
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 113 Session of
1993

INTRODUCED BY RYAN, KUKOVICH, L. I. COHEN, BARLEY AND PERZEL,
JANUARY 27, 1993

REFERRED TO COMMITTEE ON RULES, JANUARY 27, 1993

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, providing for the cost of
3 postsecondary educational expenses.

4 It is the intent of 23 Pa.C.S. § 4321.1 to codify the
5 decision of the Superior Court in the case of Ulmer v.
6 Sommerville, 200 Pa. Super. 640, 190 A.2d 182 (1963) and the
7 subsequent line of cases interpreting Ulmer v. Sommerville prior
8 to the decision of the Supreme Court in the case of Blue v. Blue
9 (203 E.D. Appeal Dkt. 1990), decided November 13, 1992.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Title 23 of the Pennsylvania Consolidated
13 Statutes is amended by adding a section to read:

14 § 4321.1. Postsecondary educational expenses.

15 (a) When liability may be found.--Parents may be liable for
16 an unemancipated child's reasonable and necessary postsecondary
17 educational expenses. In determining whether a parent may be so
18 liable, the court shall consider all of the following:

1 (1) Whether the child is able and willing to
2 successfully pursue his course of studies.

3 (2) The adequacy of the income and separate estate of
4 the child.

5 (3) The ability of the child to receive scholarships,
6 grants and loans.

7 (4) Whether the parent has sufficient estate, earning
8 capacity or income to provide for the education.

9 (5) Any willful estrangement between parent and child
10 caused by the child.

11 (6) Any other relevant factors.

12 (b) When liability may not be found.--A court shall not
13 order support for educational expenses if any of the following
14 circumstances exist:

15 (1) Undue financial hardship would result to the parent.

16 (2) The educational support would be a contribution for
17 postcollege graduate school expenses.

18 (3) The order would extend support for the child beyond
19 the child's twenty-third birthday.

20 (c) Exceptional circumstances.--If exceptional circumstances
21 exist, the court may order educational support for the child
22 beyond the child's twenty-third birthday.

23 Section 2. The addition of 23 Pa.C.S. § 4321.1 shall be
24 retroactive to November 13, 1992.

25 Section 3. This act shall take effect immediately.