

1 5086 AMS BROW S2304.2

2 **SB 5086** - S AMD - 090
3 By Senator Brown

4 WITHDRAWN 3/11/97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 and
33 resources; the expectations of the parties for their children when the

1 parents were together; the child's prospects, desires, aptitudes,
2 abilities or disabilities; the nature of the postsecondary education
3 sought; and the parents' level of education, standard of living, and
4 current and future resources. Also to be considered are the amount and
5 type of support that the child would have been afforded if the parents
6 had stayed together. The court shall determine and specify the amount
7 of contribution, if any, to be made by the child. The child support
8 schedule shall be advisory and not mandatory in determining the amount
9 of postsecondary support.

10 ((+3)) (2) The child must enroll in an accredited academic or
11 vocational school, must be actively pursuing a course of study
12 commensurate with the child's vocational goals, and must be in good
13 academic standing as defined by the institution. The court-ordered
14 postsecondary educational support shall be automatically suspended
15 during the period or periods the child fails to comply with these
16 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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