

2011 Child Support Workgroup
Post Secondary Educational Support Subcommittee
Telephone Meeting May 18, 2011 Notes

Present: Chair Tim Eastman, Note taker Kathleen E. Schmidt and Andrew McDirmid. George Smylie (DSHS/DCS support staff) No members of the public were on the line for the call.

The telephone conference commenced at 4:15 p.m. on May 18, 2011. Chair Tim Eastman had provided an agenda for the meeting via email to the members sent May 15, 2011.

RCW 26.19.090-post secondary educational support statute was enacted to codify many aspects of the *Childers v. Childers*, 89 Wn.2d 592, 575 P.2d 201 (1978) appellate case that addressed post secondary support for dependent children of divorced parents. The statute has been unchanged since 1991.

The subcommittee discussed three areas of concern about RCW 26.19.090 (3) and (6). The statute does not specify that the child who is receiving post secondary educational support from parents be enrolled in post-secondary education on a full time basis. Section (3) provides for the suspension of post secondary support if the child fails to comply with the conditions set forth in the statute but the mechanism for “suspension” is not set forth; the resumption of payment when the child is back in compliance is not addressed by the statutory language. When support would terminate due to non compliance is not mentioned in the statute. Section (6) which provides for payment to the parent who has been receiving child support is distasteful to some paying parents and some members suggested this option be eliminated or that it be made clearer that it is the least favored method of payment of the obligation.

There was discussion of the concepts of “emancipation” of a minor, the age of majority and “dependency” for child support and post-secondary support purposes.

The subcommittee will present a preliminary report to be prepared by Tim to the Child Support Workgroup at the upcoming meeting scheduled for May 20, 2011. The subcommittee meeting ended at 5:20 p.m.