
SENATE BILL 6287

State of Washington

53rd Legislature

1994 Regular Session

By Senators A. Smith, Roach and Quigley

Read first time 01/18/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to restrictions in parenting plans; and reenacting
2 and amending RCW 26.09.191.

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

4 **Sec. 1.** RCW 26.09.191 and 1989 c 375 s 11 and 1989 c 326 s 1 are
5 each reenacted and amended to read as follows:

6 (1) The permanent parenting plan shall not require mutual decision-
7 making or designation of a dispute resolution process other than court
8 action if it is found that a parent has engaged in any of the following
9 conduct: (a) Willful abandonment that continues for an extended period
10 of time or substantial refusal to perform parenting functions; (b)
11 physical, sexual, or a pattern of emotional abuse of a child; or (c) a
12 history of acts of domestic violence as defined in RCW 26.50.010(1) or
13 an assault or sexual assault which causes grievous bodily harm or the
14 fear of such harm.

15 (2)(a) The parent's residential time with the child shall be
16 limited if it is found that the parent has engaged in any of the
17 following conduct: (i) Willful abandonment that continues for an
18 extended period of time or substantial refusal to perform parenting
19 functions; (ii) physical, sexual, or a pattern of emotional abuse of a

1 child; or (iii) a history of acts of domestic violence as defined in
2 RCW 26.50.010(1) or an assault or sexual assault which causes grievous
3 bodily harm or the fear of such harm.

4 (b) The limitations imposed by the court shall be reasonably
5 calculated to protect the child from physical, sexual, or emotional
6 abuse or harm that could result if the child has contact with the
7 parent requesting residential time. If the court expressly finds
8 limitation on the residential time with the child will not adequately
9 protect the child from the harm or abuse that could result if the child
10 has contact with the parent requesting residential time, the court
11 shall restrain the parent requesting residential time from all contact
12 with the child.

13 (c) If the court expressly finds that contact between the parent
14 and the child will not cause physical, sexual, or emotional abuse or
15 harm to the child and that the probability that the parent's harmful or
16 abusive conduct will recur is so remote that it would not be in the
17 child's best interests to apply the limitations of (a) and (b) of this
18 subsection, or if the court expressly finds the parent's conduct did
19 not have an impact on the child, then the court need not apply the
20 limitations of (a) and (b) of this subsection. The weight given to the
21 existence of a protection order issued under chapter 26.50 RCW as to
22 domestic violence is within the discretion of the court.

23 (3) A parent's involvement or conduct may have an adverse effect on
24 the child's best interests, and the court may preclude or limit any
25 provisions of the parenting plan, if any of the following factors
26 exist:

27 (a) A parent's neglect or substantial nonperformance of parenting
28 functions;

29 (b) A long-term emotional or physical impairment which interferes
30 with the parent's performance of parenting functions as defined in RCW
31 26.09.004;

32 (c) A long-term impairment resulting from drug, alcohol, or other
33 substance abuse that interferes with the performance of parenting
34 functions;

35 (d) The absence or substantial impairment of emotional ties between
36 the parent and the child;

37 (e) The abusive use of conflict by the parent which creates the
38 danger of serious damage to the child's psychological development;

1 (f) A parent, who in bad faith, has made false allegations of
2 physical or sexual abuse of the child by the other parent;

3 (g) A parent has withheld from the other parent access to the child
4 for a protracted period without good cause; or

5 (~~(g)~~) (h) Such other factors or conduct as the court expressly
6 finds adverse to the best interests of the child.

7 (4) In entering a permanent parenting plan, the court shall not
8 draw any presumptions from the provisions of the temporary parenting
9 plan.

10 (5) In determining whether any of the conduct described in this
11 section has occurred, the court shall apply the civil rules of
12 evidence, proof, and procedure.

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