

1 5086 AMS LOVE S2296.1

2 **SB 5086** - S AMD - 093

3 By Senators Loveland and 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 and  
33 resources; the expectations of the parties for their children when the

1 parents were together and whether support would likely have been  
2 provided if the parents had stayed together; the child's prospects,  
3 desires, aptitudes, abilities or disabilities; the nature of the  
4 postsecondary education sought; other children of either parent for  
5 whom postsecondary educational support may be required; and the  
6 parents' level of education, standard of living, and current and future  
7 resources. ~~((Also to be considered are the amount and type of support~~  
8 ~~that the child would have been afforded if the parents had stayed~~  
9 ~~together.~~

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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