

2 **SB 5086** - S AMD - 084

3 By Senators Fairley, Spanel, Thibaudeau, Kohl and Loveland

4 NOT ADOPTED 3/11/97

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each amended to
8 read as follows:

9 ~~(1) ((The child support schedule shall be advisory and not
10 mandatory for postsecondary educational support.~~

11 ~~(2) When considering whether to order support for postsecondary
12 educational expenses,~~) The court shall ((determine whether)) not award
13 postsecondary educational support unless the court finds that the child
14 is in fact dependent and is relying upon the parents for the reasonable
15 necessities of life. The court shall exercise its discretion when
16 determining whether and for how long to award postsecondary educational
17 support based upon consideration of factors that include but are not
18 limited to the following: Age of the child; the child's needs and
19 resources; the expectations of the parties for their children when the
20 parents were together and whether support would likely have been
21 provided if the parents had stayed together; the child's prospects,
22 desires, aptitudes, abilities or disabilities; the nature of the
23 postsecondary education sought; other children of either parent for
24 whom postsecondary educational support may be required; and the
25 parents' level of education, standard of living, and current and future
26 resources. ~~((Also to be considered are the amount and type of support
27 that the child would have been afforded if the parents had stayed
28 together.))~~ The court shall determine and specify the amount of
29 contribution, if any, to be made by the child. The child support
30 schedule shall be advisory and not mandatory in determining the amount
31 of postsecondary support.

32 (2) The combined obligation of both parents shall not exceed the
33 highest tuition, fees, room, and board charged to a resident
34 undergraduate student at a state institution of higher education in
35 this state, together with a reasonable amount for textbooks and
36 supplies. The limitation in this subsection does not apply if the

1 court determines in a specific case that there are exceptional
2 circumstances, such as the existence of a developmental or chronic
3 functional disability. A desire to enroll in a school outside of this
4 state is not, by itself, an exceptional circumstance.

5 (3) The child must enroll in an accredited academic or vocational
6 school, must be actively pursuing a course of study commensurate with
7 the child's vocational goals, and must be in good academic standing
8 ~~((as defined by the institution))~~. For purposes of this subsection,
9 "good academic standing" means enrolled in a course of study and making
10 customary progress towards the completion within the period of time it
11 is expected to take to complete the course. The court-ordered
12 postsecondary educational support shall be automatically suspended
13 during the period or periods the child fails to comply with these
14 conditions. A child whose medical condition temporarily changes or
15 deteriorates following initial enrollment and who is unable to achieve
16 good academic standing is not obligated to continue uninterrupted
17 enrollment as a condition of receiving the support, so long as the
18 condition exists.

19 (4) The child shall ~~((also))~~ make available all academic and
20 registration records and grades to both parents as a condition of
21 receiving postsecondary educational support. Each parent shall have
22 full and equal access to the postsecondary education records as
23 provided in RCW 26.09.225.

24 (5) The court shall not order the payment of postsecondary
25 educational expenses beyond the child's twenty-third birthday, except
26 for exceptional circumstances, such as mental, physical, or emotional
27 disabilities.

28 (6) The court shall direct that either or both parents' payments
29 for postsecondary educational expenses be made directly to the
30 educational institution if feasible. If direct payments are not
31 feasible, then the court in its discretion may order that either or
32 both parents' payments be made directly to the child if the child does
33 not reside with either parent. If the child resides with one of the
34 parents the court may direct that the parent making the support
35 transfer payments make the payments to the child or to the parent ~~((who~~
36 ~~has been receiving the support transfer payments))~~ with whom the child
37 resides.

