

# SENATE BILL REPORT

## SB 5231

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As Reported by Senate Committee On:  
Human Services & Corrections, February 20, 2009

**Title:** An act relating to parenting plans and residential schedules in dependency proceedings.

**Brief Description:** Addressing parenting plans and residential schedules in dependency proceedings.

**Sponsors:** Senators Regala, Kline, Stevens, Hargrove and Brandland.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/27/09, 2/20/09 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5231 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

**Staff:** Jennifer Strus (786-7316)

**Background:** Currently, the juvenile court in a dependency action has the authority to hear a petition for permanent legal custody under RCW 26.10 when the court has ordered implementation of a permanency plan that includes permanent legal custody and the party pursuing the legal custody is the party identified in the permanency plan as the prospective legal custodian.

The juvenile court does not have concurrent jurisdiction in dissolution matters with regard to parenting plans or residential schedules under RCW 26.09.

**Summary of Bill (Recommended Substitute):** The juvenile court has concurrent original jurisdiction with the family court over parenting plans and residential schedules under RCW 26.09 and RCW 26.26.

At any point in a dependency proceeding, the juvenile court may enter or modify an existing parenting plan or modify a residential schedule in order to resolve issues of residential placement and/or visitation between the parents of the child and to implement a permanent

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plan of care for the child. The parents, with court approval, must agree to establish the parenting plan or modify an existing plan, unless the whereabouts of one of the parents is unknown to the Department of Social and Health Services (DSHS) or the court. All issues pertaining to the division of marital property and child support must be referred to or retained by the family court.

If the moving party has been found indigent and appointed counsel at public expense in the dependency proceeding, the clerk of the court cannot impose any filing fees.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute):** Clarifies that in the situation in which the whereabouts of one parent is unknown to the DSHS or the court, there does not have to be agreement by both parents before the court can establish or modify a parenting plan.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: Courts in dependency cases are reluctant to dismiss dependency actions when there is no other order in place dealing with custody of the child. In some of these cases, the change in residence could be handled through a change in the parenting plan. However, many of the parents for whom this would be helpful are not able to afford a lawyer so the dependency languishes while the dependency court waits for the family court to act. Allowing the dependency court the ability to enter or modify parenting plans would really assist in moving children to permanency more quickly as well as allowing the court to dismiss more dependency petitions. Allowing the courts concurrent jurisdiction in this manner would save time and money for all parties involved.

**Persons Testifying:** PRO: Joanne Moore, Office of Public Defense.