
HOUSE BILL 1670

State of Washington

55th Legislature

1997 Regular Session

By Representatives Sheahan, Lambert, Appelwick, Romero, Keiser, Wolfe, Mitchell, Gombosky, Blalock and Scott

Read first time 02/04/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to restricting child support for postsecondary
2 education of adult children; and amending RCW 26.19.090.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

6 (1) The child support schedule shall ~~((be advisory and not~~
7 ~~mandatory for))~~ not apply to awards of postsecondary educational
8 support.

9 (2) The court shall not order either or both parents to pay
10 postsecondary educational support if both parents agree not to pay
11 postsecondary educational expenses or if the child is emancipated.

12 (3) When considering whether to order support for postsecondary
13 educational expenses, the court shall determine whether the child is in
14 fact dependent and is relying upon the parents for the reasonable
15 necessities of life. Except as limited in subsections (4) and (5) of
16 this section, the court shall exercise its discretion when determining
17 whether and for how long to award postsecondary educational support
18 based upon consideration of factors that include but are not limited to
19 the following: Age of the child; the child's needs; the expectations

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

7 ~~((+3))~~ (4) Unless the parents have entered into an agreement
8 otherwise, postsecondary educational support shall not be awarded
9 beyond the child's twenty-third birthday; beyond the child's completion
10 of a four-year undergraduate college degree program; or during periods
11 of nonenrollment.

12 (5)(a) Postsecondary educational support shall not be awarded for
13 amounts in excess of the highest cost at a Washington state public
14 university for resident students for: (i) Tuition; (ii) books, fees,
15 education supplies; and (iii) dormitory room and board.

16 (b) This subsection shall not apply when: (i) Parents have agreed
17 to exceed these costs; or (ii) the child wishes to attend a private
18 postsecondary educational institution, and the parents have agreed that
19 the child should attend a private postsecondary educational
20 institution, either or both parents attended private postsecondary
21 educational institutions, or either or both parents have the financial
22 capability to pay for a private postsecondary education.

23 (6) Determination of support shall be adjusted by any amount of
24 loans, scholarships, or grants actually available to the student for
25 that year's enrollment. The student shall have an affirmative
26 obligation to seek financial aid through the postsecondary educational
27 institution.

28 (7) The amount of support established must be apportioned between
29 the parents on the basis of net income in the same manner as if the
30 child was under age eighteen and receiving child support under this
31 chapter.

32 (8) The court may adjust support for earnings of a child in excess
33 of the amount necessary to support the child during periods of
34 nonenrollment. The court may require the child to contribute
35 financially to his or her educational expenses and support commensurate
36 with the child's abilities and academic schedule.

37 (9) The court may order the child to consult with each parent
38 paying postsecondary educational support regarding the child's academic
39 plans and progress.

1 (10) Upon finding that the child willfully failed to provide the
2 information required under subsection (13) of this section, the court
3 may terminate support.

4 (11) If the parents have minor children to whom they owe an
5 obligation of support under a child support order, the court shall
6 ensure adequate provision is made for the support of the minor children
7 prior to ordering postsecondary educational support for an adult
8 sibling under this chapter.

9 (12) The child must enroll in an accredited academic or vocational
10 school, must be actively pursuing a course of study commensurate with
11 the child's vocational goals, and must be in good academic standing as
12 defined by the institution. The court-ordered postsecondary
13 educational support shall be automatically suspended during the period
14 or periods the child fails to comply with these conditions. For
15 purposes of this subsection, "actively pursuing a course of study"
16 means that the child completes the period of enrollment for which the
17 parents have paid support. If the child fails for whatever reason to
18 complete the academic period, the parents shall have no obligation to
19 resume payment of support until the child has made up the incomplete
20 period.

21 ~~((4))~~ (13) The child shall also make available all academic
22 records and grades to both parents as a condition of receiving
23 postsecondary educational support. Each parent shall have full and
24 equal access to the postsecondary education records as provided in RCW
25 26.09.225.

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

30 ~~(6))~~ (14) The court shall direct that either or both parents'
31 payments for postsecondary educational expenses be made directly to the
32 educational institution if feasible. If direct payments are not
33 feasible, then the court in its discretion may order that either or
34 both parents' payments be made directly to the child if the child does
35 not reside with either parent. If the child resides with one of the
36 parents the court may direct that the parent making the support

1 transfer payments make the payments to the child or to the parent who
2 has been receiving the support transfer payments.

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