

1 5086 AMS SPAN S2301.1

2 **SB 5086** - S AMD - 091
3 By Senator Spanel

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. The court-ordered
11 postsecondary educational support shall be automatically suspended
12 during the period or periods the child fails to comply with these
13 conditions. A child whose medical condition temporarily changes or
14 deteriorates following initial enrollment and who is unable to achieve
15 good academic standing is not obligated to continue uninterrupted
16 enrollment as a condition of receiving the support, so long as the
17 condition exists.

18 ~~((+4))~~ (3) The child shall also make available all academic
19 records and grades to both parents as a condition of receiving
20 postsecondary educational support. Each parent shall have full and
21 equal access to the postsecondary education records as provided in RCW
22 26.09.225.

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

27 ~~((+6))~~ (5) The court shall direct that either or both parents'
28 payments for postsecondary educational expenses be made directly to the
29 educational institution if feasible. If direct payments are not
30 feasible, then the court in its discretion may order that either or
31 both parents' payments be made directly to the child if the child does
32 not reside with either parent. If the child resides with one of the
33 parents the court may direct that the parent making the support
34 transfer payments make the payments to the child or to the parent who
35 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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