
SENATE BILL 6167

State of Washington 54th Legislature 1996 Regular Session

By Senators Smith, Johnson, Newhouse and Winsley

Read first time 01/08/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to jurisdiction of petitions for dissolution of
2 marriage; and amending RCW 26.09.030.

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

4 **Sec. 1.** RCW 26.09.030 and 1973 1st ex.s. c 157 s 3 are each
5 amended to read as follows:

6 When a party who (1) is a resident of this state, or ~~((who))~~ (2) is
7 a member of the armed forces and is stationed in this state, or (3) is
8 married to a party who is a resident of this state or who is a member
9 of the armed forces and is stationed in this state, petitions for a
10 dissolution of marriage, and alleges that the marriage is irretrievably
11 broken and when ninety days have elapsed since the petition was filed
12 and from the date when service of summons was made upon the respondent
13 or the first publication of summons was made, the court shall proceed
14 as follows:

15 (1) If the other party joins in the petition or does not deny that
16 the marriage is irretrievably broken, the court shall enter a decree of
17 dissolution.

1 (2) If the other party alleges that the petitioner was induced to
2 file the petition by fraud, or coercion, the court shall make a finding
3 as to that allegation and, if it so finds shall dismiss the petition.

4 (3) If the other party denies that the marriage is irretrievably
5 broken the court shall consider all relevant factors, including the
6 circumstances that gave rise to the filing of the petition and the
7 prospects for reconciliation and shall:

8 (a) Make a finding that the marriage is irretrievably broken and
9 enter a decree of dissolution of the marriage; or

10 (b) At the request of either party or on its own motion, transfer
11 the cause to the family court, refer them to another counseling service
12 of their choice, and request a report back from the counseling service
13 within sixty days, or continue the matter for not more than sixty days
14 for hearing. If the cause is returned from the family court or at the
15 adjourned hearing, the court shall:

16 (i) Find that the parties have agreed to reconciliation and dismiss
17 the petition; or

18 (ii) Find that the parties have not been reconciled, and that
19 either party continues to allege that the marriage is irretrievably
20 broken. When such facts are found, the court shall enter a decree of
21 dissolution of the marriage.

22 (4) If the petitioner requests the court to decree legal separation
23 in lieu of dissolution, the court shall enter the decree in that form
24 unless the other party objects and petitions for a decree of
25 dissolution or declaration of invalidity.

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