

SENATE BILL REPORT

SHB 3062

As of February 20, 1998

Title: An act relating to provision of notice of relocation under parenting plans.

Brief Description: Regarding notice of relocation under parenting plans.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Appelwick and Kenney).

Brief History:

Committee Activity: Law & Justice: 2/26/98.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Aldo Melchiori (786-7439)

Background: Parenting plans must contain provisions for the resolution of future disputes between the parents, the allocation of decision-making authority, and residential provisions for the child.

If parents are unable to agree upon a parenting plan, the court is given discretion in developing a plan that would be in the best interests of the child. The court considers certain factors listed in statute. The court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time only if the court finds: no limitation exists; the parties have agreed and have a satisfactory history of cooperation and shared performance of parenting functions; the parties are available to each other, especially in geographic proximity, to the extent necessary to ensure their ability to share performance of the parenting functions; and the provisions are in the best interests of the child.

In 1997, the state Supreme Court held that a court does not have the authority to restrict a parent from moving away from the other parent unless a limiting factor warrants the restriction.

Although the parties can provide for notification in the parenting plan, there is no statutory requirement that a parent must notify the other parent before changing residences.

Summary of Bill: A parent entitled to residential time with a child under a temporary or permanent parenting plan must notify every other person entitled to residential time of any intended change of residence. Notice must be given at least 60 days before the date of the intended change and by first class mail to the last known address. If the person could not reasonably comply with the 60-day time frame, then notice should be given within 10 days after the date that the person knows of the intended change. The notice must provide certain information, such as the new address, telephone number, date of intended move, and a

proposal for a revised schedule of residential time, if necessary. Failure to comply may result in a finding of contempt of court.

Notice is not required if: (a) the health, safety, or liberty of a person or the child would be placed at risk; (b) the party already has a court order authorizing the party's address to be kept confidential; (c) the party is entering a domestic violence shelter due to danger imposed by the other party; or (d) the change would not affect the residential schedule, and the party gives notice of the change by any reasonable means.

The bill generally applies to orders issued after the effective date of the act. However, it applies to orders issued before if the court modifies a parenting plan to require notification. A party may move to modify a parenting plan to require notification without showing a substantial change of circumstances. If the bill conflicts with an existing parenting plan, it does not apply to the terms of the plan governing relocation of the child or change in the residence of a parent.

Appropriation: None.

Fiscal Note: Not requested.

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