

1 5086 AMS KOHL S2303.1

2 **SB 5086** - S AMD - 092

3 By Senator Kohl

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

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

8 (2) The combined obligation of both parents shall not exceed the  
9 highest tuition, fees, room, and board charged to a resident  
10 undergraduate student at a state institution of higher education in  
11 this state, together with a reasonable amount for textbooks and  
12 supplies. The limitation in this subsection does not apply if the  
13 court determines in a specific case that there are exceptional  
14 circumstances, such as the existence of a developmental or chronic  
15 functional disability. A desire to enroll in a school outside of this  
16 state is not, by itself, an exceptional circumstance.

17 (3) The child must enroll in an accredited academic or vocational  
18 school, must be actively pursuing a course of study commensurate with  
19 the child's vocational goals, and must be in good academic standing as  
20 defined by the institution. The court-ordered postsecondary  
21 educational support shall be automatically suspended during the period  
22 or periods the child fails to comply with these conditions.

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

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

31 (6) The court shall direct that either or both parents' payments  
32 for postsecondary educational expenses be made directly to the  
33 educational institution if feasible. If direct payments are not  
34 feasible, then the court in its discretion may order that either or  
35 both parents' payments be made directly to the child if the child does  
36 not reside with either parent. If the child resides with one of the  
37 parents the court may direct that the parent making the support  
38 transfer payments make the payments to the child or to the parent who  
39 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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