

## Postsecondary Education Support Report to the workgroup for 8/12/11

The Postsecondary Education Support Subcommittee has had one meeting since the last workgroup meeting

The subcommittee members have agreed on the following items:

Members present agree that the subcommittee has a consensus on the enrollment requirement in section (3) of the statute. Members agree that the **Child must be enrolled in an accredited academic or vocational school on a Full Time/ per term basis as determined by the educational facility.**

Items of discussion:

People present discussed items that the members present feel should be improved upon or added into the current statute of RCW 26.19.090.

1. Members feel that PSES should not exceed the cost to attend an in-state public educational school. This does not mean that the child must attend an in-state public school, just that costs do not exceed those of an in-state college such as UW. Using the word "Should" would give the court leeway to use its discretion in cases where another limit may be appropriate but also provide a guideline for the majority of cases in the state. This would also provide for predictability.
2. The court shall consider all financial aid awarded to the child and such amount shall be deducted from the costs of attending an educational facility, including room and board, before determining the parents' share of expenses. Members feel that when a child receives financial aid such as Grants, scholarships, or student loans, that there should NEVER be a surplus of available money before determining the parents share. This includes room and board. (Ex. If a child attends a school taking 14 hours of credits for a quarter and the tuition and fees are \$1400.00, Books are \$300.00, transportation for bus fare is \$40.00, lunch is \$240.00 and room and board is \$1200.00 and the financial aid received is \$3200.00. There should not be any obligation from the parents as everything would be covered.) This will prevent courts from ordering "CHILD SUPPORT" disguised as educational support.
3. If one or both parents save for their child's education and pays the school or gives it to the child to pay for school, that amount should be deducted from that parent's share of the PSES.
4. The court should be as specific as possible when setting conditions as to when a parent or parents may suspend and re-start PSES should the situation arise. The court should review the requirements of the institution when considering how to set the conditions. These conditions shall be documented in the court order.

5. Should either parent make a motion to the Court asking that the payer's obligation for support for postsecondary educational expenses be terminated, the court should consider the payer's motion and the court should determine the reason the child failed to comply with the conditions set above, and shall take into account such factors as the child's injury or illness and failure of the educational facility to provide opportunity for the child to maintain eligibility.

6. Should a parent move to terminate PSES and the motion to terminate support is brought frivolously, attorney's fees may be ordered.

7. Members feel that in section (6) of the statute regarding whom to pay.

As the statute reads now:

First, the court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible.

Second, if direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent.

Last, if the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments.

Subcommittee members present feel strongly that since the last part of this section should be removed. We feel that these adult children are more than capable to use the money and be accountable to pay their own way as this is a learning time. Why would this adult child be more likely to use their money wisely when they are living away compared to when they live at home? Also, parents and children of this age argue and some of these kids move away from home. Parents should not have to go back to court to modify where their payment goes should a child move away. The money should go with the child or to the school.