

SENATE BILL REPORT

SB 5920

As Reported by Senate Committee On:
Law & Justice, February 3, 2022

Title: An act relating to parenting plans.

Brief Description: Concerning parenting plans.

Sponsors: Senator Warnick.

Brief History:

Committee Activity: Law & Justice: 1/31/22, 2/03/22 [DPS, w/oRec].

Brief Summary of First Substitute Bill

- Requires the court to schedule a hearing to review restrictions on residential time based on drug, alcohol, or other substance abuse when a substantial change in circumstances has been demonstrated by the moving parent.
- Allows a court to make adjustments to a parenting plan after a moving parent has demonstrated a substantial change in circumstances and if it is in the best interests of the child.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5920 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Kuderer, Pedersen, Salomon and Wagoner.

Minority Report: That it be referred without recommendation.

Signed by Senator Honeyford.

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

Staff: Ryan Giannini (786-7285)

Background: Parenting Plans. In dissolution or legal separation cases in which there are minor children, the court must establish a parenting plan that provides for the care of the minor children. The parenting plan must include an allocation of decision-making authority to one or both parents and establish a residential schedule for the child.

The residential schedule designates in which parent's home the child resides on given days of the year. A court must consider specific factors when determining the child's residential schedule.

Modification of Parenting Plans. A court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances with respect to either parents or the child, if the proposed modification is only a minor modification, the modification does not change the residence the child is scheduled to reside in the majority of the time, and, among other considerations, the court finds that it is in the best interest of the child to increase residential time with the parent with whom the child does not reside a majority of the time.

A parent with whom a minor child does not reside with a majority of the time may not seek expansion of residential time if the court precluded or limited any provisions of the parenting plan based on a finding that a long-term impairment resulting from drug, alcohol, or other substance abuse interferes with the parent's performance of parenting functions, unless the moving parent demonstrates a substantial change in circumstances specifically related to the long-term impairment from drug, alcohol, or other substance abuse. Current law does not define a substantial change in circumstances.

Summary of Bill (First Substitute): If restrictions to residential time are based on a finding of drug, alcohol, or other substance abuse, a parent may demonstrate a substantial change in circumstances by showing clear and convincing proof that the parent has not used drugs, alcohol, or other substances. The court shall schedule a hearing to review restrictions on residential time when a parent has demonstrated a substantial change in circumstances. The court may make adjustments to the parenting plan in keeping with the best interests of the minor child.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Requires the court to schedule a hearing when a substantial change in circumstances has been demonstrated.
- Allows a court to make adjustments to a parenting plan after a moving parent has demonstrated a substantial change in circumstances and if it is in the best interests of the child.
- Removes the 24-month consecutive period that parents must demonstrate non-use of

- drugs, alcohol, or other substances.
- Removes the testing requirements that parents must submit to the court in order to demonstrate clear and convicting proof of non-use of drugs, alcohol, or other substances.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: The goal of this bill is to help reunite families across the state of Washington. State law is currently vague as to how long a person should undergo testing to prove sobriety before approaching a court to modify a parenting plan. This bill sets important goal posts for those in recovery and ensures that a judge must at least consider modifying a parenting plan if a parent can demonstrate continuing abstinence from drug, alcohol, or other substances. The clarifications in this bill provides additional incentives to parents in recovery and will help children by giving them more time with their parents.

Persons Testifying: PRO: Senator Judy Warnick, Prime Sponsor; Reagan Dunn, King County Council; Taylor Collyer, ARCpoint Labs.

Persons Signed In To Testify But Not Testifying: No one.