

## **PUBLICATION**

### Family Law: University Costs and Divorce

Chad R. Johnson

March 19, 2018

Following your separation, the costs of university for your child or children are considered extra Section 7 expenses. This means both parents must contribute to the post-secondary education costs for their kids following separation, under the Federal Child Support Guidelines.

Generally, both parents pay the Section 7 expenses of university or other post-secondary education proportionately based on their incomes. The total costs of university must be reasonable based on both parents' combined incomes.

However, there are many other factors to consider when determining a parent's contribution to their children's post-secondary costs. It is important to review all of these considerations before confirming a parent's contribution to these costs.

In addition, your child should contribute to the costs of university, including working during the summer and taking out a student loan, if necessary. The child's contribution should be defined to help manage everyone's expectations.

We take into consideration, all of the following factors in determining the contributions by the parents for university:

- RESPs from the marriage being applied first to the child's university expenses grants, scholarships or bursaries;
- the expectations of the child to contribute to his or her own education, including student loans;
- the child's reasonable education plans;
- any income that the child is able to and should be able to contribute to their own education;
- whether the child is a full-time student, regularly attending post-secondary studies;
- the parents' incomes and circumstances;
- a reasonable budget for the child's schooling;
- the parties' contributions or payments for the child's post-secondary studies being paid directly to the school or to the child;
- gifts from extended family, such as grandparents; and,
- a total budget of the annual costs of university for the child, including the tuition, fees, books, room and

board, and travel costs (if any).

The RESPs saved during the marriage should be applied first to a child's tuition, fees, and books for university. Plus, any RESPs saved following your separation can be part of your proportionate share of a child's university costs.

Further, it is important to note that the legal obligations of parents to contribute to the costs of their child's university apply only to the first undergraduate degree, if you are divorced.

For further information regarding the university costs and Section 7 expenses, please contact any member of our Family Law Group.