

HOUSE BILL REPORT

HB 1710

As Reported By House Committee On:
Law & Justice

Title: An act relating to dissolution of marriage.

Brief Description: Changing provisions relating to dissolution of marriage.

Sponsors: Representatives Sheahan, Appelwick, Padden and McMahan.

Brief History:

Committee Activity:

Law & Justice: 2/15/95, 2/17/95 [DP].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 16 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Sheahan; Smith; Thibaudeau and Veloria.

Staff: Pat Shelledy (786-7149).

Background: Before a couple may get married, the couple must obtain a license from the county auditor. Couples are not required to obtain premarital compatibility counseling before they enter into marriage.

A person that wants a divorce or legal separation may, but is not required to, file a petition initiating the divorce or separation in the county in which the petitioner lives. Some counties accept petitions from petitioners that do not live in that county.

After a petitioner files for divorce and the other party is served, the couple must wait 90 days before the court may enter an order of dissolution.

Current law does not require the parties to attend the final hearing on a petition for divorce. Upon motion of a party, the court must convert a decree of legal separation to a decree of dissolution if six months have elapsed after entry of the decree of legal separation. The parties do not have to be present when the court converts the decree.

Last session, the Legislature authorized superior courts to adopt court rules requiring parties to a divorce action to attend parenting seminars if the divorcing couple has children. Any court rules adopted may not require opposing parties to attend seminars together. The rules must also provide for waivers from the requirement in cases of domestic violence or abuse or provide an alternative seminar for battered spouses. The rules must also provide that parents may obtain a waiver, if the court finds that a parent's attendance at a seminar is not in the child's best interest or for other good cause. The parties must pay for all or a portion of the cost of the seminars based on the parties' ability to pay.

Summary of Bill: Various provisions concerning dissolution actions are adopted.

The county auditor's office may retain a list or brochures of public and private community resources that provide premarital compatibility counseling. The information may be provided to marriage applicants and the public.

Venue for actions for dissolution and legal separation must be filed in the superior court of the county where either party resides.

When parties to a dissolution action have children, the mandatory waiting period before the court may enter a divorce decree is increased from 90 days to 180 days.

At least one of the parties must be present at the final hearing on the divorce petition before a court may enter a divorce decree. This also applies to circumstances in which a party moves a court to convert a decree of legal separation to a decree of dissolution.

If a divorcing couple has minor or dependent children, the parents must attend a parenting seminar. Current rules prohibiting forcing parents to attend the same seminar and granting of waivers in cases of domestic violence still apply. The court may also waive the requirement if a parenting seminar is not reasonably available to the parties or the parties lack the ability to pay for the seminar.

Appropriation: None.

Fiscal Note: Requested February 13, 1995.

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

Testimony For: Divorce adversely affects children. A longer waiting period should exist before a court grants a divorce when children are involved, so the parties can take more time before they make the final decision. Counties should not be encouraging divorce as a way to make money, so divorce actions should be filed in a county in which one of the parties resides. Parenting seminars should be required in

all cases of divorce involving children so parents obtain information about the impact of divorce on children. The bill would be stronger if it required parties to obtain premarital counseling.

Testimony Against: None.

Testified: Conrad Green, attorney (pro); Ken Spriggs, The Church of Living Water (pro); Mary Fischer, Homebuilders Program and Behavioral Sciences Institute (pro); Ned Dolejsi, Washington State Catholic Conference (pro); and Martha Harden, Superior Court Judges Association (neutral with concerns).