the institution or school, and (4) make available all academic records to both parents during the term of the order. The order shall be suspended after any academic period during which the child fails to comply with these conditions.
- (f) The educational support order may include support for any necessary educational expense, including room, board, dues, tuition, fees, registration and application costs, but such expenses shall not be more than the amount charged by The University of Connecticut for a full-time in-state student at the time the child for whom educational support is being ordered matriculates, except this limit may be exceeded by agreement of the parents. An educational support order may also include the cost of books and medical insurance for such child.
- (g) The court may direct that payments under an educational support order be made (1) to a parent to be forwarded to the institution of higher education or private occupational school, (2) directly to the institution or school, or (3) otherwise as the court determines to be appropriate.
- (h) On motion or petition of a parent, an educational support order may be modified or enforced in the same manner as is provided by law for any support order.

- (i) This section does not create a right of action by a child for parental support for higher education.
- (j) An educational support order under this section does not include support for graduate or postgraduate education beyond a bachelor's degree.
- (k) The provisions of this section shall apply only in cases when the initial order for parental support of the child is entered on or after October 1, 2002.

Cite as Conn. Gen. Stat. § 46b-56c

Source:

(P.A. 02-128, S. 1.)

History. Amended by P.A. 11-0214, S. 6 of the 2011 Regular Session, eff. 10/1/2011.

Case Notes:

Although trial court failed to make necessary finding that it was more likely than not that parties would have provided support for their daughter's college education had the family remained intact, its failure to comply with section was harmless, given ample evidence in the record to support such a finding, and given plaintiff's failure to meet his burden of demonstrating that court's failure to make the finding was harmful. 96 CA 102. Trial court did not abuse its discretion by issuing financial order that would secure any educational support order that might be entered in future. However, portion of trial court order, that potentially would have required defendant to maintain life insurance to secure support for child who had reached age of majority and who was not beneficiary of an educational support order, reversed and remanded for clarification. 107 CA 279.

Subsec. (b):

Subdiv. (1): Use of "shall" means it is mandatory that court inform parents that if no educational support order is entered at the time of dissolution neither party may obtain such an order in future. 86 CA 719.

Subsec. (h):

Contrary to plaintiff's claims, because, pursuant to this Subsec. an educational support order may be enforced in same manner as provided by law for any support order, trial court had authority to enforce the order by requiring that security be given, it acted within its discretion and authority in establishing a trust as means of securing the order, and did not abuse its discretion in funding the order with proceeds from sale of Vermont property. 96 CA 102.