

## “Back to College” Child Support Concerns

By: Marta J. Papa

As a new school year approaches and students head back to college, they are probably focusing on what to pack, what classes to take and if they’ll like their new roommate. I doubt many are thinking about the Revised Missouri Statutes as they head down the road, car packed to maximum capacity. But if Mom or Dad is paying for school pursuant to a divorce decree, failure to comply with certain state statutes could bring about a sudden halt to that college experience.

Recent Missouri Appellate and Supreme Court decisions have held that college students who fail to comply with Missouri Revised Statute 452.340 may lose their eligibility for child support and unknowingly terminate their parent’s legal responsibility to pay for tuition, room and board. Since the state legislature does not send out “personal reminders”, my goal is to highlight the statute's requirements so that students and their parents are not adversely affected.

To ensure that the parental support obligation continues until the child completes his or her education or reaches the age of twenty-two, certain criteria must be met. The child must be enrolled in an institution of higher education no later than October first following graduation from a secondary school or completion of a GED. The child must also be enrolled for (and complete) at least twelve hours of credit each semester and achieve grades sufficient to reenroll. In addition to these criteria, the statute imposes several other

requirements, which if not met, might preclude the child from receiving parental support for college expenses.

At the beginning of the semester, the child must submit to each parent a transcript showing the courses in which the child is enrolled for the upcoming term, including the courses completed for each term and the grades and credits received for each course. It is important to note that if a child fails to comply with the preceding regulations, a parent has grounds to claim that he or she is exempt from financial responsibility for the cost of college for that term. If, however, the child complies with the regulations the following term, the obligation to pay for college resumes. In other words, the parent may only be exempt from the obligation to pay for college for the term in which the child failed to comply with all of the statutory requirements. The best way for a child to be in compliance with the statute is to send the required documentation to each parent via certified mail, hence procuring a signature proving that the documents were indeed sent and received.

There are exceptions to the requirement that students carry a minimum of twelve credit hours per semester. A child who is employed at least fifteen hours per week during each semester may take as few as nine credit hours and remain eligible for parental college expense support, provided that all other statutory requirements previously listed are met. It is important that the child's work schedule not fall below fifteen hours per week, otherwise a parent could claim that he or she is exempt from the college costs that

semester. Keeping meticulous records is a must for the child who works while attending college and is also receiving parental college expense support.

How fastidious are the Judges about students following the exact requirements of Missouri Revised Statute 452.340? I was recently involved in a case wherein a Judge ruled that a nineteen-year-old, who took less than the required twelve credit hours during one semester, was ineligible for any financial support that semester. The Judge additionally ruled that since the nineteen-year-old was not a full-time student, as required by the statute, she was officially emancipated. Child support was terminated forever.

What all of this means is that children and parents of divorced families in which parental support for college expenses has been ordered must be diligent in complying with the statutory rules and regulations. A forgotten transcript or course enrollment document can cause the child to lose parental support for the semester in question. To ensure that the child's college expenses are covered, it is essential that parents and children are aware of and comply with the various statutory regulations without fail.