

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6167**

Chapter 23, Laws of 1996

54th Legislature  
1996 Regular Session

PETITIONS FOR DISSOLUTION OF MARRIAGE--JURISDICTION

EFFECTIVE DATE: 6/6/96

Passed by the Senate February 7, 1996  
YEAS 49 NAYS 0

JOEL PRITCHARD

**President of the Senate**

Passed by the House February 26, 1996  
YEAS 95 NAYS 0

CLYDE BALLARD

**Speaker of the  
House of Representatives**

Approved March 7, 1996

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6167** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

**Secretary**

FILED

March 7, 1996 - 10:13 a.m.

MIKE LOWRY

**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SENATE BILL 6167**

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Passed Legislature - 1996 Regular Session

**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.

Passed the Senate February 7, 1996.

Passed the House February 26, 1996.

Approved by the Governor March 7, 1996.

Filed in Office of Secretary of State March 7, 1996.