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**SUBSTITUTE HOUSE BILL 2684**

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**State of Washington**

**54th Legislature**

**1996 Regular Session**

**By** House Committee on Law & Justice (originally sponsored by Representatives Wolfe, Lambert, Carrell, Mitchell, Sheahan, Patterson, Morris, Cooke, Scott, Dickerson, Backlund and Thompson)

Read first time 02/02/96.

1 AN ACT Relating to domestic relations; adding a new section to  
2 chapter 26.09 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.09 RCW  
5 to read as follows:

6 (1) If the parents are in a dispute over custody, visitation, or  
7 the residential schedule, and one of the parents intentionally accuses  
8 the other parent of sexually or physically abusing the child that is  
9 the subject of the dispute or that child's siblings, the court shall  
10 impose sanctions on the parent making the allegation if the court finds  
11 by clear, cogent, and convincing evidence that:

12 (a) The allegation is false;

13 (b) The parent making the allegation knew the allegation was false  
14 and made the allegation in bad faith; and

15 (c) The parent making the false allegation made the allegation to  
16 influence the court's decision regarding custody or the residential or  
17 visitation schedule with the child.

18 (2) Upon finding that the parent made a false allegation of abuse  
19 under subsection (1) of this section, the court shall order the parent

1 making the false allegation to pay to the accused parent all court  
2 costs and reasonable attorneys' fees incurred to defend the parent  
3 against the false allegation, and a civil penalty of not less than five  
4 hundred dollars.

5 (3) The court shall also impose the sanctions under subsection (2)  
6 of this section against a parent if the court finds by clear, cogent,  
7 and convincing evidence that the parent induced a relative or friend  
8 who testified on behalf of that parent in the judicial proceedings to  
9 intentionally and in bad faith make a false allegation against the  
10 other parent of sexual or physical abuse of the child to help that  
11 parent influence the court regarding custody or the residential or  
12 visitation schedule with the child. This section does not apply to  
13 officials who investigated the case such as guardians ad litem or  
14 medical or law enforcement professionals investigating the case.

15 (4) The court may find that making a false allegation of abuse  
16 under this section constitutes an abusive use of conflict under RCW  
17 26.09.191 by the parent making the allegation.

18 (5) This section applies to any proceeding under chapters 26.09,  
19 26.10, and 26.26 RCW. The imposition of sanctions against a person  
20 under this section does not preclude the prosecution of the person for  
21 making a false report of abuse under RCW 26.44.060.