

SENATE BILL REPORT

SB 6399

As Reported By Senate Committee On:
Law & Justice, January 31, 1996

Title: An act relating to prohibiting mandatory child support for postsecondary education of adult children.

Brief Description: Prohibiting mandatory child support for postsecondary education of adult children.

Sponsors: Senators Hargrove, Owen, Smith, Schow, Hochstatter, Johnson, Roach and Long.

Brief History:

Committee Activity: Law & Justice: 1/25/96, 1/31/96 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Staff: Susan Carlson (786-7418)

Background: In 1978, the Washington Supreme Court ruled in Childers v. Childers that judges have the discretion to require a parent to support a child beyond the age of 18 if the child remains dependent on his or her parents for support. The parent in that case was required to pay child support to assist in the college education of his sons. By statute, a court may order a parent to pay child support for postsecondary education until the child is 23 years old.

It has been suggested that since the court has no authority to require a parent in an intact family to pay the expenses of a child's postsecondary education, divorced parents should not be required by the court to pay for these expenses either.

Summary of Bill: The Legislature encourages all parents to assist their children with postsecondary education, and declares that the decision to provide such support should be the sole prerogative of the parent. The Legislature expressly disapproves of the Childers v. Childers ruling as contrary to public policy.

A court may not order a parent to pay support for postsecondary education of a child over the age of 18. Existing statutory guidelines for the award of postsecondary support are repealed.

A petition for modification of an existing order to pay postsecondary child support may be brought without showing a substantial change of circumstances. Modification of existing orders for children currently enrolled in college must be delayed one year or until the

enrollment ends, whichever occurs first, unless the petitioner makes a showing of a substantial change of circumstances.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Parents, whether married or divorced, should have the right to decide whether to provide financial assistance to their child for postsecondary education.

Testimony Against: Divorce conflict may influence a parent's decision whether to provide financial assistance for their child's postsecondary education. Children of divorce should not suffer this disadvantage.

Testified: PRO: Michele Delo, WA Families for Non-Custodial Rights; Bob Cihak; Doug Martin; Jerry Lukin; Terry Gibson; Steven Peck; CON: Judge Faith Ireland, Superior Court Judges Assn.; Carolyn Davis, NW Women's Law Center; George LeClair, Children's Alliance; Patricia Morgan, WSBA Family Law Section.