
Judiciary Committee

SB 5453

Title: An act relating to the relocation of a child in a domestic relations matter.

Brief Description: Defining "principal residence" for the purpose of relocation of a child.

Sponsors: Senators Kastama and Franklin.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Defines "principal residence" for the purposes of the relocation act to mean any residence where the child spends a significant number of school nights, including residences shared equally by the child.
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Hearing Date: 3/23/09

Staff: Trudes Tango (786-7384)

Background:

In dissolution cases in which minor children are involved, the parents must establish a parenting plan for the care of their minor children. The parenting plan must include an allocation of decision-making authority to one or both parents. The parenting plan must also establish the child's residential time with each parent. The court may order that a child frequently alternate residences between the parents for brief and substantially equal intervals of time if it is in the best interest of the child.

Under the Relocation Act (the act), when a person with whom the child resides a majority of the time intends to relocate, he or she must notify every other person with residential time or visitation with the child. "Relocate" means a change in the principal residence either permanently or for a protracted period of time.

The act establishes procedures for the other persons with residential time or visitation to object to the relocation and creates a rebuttal presumption that relocation will be permitted unless the

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objecting party demonstrates that the detrimental effect of the relocation outweighs the benefit of the change to the child and the relocating parent.

In a recent unpublished Washington Court of Appeals case, *In Re the Marriage of Spring*, the court ruled that a child does not have a principal residence when the child resides equally with both parents; therefore the act did not apply when one parent relocated.

Summary of Bill:

For the purposes of the Relocation Act, "principal residence" is defined to mean any residence where the child spends a significant number of school nights, including those residences shared equally by the child. It does not include residences where the child may spend every other weekend, holidays, or summer vacations.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.