

Was spouse obligated to pay child's religious school tuition?

Written by Australian Business

October 05, 2013 /**24-7PressRelease**/ -- Was spouse obligated to pay child's religious school tuition?

Article provided by Law Offices of Matthew Schultz Visit us at <http://www.azfamilylawfirm.com-cancelled>

When divorced parents who are supposed to work together to determine their child's school placement cannot agree, what happens? And what if one of the parents wishes the child to attend a religious school? Is the spouse providing child support obligated to pay the private religious school's tuition?

The Arizona Court of Appeals discussed all of these issues in the case of *Jordan v. Rea*.

A disagreement over school placement

The divorced couple were the parents of two children. Both children had attended a private religious school since kindergarten. Approximately two years after the divorce, the father petitioned to reduce his monthly child support payments by more than 50 percent, contending that he did not think it was economically feasible for his children to continue in a private school. The father also argued that forcing him to pay violated his constitutional right to direct the education and upbringing of his children and that it also violated the terms of the parenting plan that was in place.

The mother asserted that it would be an abuse of discretion for the court to hold that if one parent objected to children attending a religious school, then the children must be removed from that school. The mother also stated that she and the father had previously agreed that the children would be home-schooled or placed in a private school, and she requested that the court continue to include the children's school tuition in the father's child support payments.

The best interests of the child

The Court of Appeals first noted that the parenting plan provided for mutual cooperation as to

Was spouse obligated to pay child's religious school tuition?

Written by Australian Business

the children's education and religious upbringing. Nothing in the parenting plan gave either party the ability to object, based on the terms of the parenting plan, to placement in a private religious school. This was particularly true where one of the children was enrolled in the school prior to the divorce and continued to be enrolled in that school after the divorce. The court could not preclude consideration of a private religious school simply because it was religious.

In terms of what the court should do in the event of a dispute over educational placement, the overriding consideration with regard to both approving joint custody and a parenting plan is that the order is in the child's best interests. Thus, when a post-divorce decree dispute arises under the specific terms of a parenting plan, a best-interests standard should also be applied. The father's religious objections, whether genuine or not, could not be the basis of preventing the court from determining what educational placement was in the child's best interests.

The court could find a private religious school to be in the best interests of the children and order such a school placement without an agreement between the parties. The family law court had the ability, notwithstanding the lack of agreement by a parent, to order the objecting parent to pay the costs of tuition, if the court determined that the tuition costs were reasonable and necessary.

Modifying child support obligations

Long after a divorce is finalized, issues can still arise, particularly related to child custody and support. Certain issues may even justify a modification or an enforcement action.

Whether you are pursuing or opposing a modification or enforcement action, you should seek the advice of an attorney experienced in family law, who can protect your rights and work toward a positive outcome for you and your family.