

# SENATE BILL REPORT

## SB 5565

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As Reported By Senate Committee On:  
Law & Justice, February 21, 1995

**Title:** An act relating to prohibiting mandatory child support for postsecondary education of adult children.

**Brief Description:** Prohibiting mandatory child support for postsecondary education of adult children.

**Sponsors:** Senators Hargrove, Owen, Long, Schow, Palmer, Oke, Morton, Johnson, Roach, Hochstatter, A. Anderson, Prince and McDonald.

**Brief History:**

**Committee Activity:** Law & Justice: 2/16/95, 2/21/95 [DP, DNP].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

**Minority Report:** Do not pass.

Signed by Senator C. Anderson, Vice Chair.

**Staff:** Susan Carlson (786-7418)

**Background:** In 1978, the Washington Supreme Court ruled in Childers v. Childers that judges have the discretion to require a parent to support a child beyond the age of 18 if the child remains dependent on his or her parents for support. The parent in that case was required to pay child support to assist in the college education of his sons. By statute, a court may order a parent to pay child support for postsecondary education until the child is 23 years old.

It has been suggested that since the court has no authority to require a parent in an intact family to pay the expenses of a child's postsecondary education, divorced parents should not be required by the court to pay for these expenses either.

**Summary of Bill:** The Legislature encourages all parents to assist their children with postsecondary education, but declares that the decision to provide such support should be the sole prerogative of the parent. The Legislature expressly disapproves of the Childers v. Childers ruling as contrary to public policy.

A court may not order a parent to pay support for postsecondary education of a child over the age of 18. Existing statutory guidelines for the award of postsecondary support are

repealed. A petition for modification of an existing order to pay postsecondary child support may be brought without showing a substantial change of circumstances.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Parents who have divorced should have the same discretion to decide whether to assist a child with college education as parents who are still married.

**Testimony Against:** Current law provides appropriate guidance and discretion to judges for determining reasonable support payments for postsecondary education.

**Testified:** PRO: Bob Hoyden, Michele Delo, WA Families for Non-Custodial Rights; Doug and Dee Moser; Connie Franz; Brenda Catlett; CON: Caroline Davis, NW Women's Law Center, King County Bar Assn.; Harvey Kriloff, Need for Support Enforcement; Martha Harden, Superior Court Judges Assoc.; Ann Simons, WA Women United; Nate LuBallistar, student.