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**SUBSTITUTE SENATE BILL 5453**

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**State of Washington                      61st Legislature                      2009 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Kastama and Franklin)

READ FIRST TIME 02/23/09.

1            AN ACT Relating to the relocation of a child in a domestic  
2 relations matter; amending RCW 26.09.410, 26.09.430, and 26.09.480; and  
3 creating new sections.

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

5            NEW SECTION.    **Sec. 1.**    The legislature intends to clarify that  
6 parents who share custody of their child or children equally pursuant  
7 to a parenting plan are each obligated to advise the other parent if  
8 there is an intent to relocate.    The legislature recognizes that a  
9 different result was created by the court of appeals' decision in  
10 *Spring v. Spring* and the purpose of this act is to prevent a similar  
11 result in such circumstances by requiring that a notice of intent to  
12 relocate be given in all circumstances in which a parent intends to  
13 relocate.

14            **Sec. 2.**    RCW 26.09.410 and 2000 c 21 s 2 are each amended to read  
15 as follows:

16            The definitions in this section apply throughout RCW 26.09.405  
17 through 26.09.560 and 26.09.260 unless the context clearly requires  
18 otherwise.

1 (1) "Court order" means a temporary or permanent parenting plan,  
2 custody order, visitation order, or other order governing the residence  
3 of a child under this title.

4 (2) "Relocate" means a change in (~~(principal)~~) residence either  
5 permanently or for a protracted period of time.

6 **Sec. 3.** RCW 26.09.430 and 2000 c 21 s 5 are each amended to read  
7 as follows:

8 Except as provided in RCW 26.09.460, a person (~~(with whom the child~~  
9 ~~resides a majority of the time)) including a parent shall notify every  
10 other person, including the other parent, entitled to residential time  
11 or visitation with the child under a court order if the person or  
12 parent intends to relocate. Notice shall be given as prescribed in RCW  
13 26.09.440 and 26.09.450.~~

14 **Sec. 4.** RCW 26.09.480 and 2000 c 21 s 10 are each amended to read  
15 as follows:

16 (1) A party objecting to the intended relocation of the child or  
17 the relocating parent's proposed revised residential schedule shall do  
18 so by filing the objection with the court and serving the objection on  
19 the relocating party and all other persons entitled by court order to  
20 residential time or visitation with the child by means of personal  
21 service or mailing by any form of mail requiring a return receipt to  
22 the relocating party at the address designated for service on the  
23 notice of intended relocation and to other parties requiring notice at  
24 their mailing address. The objection must be filed and served,  
25 including a three-day waiting period if the objection is served by  
26 mail, within thirty days of receipt of the notice of intended  
27 relocation of the child. The objection shall be in the form of: (a)  
28 A petition for modification of the parenting plan pursuant to  
29 relocation; or (b) other court proceeding adequate to provide grounds  
30 for relief.

31 (2) Unless the special circumstances described in RCW 26.09.460  
32 apply, the person intending to relocate the child shall not, without a  
33 court order, change the (~~(principal)~~) residence of the child during the  
34 period in which a party may object. The order required under this  
35 subsection may be obtained ex parte. If the objecting party notes a  
36 court hearing to prevent the relocation of the child for a date not

1 more than fifteen days following timely service of an objection to  
2 relocation, the party intending to relocate the child shall not change  
3 the ((principal)) residence of the child pending the hearing unless the  
4 special circumstances described in RCW 26.09.460(3) apply.

5 (3) The administrator for the courts shall develop a standard form,  
6 separate from existing dissolution or modification forms, for use in  
7 filing an objection to relocation of the child or objection of the  
8 relocating person's proposed revised residential schedule.

9 NEW SECTION. **Sec. 5.** This act is to be applied retroactively to  
10 all parenting plans which are in effect as of the effective date of  
11 this act. This section does not grant the right to reopen any matter  
12 under chapter 26.09 RCW where relocation has already occurred, unless  
13 it is a new instance of relocation that has arisen on or after the  
14 effective date of this act.

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