

2 **ESB 5086** - S AMD - 610  
3 By Senator Fairley

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5 Strike everything after the enacting clause and insert the  
6 following:

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

9 (1) ~~((The child support schedule shall be advisory and not  
10 mandatory for postsecondary educational support.~~

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

31 (2) The combined obligation of both parents shall not exceed the  
32 maximum amount charged for tuition, fees, room and board, books, and  
33 supplies at any Washington state public institution of higher education  
34 unless the court finds exceptional circumstances exist.

35 (3) The child must enroll in an accredited academic or vocational  
36 school, must be actively pursuing a course of study commensurate with

1 the child's vocational goals, and must be in good academic standing as  
2 defined by the institution. The court-ordered postsecondary  
3 educational support shall be automatically suspended during the period  
4 or periods the child fails to comply with these conditions.

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

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

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

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27 On page 1, line 2 of the title, after "children;" strike the  
28 remainder of the title and insert "and amending RCW 26.19.090."

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