1 **HB 1552** - H AMD **286**
2   By Representative Costa
3   Strike everything after the enacting clause and insert the
4 following:

5   **Sec. 1.** RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each
6 amended to read as follows:
7   (1) The child support schedule shall ((be advisory and not
8 mandatory for)) not apply to awards of postsecondary educational
9 support.
10   (2) The court shall not order either or both parents to pay
11 postsecondary educational support if both parents agree not to pay
12 postsecondary educational expenses. The court may not enter an
13 initial order of child support if the child is no longer dependent
14 before the petition is filed.
15   (3) When considering whether to order support for
16 postsecondary educational expenses, the court shall determine
17 whether the child is in fact dependent and is relying upon the
18 parents for the reasonable necessities of life. Except as limited
19 in subsections (4) and (5) of this section, the court shall
20 exercise its discretion when determining whether and for how long
21 to award postsecondary educational support based upon consideration
22 of factors that include but are not limited to the following: Age
23 of the child; the child's needs; the expectations of the parties
24 for their children when the parents were together; the child's
25 prospects, desires, aptitudes, abilities or disabilities; the
26 nature of the postsecondary education sought; and the parents'
27 level of education, standard of living, and current and future
28 resources. Also to be considered are the amount and type of
29 support that the child would have been afforded if the parents had
30 stayed together. If the parents have other children who are
31 dependent upon the parents for support, the court shall ensure that
32 adequate provision is made for such children in determining whether
33 and for how long to award postsecondary support.
34   (((3))) (4) Unless the parents have entered into an agreement
35 otherwise, postsecondary educational support shall not be awarded

1 beyond the child's twenty-third birthday; beyond the child's
2 completion of a four-year undergraduate college degree program; or
3 during periods of nonenrollment. Regularly scheduled summer and
4 vacation breaks are not periods of nonenrollment.
5   (5)(a) Postsecondary educational support shall not be awarded
6 for amounts in excess of the highest cost at a Washington state
7 public university for resident students for: (i) Tuition; (ii)
8 books, fees, education supplies; and (iii) dormitory room and board
9 when the child will actually incur dormitory room and board
10 expenses.
11   (b) This subsection shall not apply when: (i) Parents have
12 agreed to exceed these costs; or (ii) the child wishes to attend a
13 private postsecondary educational institution, and the parents have
14 agreed that the child should attend a private postsecondary
15 educational institution, or either or both parents attended private
16 postsecondary educational institutions, and either or both parents
17 have the financial capability to pay for a private postsecondary
18 education.
19   (6) The student shall have an affirmative obligation to seek
20 financial aid through the postsecondary educational institution.
21 The court shall consider any aid obtained in determining the
22 parents' support obligation.
23   (7) The amount of support established may be apportioned
24 between the parents on the basis of net income in the same manner
25 as if the child was under age eighteen and receiving child support
26 under this chapter.
27   (8) The court may adjust support for earnings of a child in
28 excess of the amount necessary to support the child during periods
29 of nonenrollment. The court may require the child to contribute
30 financially to his or her educational expenses and support
31 commensurate with the child's abilities and academic schedule.
32   (9) The court may order the child to notify each parent paying
33 postsecondary educational support in writing regarding the child's
34 academic plans, progress, and changes in academic schedule.
35   (10) Upon finding that the child willfully failed to provide
36 the information required under subsection (12) of this section, the
37 court may terminate or suspend support.

1   (11) The child must enroll in an accredited academic or
2   vocational school, must be actively pursuing a course of study
3   commensurate with the child's vocational goals, and must be in good
4   academic standing as defined by the institution. The court-ordered
5   postsecondary educational support shall be automatically suspended
6   during the period or periods the child fails to comply with these
7   conditions. For purposes of this subsection, "actively pursuing a
8   course of study" means that the child completes the period of
9   enrollment for which the parents have paid support. If the child
10   fails for whatever reason to complete the academic period, the
11   parents shall have no obligation to resume payment of support until
12   the child has made up the incomplete period.
13   (((4))) (12) The child shall also make available all academic
14   records and grades to both parents as a condition of receiving
15   postsecondary educational support. Each parent shall have full and
16   equal access to the postsecondary education records as provided in
17   RCW 26.09.225.
18   (((5) The court shall not order the payment of postsecondary
19   educational expenses beyond the child's twenty-third birthday,
20   except for exceptional circumstances, such as mental, physical, or
21   emotional disabilities.
22   (6))) (13) The court shall direct that either or both parents'
23   payments for postsecondary educational expenses be made directly to
24   the educational institution if feasible. If direct payments are
25   not feasible, then the court in its discretion may order that
26   either or both parents' payments be made directly to the child if
27   the child does not reside with either parent. If the child resides
28   with one of the parents the court may direct that the parent making
29   the support transfer payments make the payments to the child or to
30   the parent who has been receiving the support transfer payments.

31   NEW SECTION. **Sec. 2.** This act applies prospectively only and
32   not retroactively. It applies only to causes of action that are
33   commenced on or after the effective date of this act.-

34   Correct the title.

EFFECT: Strikes the underlying bill and provides limitations on the award of postsecondary child support. The court may not order either or both parents to pay postsecondary educational support if both parents agree not to pay. Unless the parents agree otherwise, the court may not order postsecondary educational support beyond the child's 23rd birthday, beyond the child's completion of a four-year undergraduate degree, or during periods of nonenrollment. Regularly scheduled summer and vacation breaks are not periods of nonenrollment. Postsecondary educational support may not exceed the highest cost for tuition, books, fees, education supplies, and dormitory room and board (when the child will actually incur room and board expenses) for a resident student attending a state public university. The court may order postsecondary educational support in excess of that amount if (a) the parents agree; or (b) the child wishes to attend a private university and the parents have agreed to that decision, or either or both parents attended a private university, and either or both parents have the financial capability to pay for an education at a private university. The child has an obligation to seek financial aid, and the court must consider any aid the child obtains when determining postsecondary educational support. The court may require the child to notify each parent in writing about the child's academic plans, progress, and changes. The court may terminate or suspend postsecondary educational support if the child willfully fails to provide the required information about the child's academic records, grades, and other records. The child is required to complete the period of enrollment for which postsecondary educational support has been paid. The parents have no further obligation to pay postsecondary educational support until the child makes up the incomplete period.