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Sent: Wednesday, June 08, 2011 2:21 PM

To: Smylie, George (DSHS/DCS); Kildahl, Jeff (DSHS/DCS); ANDREW McDIRMID; JIM COX; KATHLEEN E. SCHMIDT; KATHY LYNN; TIM EASTMAN

Subject: State by state PSE rules

Here is the information I sent in a while ago on what states do on this issue. I believe it was Kathleen who had said in the last work group meeting that she had not seen this and asked for it to be re sent. There are also links at the bottom to other supporting resources.

There is a very small body of law, primarily in Pennsylvania, supporting the claim that it's unconstitutional for a court to order divorced parents to pay for a child's college education. After all, parents who are not divorced have no legal obligation to pay for their child to receive a college education. Why should divorced parents not be afforded the same rights and protection as parents who aren't divorced? See Curtis v. Kline, 666 A.2d 265(1995).

Currently, 7 States statutorily forbid "post-secondary education" child support. They are:

Kansas.....KS 60-1610
Louisiana.....RS 9=309
MaineMRS. 19s 303
North Dakota. NDCC-08-0
Oklahoma.....O S 10 ss 16
Vermont..... .T 15 ss 658
Wisconsin767.25

There are 15 States with case laws forbidding "post-secondary Education" child support. They are:

Alaska,.....679 P2d 480 (1984)
Arizona,.....575 P2d 1243 (1978)
Delaware,.... ??? A2d 924 (1973)
Florida,.....450 S2d 853 (1984)
Georgia,.....260 SE2d 871 (1979)
Idaho,..... 184 P 470 (1919)
Kentucky,.....282 SW2d 146 (1955)
Montana,.....589 P2d 148 (1979)
New Mexico,..666 P2d 781 (1983)
North Carolina,..330 SE2d 57 (1985)
Ohio,.....477 NE2d 648 (1984)
Pennsylvania,..616 A2d 628 (1992) - see below
Rhode Island,..391 A2d 79 (1978)

South Dakota,...417 NW2d 891 (1988)
Virginia,..... 261 SE2d 52 (1979)

Pennsylvania's Supreme Court struck down a provision that allowed child support over 18 in [Curtis v. Kline](#).

11 States have restrictive laws for child support after "post-secondary education". They are:

Alabama
Colorado
Iowa (to age 22 only)
Maryland
Massachusetts
Michigan (to age 21 only)
Minnesota
New York
Oregon
Texas
Utah

7 States are silent on the issue of continued child support beyond "post-secondary" education. They are:

Arkansas
Hawaii
Indiana
Nebraska
Nevada
New Hampshire
West Virginia

Finally, 10 States allow for "post-secondary" education child support. They are:

California
Connecticut
Illinois
Mississippi
Missouri
New Jersey
South Carolina
Tennessee
Washington
Wyoming

State by State TERMINATION of Child Support at 18

http://www.divorcenet.com/states/washington/wa_art02