

Postsecondary Education Support Final Report Suggestions

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

Consensus items for workgroup meeting:

1. 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.**
2. At no time should PSES exceed the cost of attending the *highest costing in-state public educational school*. This does not mean that the child must attend an in-state public school. *The court shall determine the costs of what is included on a case-by-case basis, such as tuition, fees, room and board, food, and transportation.* This would also provide for predictability.
3. The court shall consider all financial aid awarded to the child including *grants, work-study, and scholarships* and such amount shall be deducted from the costs of attending an educational facility before determining the parents' share of expenses. Members feel that when a child receives financial aid such a *Grants, scholarships, or work-study* that there should NEVER be a surplus of available money before determining the parents' share. (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.
4. If one or both parents *separately* 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.
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 shall consider the circumstances that caused the child to not meet the requirements to continue to receive PSES.
6. Should a parent move to terminate PSES and the motion to terminate support is brought frivolously, attorney's fees and/or costs may be ordered.

Suggestions for non-consensus items:

Members of the Workgroup feel that there needs to be some changes to the following items but could not agree on the suggestions the subcommittee presented. The suggestions provided would help to make the current statute more clear in these matters.

1. The court-ordered postsecondary educational support shall be automatically suspended during the period or periods the child fails to comply with these conditions. **The parent or parents may make a motion to suspend or terminate PSES and set conditions as to when PSES may be re-started if it was suspended.**
2. 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.

Suggestion: If a child is residing with one parent, both parents should be required to pay their respective share directly to the child. The parent the child is residing with can get their money back by charging room and board. If problems arise, the child can relocate.

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.