

1 5086 AMS HEAV S2302.1

2 **SB 5086** - S AMD - 087
3 By Senator Heavey

4 NOT ADOPTED 3/11/97

5 Beginning on page 1, line 10, after "education." strike the
6 remainder of the section and insert "The legislature declares
7 determining the amount of, if any, postsecondary support to be provided
8 adult children is primarily the responsibility of the parents
9 regardless of their marital status and should be the subject of
10 judicial consideration only when extraordinary circumstances exist.
11 Consequently, the legislature intends to modify the ruling in *Childers*
12 *V. Childers*, 84 Wn. 2d 592 (1978) and cases which follow the *Childers*
13 precedent."

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17 On page 2, line 9, strike "A" and insert "Subject to the provisions
18 of RCW 26.19.090, a"

19 Beginning on page 2, line 11, strike sections 3 through 8 and
20 insert the following:

21 "**Sec. 3.** RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each amended to
22 read as follows:

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

25 (2) ~~When considering whether to order support for postsecondary~~
26 ~~educational expenses,~~) The court shall ((determine whether)) not award
27 postsecondary educational support unless the court finds that the child
28 is in fact dependent and is relying upon the parents for the reasonable
29 necessities of life. The court shall exercise its discretion when
30 determining whether and for how long to award postsecondary educational
31 support based upon consideration of factors that include but are not
32 limited to the following: Age of the child; the child's needs; the
33 expectations of the parties for their children when the parents were

1 together; the child's prospects, desires, aptitudes, abilities or
2 disabilities; the nature of the postsecondary education sought; and the
3 parents' level of education, standard of living, and current and future
4 resources. Also to be considered are the amount and type of support
5 that the child would have been afforded if the parents had stayed
6 together.

7 ~~((+3))~~ (2) The child must enroll in an accredited academic or
8 vocational school, must be actively pursuing a course of study
9 commensurate with the child's vocational goals, and must be in good
10 academic standing ~~((as defined by the institution))~~. For purposes of
11 this subsection, "good academic standing" means enrolled in a course of
12 study and making customary progress towards completion within the
13 period of time it is expected to take to complete the course. The
14 court-ordered postsecondary educational support shall be automatically
15 suspended during the period or periods the child fails to comply with
16 these conditions.

17 ~~((+4))~~ (3) The child shall also make available all academic
18 records and grades to both parents as a condition of receiving
19 postsecondary educational support. Each parent shall have full and
20 equal access to the postsecondary education records as provided in RCW
21 26.09.225.

22 ~~((+5))~~ (4) The court shall not order the payment of postsecondary
23 educational expenses beyond the child's twenty-third birthday, except
24 for exceptional circumstances, such as mental, physical, or emotional
25 disabilities.

26 ~~((+6))~~ (5) The court shall direct that either or both parents'
27 payments for postsecondary educational expenses be made directly to the
28 educational institution if feasible. If direct payments are not
29 feasible, then the court in its discretion may order that either or
30 both parents' payments be made directly to the child if the child does
31 not reside with either parent. If the child resides with one of the
32 parents the court may direct that the parent making the support
33 transfer payments make the payments to the child or to the parent who
34 has been receiving the support transfer payments."

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4 On page 1, line 2 of the title, after "children;" strike the
5 remainder of the title and insert "amending RCW 26.19.090; adding a new
6 section to chapter 26.09 RCW; and creating a new section."

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