
Judiciary Committee

HB 1107

Title: An act relating to residential provisions for children of parents with military duties.

Brief Description: Regarding residential provisions for children of parents with military duties.

Sponsors: Representatives McCoy, Shea, Appleton, Orwall, Jinkins, Morrell, Ryu, Green and Freeman.

Brief Summary of Bill

- Addresses the ability of a military parent to seek delegation of residential time with a child, or a temporary custody order with respect to the child, when the military parent has received or will receive temporary duty that involves being more than one night away from the military parent's residence during scheduled residential time or visitation.

Hearing Date: 1/30/13

Staff: Edie Adams (786-7180).

Background:

In dissolution or legal separation cases in which there are minor children, the court must establish a parenting plan setting forth, among other things, each parent's residential time with the children. Residential time or visitation rights between parents and minor children may also be established in other types of proceedings, such as paternity actions. Generally, a court may modify a parenting plan only upon a showing of a substantial change of circumstances with respect to the child or the nonmoving party, and that the modification is in the best interests of the child. The court must retain the residential schedule unless certain factors are established.

In 2009 legislation was enacted to address the impact of a parent's military duties on his or her ability to exercise residential time or visitation with a child. The legislation created a process for a military parent to modify a parenting plan or custody order when the parent is unable to

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

exercise residential time or visitation with his or her child because of the parent's military duties potentially impacting parenting functions.

When a parent receives military orders that involve moving a substantial distance away, or that would have a material effect on the parent's ability to exercise residential time or visitation rights, the court may, upon the military parent's request, delegate the military parent's time to a family member or another person. The family member or other person must have a close and substantial relationship to the child and the delegation must be in the best interest of the child. The delegation may last for as long as the military parent is absent. The delegation does not create separate rights to residential time or visitation for the other person.

A court may enter a temporary custody order for the child if the parent with whom the child resides a majority of time receives military orders that involve moving a substantial distance away or that would have a material effect on the parent's ability to exercise parenting functions and responsibilities. The temporary custody order for the child during the parent's absence must end no later than 10 days after the returning parent gives notice to the temporary custodian.

Summary of Bill:

A military parent may seek delegation of his or her residential time or visitation rights when the parent has received or will receive temporary duty that involves being more than one night away from the military parent's residence at the time he or she is scheduled to have residential time or visitation with the child. The delegation provision can apply when a military parent is establishing a temporary or permanent parenting plan or other court order designating residential time or visitation rights with a child, or when modifying an existing parenting plan.

A temporary custody order may be entered when a parent with whom the child resides a majority of the time receives temporary duty that involves being more than one night away from the military parent's residence at the time he or she is scheduled to have residential time or visitation.

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.