

1 **ESB 5508 - H AMD 327 RULED BEYOND SCOPE 4-17-93**

2 By Representatives Vance, Meyers and Padden

3 On page 8, line 33, after "children" insert ". Special
4 educational needs do not include postsecondary education for a
5 child over eighteen years of age"

6 On page 10, after line 14, insert the following:

7 **"Sec. 7.** RCW 26.09.225 and 1991 sp.s. c 28 s 3 are each amended to
8 read as follows:

9 (1) Each parent shall have full and equal access to the education
10 and health care records of the child absent a court order to the
11 contrary. Neither parent may veto the access requested by the other
12 parent.

13 (2) Educational records are limited to academic, attendance, and
14 disciplinary records of public and private schools in all grades
15 kindergarten through twelve and any form of alternative school for all
16 periods for which child support is paid or the child is the dependent
17 in fact of the parent requesting access to the records.

18 (3) Educational records of postsecondary educational institutions
19 are limited to enrollment and academic records necessary to determine,
20 establish, or continue support ordered pursuant to RCW 26.19.090 before
21 the effective date of this act.

22 **Sec. 8.** RCW 26.18.210 and 1990 1st ex.s. c 2 s 22 are each amended
23 to read as follows:

24 (1) The administrator for the courts shall develop a child support
25 order summary report form to provide for the reporting of summary
26 information in every case in which a child support order is entered or
27 modified either judicially or administratively. The administrator for
28 the courts shall attempt to the greatest extent possible to make the

1 form simple and understandable by the parties. The form shall indicate
2 the following:

3 (a) The county in which the order was entered and the cause number;

4 (b) Whether it was a judicial or administrative order;

5 (c) Whether the order is an original order or from a modification;

6 (d) The number of children of the parties and the children's ages;

7 (e) The combined monthly net income of parties;

8 (f) The monthly net income of the father as determined by the
9 court;

10 (g) The monthly net income of the mother as determined by the
11 court;

12 (h) The basic child support obligation for each child as determined
13 from the economic table;

14 (i) Whether or not the court deviated from the child support for
15 each child;

16 (j) The reason or reasons stated by the court for the deviation;

17 (k) The amount of child support after the deviation;

18 (l) Any amount awarded for day care;

19 (m) Any other extraordinary amounts in the order;

20 (n) ~~((Any amount ordered for postsecondary education;~~

21 ~~(+o+))~~ The total amount of support ordered;

22 ~~((+p+))~~ (o) In the case of a modification, the amount of support in
23 the previous order;

24 ~~((+q+))~~ (p) If the change in support was in excess of thirty
25 percent, whether the change was phased in;

26 ~~((+r+))~~ (q) The amount of the transfer payment ordered;

27 ~~((+s+))~~ (r) Which parent was ordered to make the transfer payment;

28 and

29 ~~((+t+))~~ (s) The date of the entry of the order.

30 (2) The administrator for the courts shall make the form available
31 to the parties.

32 **Sec. 9.** RCW 26.19.035 and 1992 c 229 s 6 are each amended to read
33 as follows:

34 (1) **Application of the child support schedule.** The child support
35 schedule shall be applied:

36 (a) In each county of the state;

1 (b) In judicial and administrative proceedings under this title or
2 Title 13 or 74 RCW;

3 (c) In all proceedings in which child support is determined or
4 modified;

5 (d) In setting temporary and permanent support;

6 (e) In automatic modification provisions or decrees entered
7 pursuant to RCW 26.09.100; and

8 (f) In addition to proceedings in which child support is determined
9 for minors, to adult children who are dependent on their parents and
10 for whom support is ordered pursuant to RCW 26.09.100. However, child
11 support shall not be made mandatory for postsecondary education of a
12 child over eighteen years of age.

13 The provisions of this chapter for determining child support and
14 reasons for deviation from the standard calculation shall be applied in
15 the same manner by the court, presiding officers, and reviewing
16 officers.

17 (2) **Written findings of fact supported by the evidence.** An order
18 for child support shall be supported by written findings of fact upon
19 which the support determination is based and shall include reasons for
20 any deviation from the standard calculation and reasons for denial of
21 a party's request for deviation from the standard calculation. The
22 court shall enter written findings of fact in all cases whether or not
23 the court: (a) Sets the support at the presumptive amount, for
24 combined monthly net incomes below five thousand dollars; (b) sets the
25 support at an advisory amount, for combined monthly net incomes between
26 five thousand and seven thousand dollars; or (c) deviates from the
27 presumptive or advisory amounts.

28 (3) **Completion of worksheets.** Worksheets in the form developed by
29 the office of the administrator for the courts shall be completed under
30 penalty of perjury and filed in every proceeding in which child support
31 is determined. The court shall not accept incomplete worksheets or
32 worksheets that vary from the worksheets developed by the office of the
33 administrator for the courts.

34 (4) **Court review of the worksheets and order.** The court shall
35 review the worksheets and the order setting support for the adequacy of
36 the reasons set forth for any deviation or denial of any request for
37 deviation and for the adequacy of the amount of support ordered. Each
38 order shall state the amount of child support calculated using the

1 standard calculation and the amount of child support actually ordered.
2 Worksheets shall be attached to the decree or order or if filed
3 separately shall be initialed or signed by the judge and filed with the
4 order.

5 **Sec. 10.** RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each amended to
6 read as follows:

7 ~~((1))~~ The child support schedule shall ~~((be advisory and not~~
8 ~~mandatory))~~ not be used for postsecondary educational support of a
9 child over eighteen years of age.

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

24 ~~(3) The child must enroll in an accredited academic or vocational~~
25 ~~school, must be actively pursuing a course of study commensurate with~~
26 ~~the child's vocational goals, and must be in good academic standing as~~
27 ~~defined by the institution. The court ordered postsecondary~~
28 ~~educational support shall be automatically suspended during the period~~
29 ~~or periods the child fails to comply with these conditions.~~

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

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

1 ~~(6) The court shall direct that either or both parents' payments~~
2 ~~for postsecondary educational expenses be made directly to the~~
3 ~~educational institution if feasible. If direct payments are not~~
4 ~~feasible, then the court in its discretion may order that either or~~
5 ~~both parents' payments be made directly to the child if the child does~~
6 ~~not reside with either parent. If the child resides with one of the~~
7 ~~parents the court may direct that the parent making the support~~
8 ~~transfer payments make the payments to the child or to the parent who~~
9 ~~has been receiving the support transfer payments.))"~~

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