

College expenses:

Pursuant to Georgia statutory law, “It is the joint and several duty of each parent to provide for the maintenance, protection, and education of his or her child until the child reaches the age of majority, dies, marries, or becomes emancipated, whichever first occurs...” *O.C.G.A. § 19-7-2*. Additionally, in matters concerning child support orders resulting from divorce, separate maintenance, legitimacy, or paternity proceedings, the presiding court “may direct either or both parents to provide financial assistance to a child who has not previously married or become emancipated, who is enrolled in and attending a secondary school, and who has attained the age of majority before completing his or her secondary school education, provided that such financial assistance shall not be required after a child attains 20 years of age. The provisions for child support provided in this subsection may be enforced by either parent, by any nonparent custodian, by a guardian appointed to receive child support for the child for whose benefit the child support is ordered, or by the child for whose benefit the child support is ordered.” *O.C.G.A. § 19-6-15*.

Reading the above cited statute regarding a parent’s duty of support, it may be noted that there is no mention of a parent’s duty to support a child beyond secondary school. More specifically, there is no mention of a parent’s duty to pay for a child’s college expenses. This is so, because in Georgia, parents are not required to pay for a child’s college or post-secondary expenses. In fact, Georgia court cannot forcibly order parents to pay for a child’s college expenses. *See Coleman v. Coleman*, 240 Ga. 417 (1977). *But Cf. Brandenburg v. Brandenburg*, 274 Ga. 183 (2001)(holding that contributions to custodial accounts established before divorce and created pursuant to the Georgia Transfers to minors Act may be exempt from this prohibition).

Although a presiding court may not require a parent to support a child past the age of 20 or pay a child’s college expenses, parents are free to contract with each other to provide for their children’s post-secondary educational expenses via a Marital Dissolution Agreement or Settlement Agreement. Such agreements are legally binding and enforceable. *McClain v. McClain*, 235 Ga. 659 (1975). Below is an example of a common Settlement Agreement provision addressing the payment of college expenses.