

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1206** Session of  
1993

INTRODUCED BY PICCOLA, BAKER, L. I. COHEN, BOYES, FARGO,  
FICHTER, GODSHALL, REBER, FLICK, SCHEETZ, DONATUCCI, TIGUE,  
HESS, MICOZZIE, CARONE, TRELLO, MERRY, CLARK, HENNESSEY,  
HARLEY, O'BRIEN, TOMLINSON, REINARD, DERMODY, VEON, GLADECK,  
KASUNIC, LYNCH, COLAFELLA, STEIL, GEIST AND E. Z. TAYLOR,  
APRIL 19, 1993

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 19, 1993

AN ACT

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

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

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

8 § 4321.1. Postsecondary educational expenses.

9 (a) When liability may be found.--Divorced or separated  
10 parents may be liable for an unemancipated child's reasonable  
11 and necessary postsecondary educational expenses. The  
12 responsibility to provide for postsecondary educational expenses  
13 is a shared responsibility between both parents. The duty of a  
14 parent to provide a postsecondary education for a child is not  
15 as exacting a requirement as the duty to provide food, clothing  
16 and shelter for a child of tender years unable to support

1 himself. In determining whether a parent may be so liable, the  
2 court shall consider all of the following:

3 (1) Whether the child is able and willing to  
4 successfully pursue his course of studies at a reputable  
5 institution of higher education which is appropriate and  
6 commensurate with the ability and aptitude of the child.

7 (2) The adequacy of the income and separate estate of  
8 the child.

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

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

13 (5) Any willful estrangement between parent and child  
14 caused by the child.

15 (6) Any other relevant factors.

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

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

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

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

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

27 Section 2. It is the intent of 23 Pa.C.S. § 4321.1 to codify  
28 the decision of the Superior Court in the case of Ulmer v.  
29 Sommerville, 200 Pa. Super. 640, 190 A.2d 182 (1963), and the  
30 subsequent line of cases interpreting Ulmer v. Sommerville prior

1 to the decision of the Supreme Court in the case of Blue v. Blue  
2 (203 E.D. Appeal Dkt. 1990), decided November 13, 1992.

3 Section 3. The addition of 23 Pa.C.S. § 4321.1 shall be  
4 retroactive to November 13, 1992.

5 Section 4. This act shall take effect immediately.