

HOUSE BILL REPORT

HB 1087

*As Passed House
February 27, 1991*

Title: An act relating to modifying parenting plans.

Brief Description: Concerning modification of parenting plans.

Sponsor(s): Representatives Appelwick, Padden, Broback, Paris and Orr.

Brief History:

Reported by House Committee on:
Judiciary, January 29, 1991, DP;
As Passed House February 27, 1991, 95-0.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 16 members:
Representatives Appelwick, Chair; Ludwig, Vice Chair;
Padden, Ranking Minority Member; Paris, Assistant Ranking
Minority Member; Broback; Forner; Hargrove; Inslee;
R. Meyers; Mielke; H. Myers; Riley; Scott; Tate; Vance; and
Wineberry.

Staff: Pat Shelledy (786-7149).

Background: Under Washington's dissolution of marriage law, divorcing couples with children must establish a parenting plan. The plan is to include: (1) a dispute resolution process for handling disagreements between the parents; (2) an allocation of decision making authority to one or both parents for each child's education, health care and religious training; and (3) a schedule of when each child is to reside with each parent.

A parent may seek a modification of a parenting plan upon a showing that facts not in existence or unknown when the original plan was adopted have caused a "substantial change in circumstances" of the child or the nonmoving parent, that is, the parent not requesting the change. The moving parent, that is, the parent asking for the change, must show that the change is necessary to serve the best interests of the child. The court may grant the request for such a change only if: (1) both parents agree; or (2) both parents

have already acquiesced in a deviation from the parenting plan which has resulted in the child's integration into the moving parent's family; or (3) the present plan is detrimental to the child's health and a change would be an improvement; or (4) the nonmoving parent has repeatedly violated the residential provisions of the parenting plan or has been convicted of custodial interference.

Summary of Bill: A new set of standards is established for seeking minor modifications of a parenting plan. A court may order a change in the parenting plan upon a substantial change in circumstances of either parent or the child if the change involves only the following: (1) the dispute resolution process; or (2) a minor change in the residential schedule that (a) does not change the residence where the child resides most of the time, and (b) does not exceed 24 full days per year or five full days per month, or (c) is based on a change of residence or an involuntary change in the work schedule of a parent that makes the original residential schedule impractical to follow.

The court may grant a modification to a parenting plan sought under these new standards without a finding that both parents agree, or that the change is confirmation of a de facto arrangement, or that failure to grant the change would be detrimental to the child's health, or that the parent not seeking the change has violated the residential provisions of the plan or has been convicted of custodial interference.

Fiscal Note: Requested January 17, 1991.

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

Testimony For: Greater flexibility is necessary to change parenting plans without a substantial change of circumstances if the change is minor.

Testimony Against: The change may inadvertently restrict ability to get needed changes and clarifications of decrees entered before the parenting act.

Witnesses: Kim Prochnau, Washington State Bar Association, Family Law Section (supports as necessary to provide flexibility); Bill Harrington, Fathers' Rights (supports part that limits modifications to minor changes in residential schedule; opposes limitation if it precludes modifications so noncustodial parent cannot obtain more visitation under old custody decrees).