

September 27, 2013 /**24-7PressRelease**/ -- On August 22, President Barack Obama kicked off a two-day bus tour emphasizing college affordability. "We've got a crisis in terms of college affordability and student debt," Obama told students at the State University of New York at Buffalo. That will not come as news to students and parents as they approach the college years. Prospective students often look to their parents for funding at least part of their college education. That can become even more challenging if their parents are divorced.

In Illinois, a court may, but is not required to, order parents to contribute to their child's college expenses whether of minority or majority age, and an application for education expenses may be made before or after the child has attained majority. Consider the recent case of *In re Marriage of Vondra*.

The Vondra decision

The husband filed for [divorce](#) from his wife on October 28, 2010. The parties had two adult children: one born on December 18, 1992, and the other born on March 11, 1991. The wife filed a petition for [support](#) for non-minor children and education expenses pursuant to the Illinois Marriage and Dissolution of Marriage Act requesting that the husband contribute toward the college expenses of their sons. In his response, the husband stated that the one son had assets totaling \$85,832 and the other had assets totaling \$126,961, much of which was in a college fund for purposes of providing them a college education.

The sons filed a motion for leave to be joined in the divorce action arguing that they were trying to protect their interests in having the court make provision for their educational expenses. The trial court denied the sons' motion for joinder, and the sons appealed.

The appellate court noted that the statutory provision for educational expenses is entirely discretionary and does not mandate that divorced parents must in all cases provide their children with funds for post-high school education. Furthermore, the court found that the Marriage Act itself created no right in a child to directly petition the court for benefits which are potentially available under its provisions and the court had no authority to consider an application for such expenses where the settlement agreement contains no specific provision for educational expenses. Instead, the court found that where the settlement agreement clearly provides for educational expenses, the child as a third-party beneficiary to the agreement has standing to bring a claim to enforce his rights under the contract. It follows that in order for a child to enforce such rights as a third-party beneficiary, his or her parents must have first executed a settlement agreement providing for educational expenses.

Divorce and paying for college: College contribution in Illinois

Written by Australian Business

Anyone preparing for a divorce who has children likely to seek a college degree should seek an experienced Illinois family lawyer for advice and representation. After the court's decision in the Vondra case, the children themselves, or a representative, may seek representation in order to guard their interests in any financial settlement between their parents.

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