
SUBSTITUTE SENATE BILL 5477

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Spanel, Smith, Haugen, Winsley and Franklin)

Read first time 03/01/95.

1 AN ACT Relating to the production of family medical history;
2 amending RCW 26.09.050, 26.09.170, and 26.26.130; and adding a new
3 section to chapter 26.09 RCW.

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

5 **Sec. 1.** RCW 26.09.050 and 1994 sp.s. c 7 s 451 are each amended to
6 read as follows:

7 In entering a decree of dissolution of marriage, legal separation,
8 or declaration of invalidity, the court shall determine the marital
9 status of the parties, make provision for a parenting plan for any
10 minor child of the marriage, require that each parent provide a family
11 medical history for purposes of facilitating the proper health care of
12 the child or children, make provision for the support of any child of
13 the marriage entitled to support, consider or approve provision for the
14 maintenance of either spouse, make provision for the disposition of
15 property and liabilities of the parties, make provision for the
16 allocation of the children as federal tax exemptions, make provision
17 for any necessary continuing restraining orders including the
18 provisions contained in RCW 9.41.800, and make provision for the change
19 of name of any party.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.09 RCW
2 to read as follows:

3 (1) In order to meet the requirement of providing family medical
4 history under RCW 26.09.050, each parent shall provide the court a
5 complete medical report containing any available mental and physical
6 health history of the parent that needs to be known to facilitate
7 proper health care for the child.

8 (2) The legislature requests the office of the administrator for
9 the courts, in consultation with the department of social and health
10 services, to develop the necessary forms for the implementation of this
11 section.

12 (3) Unless the court orders otherwise, a parent may provide only
13 such information of which the parent is aware at the time of entering
14 into the decree of dissolution of marriage, legal separation, or
15 declaration of invalidity.

16 (4) The mental and physical health history is confidential
17 information, and all records containing this information shall be
18 sealed. The court shall not open these records to inspection by any
19 person unless there has been a request and show cause hearing.

20 (5) The mental and physical health history records provided in this
21 section shall only be used for the purpose of facilitating proper
22 health care to the child.

23 (6) Only the following persons may request to inspect the mental
24 and physical health history records:

- 25 (a) The parent or guardian of the minor child in question;
26 (b) The child in question after the child has reached the age of
27 eighteen; or
28 (c) The child in question after the child becomes emancipated.

29 **Sec. 3.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to read
30 as follows:

31 (1) Except as otherwise provided in subsection (7) of RCW
32 26.09.070, the provisions of any decree respecting maintenance or
33 support may be modified: (a) Only as to installments accruing
34 subsequent to the petition for modification or motion for adjustment
35 except motions to compel court-ordered adjustments, which shall be
36 effective as of the first date specified in the decree for implementing
37 the adjustment; and, (b) except as otherwise provided in subsections
38 (4), (5), (8), and (9) of this section, only upon a showing of a

1 substantial change of circumstances. The provisions as to property
2 disposition may not be revoked or modified, unless the court finds the
3 existence of conditions that justify the reopening of a judgment under
4 the laws of this state. A decree may be modified at any time to
5 provide that a parent be required to provide a family medical history
6 for the purposes of facilitating the proper health care of a child.

7 (2) Unless otherwise agreed in writing or expressly provided in the
8 decree the obligation to pay future maintenance is terminated upon the
9 death of either party or the remarriage of the party receiving
10 maintenance.

11 (3) Unless otherwise agreed in writing or expressly provided in the
12 decree, provisions for the support of a child are terminated by
13 emancipation of the child or by the death of the parent obligated to
14 support the child.

15 (4) An order of child support may be modified one year or more
16 after it has been entered without showing a substantial change of
17 circumstances:

18 (a) If the order in practice works a severe economic hardship on
19 either party or the child;

20 (b) If a party requests an adjustment in an order for child support
21 which was based on guidelines which determined the amount of support
22 according to the child's age, and the child is no longer in the age
23 category on which the current support amount was based;

24 (c) If a child is still in high school, upon a finding that there
25 is a need to extend support beyond the eighteenth birthday to complete
26 high school; or

27 (d) To add an automatic adjustment of support provision consistent
28 with RCW 26.09.100.

29 (5) An order or decree entered prior to June 7, 1984, may be
30 modified without showing a substantial change of circumstances if the
31 requested modification is to:

32 (a) Require health insurance coverage for a child named therein; or

33 (b) Modify an existing order for health insurance coverage.

34 (6) An obligor's voluntary unemployment or voluntary
35 underemployment, by itself, is not a substantial change of
36 circumstances.

37 (7) The department of social and health services may file an action
38 to modify an order of child support if public assistance money is being
39 paid to or for the benefit of the child and the child support order is

1 twenty-five percent or more below the appropriate child support amount
2 set forth in the standard calculation as defined in RCW 26.19.011 and
3 reasons for the deviation are not set forth in the findings of fact or
4 order. The determination of twenty-five percent or more shall be based
5 on the current income of the parties and the department shall not be
6 required to show a substantial change of circumstances if the reasons
7 for the deviations were not set forth in the findings of fact or order.

8 (8)(a) All child support decrees may be adjusted once every twenty-
9 four months based upon changes in the income of the parents without a
10 showing of substantially changed circumstances. Either party may
11 initiate the adjustment by filing a motion and child support
12 worksheets.

13 (b) A party may petition for modification in cases of substantially
14 changed circumstances under subsection (1) of this section at any time.
15 However, if relief is granted under subsection (1) of this section,
16 twenty-four months must pass before a motion for an adjustment under
17 (a) of this subsection may be filed.

18 (c) If, pursuant to (a) of this subsection or subsection (9) of
19 this section, the court adjusts or modifies a child support obligation
20 by more than thirty percent and the change would cause significant
21 hardship, the court may implement the change in two equal increments,
22 one at the time of the entry of the order and the second six months
23 from the entry of the order. Twenty-four months must pass following
24 the second change before a motion for an adjustment under (a) of this
25 subsection may be filed.

26 (d) A parent who is receiving transfer payments who receives a wage
27 or salary increase may not bring a modification action pursuant to
28 subsection (1) of this section alleging that increase constitutes a
29 substantial change of circumstances.

30 (9) An order of child support may be adjusted twenty-four months
31 from the date of the entry of the decree or the last adjustment or
32 modification, whichever is later, based upon changes in the economic
33 table or standards in chapter 26.19 RCW.

34 **Sec. 4.** RCW 26.26.130 and 1994 sp.s. c 7 s 455 are each amended to
35 read as follows:

36 (1) The judgment and order of the court determining the existence
37 or nonexistence of the parent and child relationship shall be
38 determinative for all purposes.

1 (2) If the judgment and order of the court is at variance with the
2 child's birth certificate, the court shall order that an amended birth
3 certificate be issued.

4 (3) The judgment and order shall contain other appropriate
5 provisions directed to the appropriate parties to the proceeding,
6 concerning the duty of current and future support, the extent of any
7 liability for past support furnished to the child if that issue is
8 before the court, the furnishing of bond or other security for the
9 payment of the judgment, or any other matter in the best interest of
10 the child. The judgment and order may direct the father to pay the
11 reasonable expenses of the mother's pregnancy and confinement. The
12 judgment and order may include a continuing restraining order or
13 injunction. In issuing the order, the court shall consider the
14 provisions of RCW 9.41.800. The judgment and order shall direct the
15 parent to provide information, subject to section 2 of this act, on his
16 or her family medical history for the purposes of facilitating the
17 health care of the child.

18 (4) Support judgment and orders shall be for periodic payments
19 which may vary in amount. The court may limit the father's liability
20 for the past support to the child to the proportion of the expenses
21 already incurred as the court deems just. The court shall not limit or
22 affect in any manner the right of nonparties including the state of
23 Washington to seek reimbursement for support and other services
24 previously furnished to the child.

25 (5) After considering all relevant factors, the court shall order
26 either or both parents to pay an amount determined pursuant to the
27 schedule and standards contained in chapter 26.19 RCW.

28 (6) On the same basis as provided in chapter 26.09 RCW, the court
29 shall make residential provisions with regard to minor children of the
30 parties, except that a parenting plan shall not be required unless
31 requested by a party.

32 (7) In any dispute between the natural parents of a child and a
33 person or persons who have (a) commenced adoption proceedings or who
34 have been granted an order of adoption, and (b) pursuant to a court
35 order, or placement by the department of social and health services or
36 by a licensed agency, have had actual custody of the child for a period
37 of one year or more before court action is commenced by the natural
38 parent or parents, the court shall consider the best welfare and
39 interests of the child, including the child's need for situation

1 stability, in determining the matter of custody, and the parent or
2 person who is more fit shall have the superior right to custody.

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