

2SHB 1037 - H AMD 754

By Representative Klippert

NOT ADOPTED 02/16/2016

1 On page 23, beginning on line 28, strike all of section 7 and  
2 insert the following:

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

6 ~~((1))~~ The child support schedule shall ~~((be advisory and))~~ not  
7 ~~((mandatory for))~~ apply to postsecondary educational support. The  
8 court shall not establish a support order that requires a parent to  
9 contribute to a child's postsecondary educational expenses.

10 ~~((2) When considering whether to order support for~~  
11 ~~postsecondary educational expenses, the court shall determine~~  
12 ~~whether the child is in fact dependent and is relying upon the~~  
13 ~~parents for the reasonable necessities of life. The court shall~~  
14 ~~exercise its discretion when determining whether and for how long to~~  
15 ~~award postsecondary educational support based upon consideration of~~  
16 ~~factors that include but are not limited to the following: Age of~~  
17 ~~the child; the child's needs; the expectations of the parties for~~  
18 ~~their children when the parents were together; the child's~~  
19 ~~prospects, desires, aptitudes, abilities or disabilities; the nature~~  
20 ~~of the postsecondary education sought; and the parents' level of~~  
21 ~~education, standard of living, and current and future resources.~~  
22 ~~Also to be considered are the amount and type of support that the~~  
23 ~~child would have been afforded if the parents had stayed together.~~

24 ~~(3) The child must enroll in an accredited academic or~~  
25 ~~vocational school, must be actively pursuing a course of study~~  
26 ~~commensurate with the child's vocational goals, and must be in good~~  
27 ~~academic standing as defined by the institution. The court ordered~~

1 ~~postsecondary educational support shall be automatically suspended~~  
2 ~~during the period or periods the child fails to comply with these~~  
3 ~~conditions.~~

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

8 ~~(5) The court shall not order the payment of postsecondary~~  
9 ~~educational expenses beyond the child's twenty third birthday,~~  
10 ~~except for exceptional circumstances, such as mental, physical, or~~  
11 ~~emotional disabilities.~~

12 ~~(6) The court shall direct that either or both parents' payments for~~  
13 ~~postsecondary educational expenses be made directly to the educational~~  
14 ~~institution if feasible. If direct payments are not feasible, then the~~  
15 ~~court in its discretion may order that either or both parents'~~  
16 ~~payments be made directly to the child if the child does not reside~~  
17 ~~with either parent. If the child resides with one of the parents the~~  
18 ~~court may direct that the parent making the support transfer payments~~  
19 ~~make the payments to the child or to the parent who has been receiving~~  
20 ~~the support transfer payments.))"~~

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EFFECT: Provides that the child support schedule does not apply to postsecondary educational expenses, and prohibits a court from establishing a support order that requires a parent to contribute to postsecondary educational expenses of a child.

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