



CHILD AND EDUCATION SUPPORT AGE LIMITS

By: Michelle Kirby, Senior Legislative Attorney

SUPPORT IN GENERAL

Under Connecticut law,

1. parents must provide reasonably necessary support to their children under age 18 ([CGS § 53-304](#)),
2. each spouse has a joint duty to support his or her family ([CGS § 46b-37](#)), and
3. the Superior Court or a family support magistrate may make and enforce child support orders against any parent who neglects or refuses to furnish necessary support to his or her child according to his or her ability to provide such support ([CGS § 46b-215](#)).

ISSUE

This report summarizes age limits associated with child and education support orders issued upon or after an annulment, divorce, or legal separation.

SUMMARY

By law, upon or after an annulment, divorce, or legal separation, a court may order a parent to pay child support, education support, or both for children born of the marriage, depending on their age.

Generally speaking, the court must order child support for the maintenance of any:

1. child under age 18;
2. unmarried child over age 18 until the child completes the 12th grade or attains age 19, whichever occurs first; and
3. disabled child up to age 21.

The court must include health insurance coverage provisions in certain cases and may order a parent to maintain life insurance to secure support payments.

The court may also order support for certain post-secondary education-related expenses for a child under age 23, but any such order must terminate by his or her 23rd birthday. The court must consider factors such as the parent's income, the child's need for support, and the availability of financial aid. To be qualified for educational support, the child must meet requirements, including maintaining good academic standing at certain post-secondary institutions.



CHILD SUPPORT ORDERS

In determining whether a child is in need of support and, if so, the respective abilities of the parents to provide support, the court must take into consideration factors such as the child's age, high school status, special needs, and health care needs ([CGS § 46b-56\(e\)](#)).

Age Limits

By law, parents, according to their respective abilities, must maintain any children of the marriage who are under age 18 and in need of maintenance ([CGS § 46b-84\(a\)](#)).

If there is an unmarried child of the marriage who has attained age 18 and is a full-time high school student, the parents must maintain the child according to their respective abilities if the child is in need of maintenance until the child completes the 12th grade or attains the age of 19, whichever occurs first ([CGS § 46b-84\(b\)](#)).

The court may order support for a child up to age 21 if the child is (1) mentally, physically, or intellectually disabled and (2) lives with a parent on whom the child is primarily dependent for maintenance ([CGS § 46b-84\(c\)](#)).

Life Insurance and Healthcare Coverage

To secure the maintenance ordered for a child under age 18 or an unmarried full-time high school student over 18 but under 19, the court may order a parent to obtain life insurance unless the parent proves, by a preponderance of the evidence, that he or she (1) has no available life insurance, (2) is unable to pay the cost of insurance, or (3) is uninsurable ([CGS § 46b-84\(f\)\(1\)](#)).

In each child support order for a child under age 18 or an unmarried full-time high school student over 18 but under 19, the court must include a provision for the child's health care coverage ([CGS § 46b-84\(f\)\(2\)](#)).

EDUCATION SUPPORT ORDERS

A court may order educational support for any child who is under age 23 but any such order must terminate by the child's 23rd birthday. An educational support order is a court order requiring a parent to provide support for a child or children to attend a higher education institution or a private occupational school for up to a total of four full academic years to attain a bachelor's or other undergraduate degree, or other appropriate vocational instruction. Both parents must participate in the decision as to which institution of higher education or private occupational

school the child will attend. If the parents fail to reach an agreement, the court may make an order to resolve the matter ([CGS § 46b-56c](#)).

Factors the Court Must Consider

By law, the court may not order educational support unless it finds as a matter of fact that it is more likely than not that the parents would have provided support to the child to attend a higher education institution or private occupational school if the family were intact. If the court makes such a finding, it must additionally consider certain factors in determining whether to enter the order, including:

1. the parents' income, assets and other obligations, including obligations to other dependents;
2. the child's need for educational support considering the child's assets and the child's ability to earn income;
3. the availability of financial aid from other sources, including grants and loans;
4. the reasonableness of the higher education to be funded considering the child's academic record and available financial resources;
5. the child's commitment to and preparation and aptitude for higher education; and
6. any evidence of the institution or school the child would attend ([CGS § 46b-56c\(c\)](#)).

Eligibility for Payments

To qualify for payments under an educational support order, the child must:

1. enroll in an accredited institution of higher education or private occupational school,
2. actively pursue a course of study commensurate with the child's vocational goals that constitutes at least one-half the full time course load as determined by that institution or school,
3. maintain good academic standing in accordance with the institution or school rules, and
4. make all academic records available to both parents during the term of the order.

If a child fails to comply with these conditions, the order is suspended after any academic period during which the noncompliance occurs ([CGS § 46b-56c\(e\)](#)).

Covered Expenses

An educational support order may include support for any necessary educational expense, including room, board, dues, tuition, fees, registration, and application costs. Unless agreed upon by the parents, the expenses may not exceed the amount charged by The University of Connecticut for a full-time in-state student at the time the child matriculates. An educational support order may also include the cost of books and medical insurance for the child ([CGS § 46b-56c\(f\)](#)).

MK:bs