
HOUSE BILL 1087

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Appelwick, Padden, Broback, Paris and Orr.

Read first time January 18, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to modifying parenting plans; and reenacting and
2 amending RCW 26.09.260.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.09.260 and 1989 c 375 s 14 and 1989 c 318 s 3 are
5 each reenacted and amended to read as follows:

6 (1) Except as otherwise provided in subsection (4) of this section,
7 the court shall not modify a prior custody decree or a parenting plan
8 unless it finds, upon the basis of facts that have arisen since the
9 prior decree or plan or that were unknown to the court at the time of
10 the prior decree or plan, that a substantial change has occurred in the
11 circumstances of the child or the nonmoving party and that the
12 modification is in the best interest of the child and is necessary to
13 serve the best interests of the child.

1 (2) In applying these standards, the court shall retain the
2 residential schedule established by the decree or parenting plan
3 unless:

4 (a) The parents agree to the modification;

5 (b) The child has been integrated into the family of the petitioner
6 with the consent of the other parent in substantial deviation from the
7 parenting plan;

8 (c) The child's present environment is detrimental to the child's
9 physical, mental, or emotional health and the harm likely to be caused
10 by a change of environment is outweighed by the advantage of a change
11 to the child; or

12 (d) The court has found the nonmoving parent in contempt of court
13 at least twice within three years because the parent failed to comply
14 with the residential time provisions in the court-ordered parenting
15 plan, or the parent has been convicted of custodial interference in the
16 first or second degree under RCW 9A.40.060 or 9A.40.070.

17 ~~((+2))~~ (3) A conviction of custodial interference in the first or
18 second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a
19 substantial change of circumstances for the purposes of this section.

20 ~~((+3))~~ (4) The court may order adjustments to a parenting plan
21 upon a showing of a substantial change in circumstances of either
22 parent or of the child, and without consideration of the factors set
23 forth in subsection (2) of this section, if the proposed modification
24 is only a:

25 (a) Modification in the dispute resolution process; or

26 (b) Minor modification in the residential schedule that:

27 (i) Does not change the residence the child is scheduled to reside
28 in the majority of the time; and

29 (ii) Does not exceed twenty-four full days in a calendar year or
30 five full days in a calendar month; or

1 (iii) Is based on a change of residence or an involuntary change in
2 work schedule by a parent which makes the residential schedule in the
3 parenting plan impractical to follow.

4 (5) If the court finds that a motion to modify a prior decree or
5 parenting plan has been brought in bad faith, the court shall assess
6 the attorney's fees and court costs of the nonmoving parent against the
7 moving party.