

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2884

Chapter 21, Laws of 2000

56th Legislature
2000 Regular Session

CHILD RELOCATION--NOTICE--STANDARDS

EFFECTIVE DATE: 6/8/00

Passed by the House February 14, 2000
Yeas 91 Nays 4

CLYDE BALLARD
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 1, 2000
Yeas 43 Nays 0

BRAD OWEN
President of the Senate

Approved March 17, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2884** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

CYNTHIA ZEHNDER
Chief Clerk

FILED

March 17, 2000 - 2:28 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2884

Passed Legislature - 2000 Regular Session

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Constantine, Carlson, Grant, Radcliff, Kastama, Mastin, Keiser, Ruderman, Kessler, Dickerson, Tokuda, D. Sommers and Stensen)

Read first time 02/03/2000. Referred to Committee on .

1 AN ACT Relating to relocation of children; amending RCW 26.09.260,
2 26.26.160, and 26.10.190; adding new sections to chapter 26.09 RCW; and
3 creating new sections.

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

5 NEW SECTION. **Sec. 1.** By this act, the legislature intends to
6 supersede the state supreme court's decisions *In Re the Marriage of*
7 *Littlefield*, 133 Wn.2d 39 (1997), and *In Re the Marriage of Pape*,
8 Docket No. 67527-9, December 23, 1999.

9 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
10 section apply throughout sections 2 through 18 of this act and RCW
11 26.09.260 unless the context clearly requires otherwise.

12 (1) "Court order" means a temporary or permanent parenting plan,
13 custody order, visitation order, or other order governing the residence
14 of a child under this title.

15 (2) "Relocate" means a change in principal residence either
16 permanently or for a protracted period of time.

1 NEW SECTION. **Sec. 3.** APPLICABILITY. (1) The provisions of this
2 act apply to a court order regarding residential time or visitation
3 with a child issued:

- 4 (a) After the effective date of this act; and
5 (b) Before the effective date of this act, if the existing court
6 order does not expressly govern relocation of the child.

7 (2) To the extent that a provision of this act conflicts with the
8 express terms of a court order existing prior to the effective date of
9 this act, then this act does not apply to those terms of that order
10 governing relocation of the child.

11 NEW SECTION. **Sec. 4.** GRANT OF AUTHORITY. When entering or
12 modifying a court order, the court has the authority to allow or not
13 allow a person to relocate the child.

14 NEW SECTION. **Sec. 5.** NOTICE REQUIREMENT. Except as provided in
15 section 8 of this act, a person with whom the child resides a majority
16 of the time shall notify every other person entitled to residential
17 time or visitation with the child under a court order if the person
18 intends to relocate. Notice shall be given as prescribed in sections
19 6 and 7 of this act.

20 NEW SECTION. **Sec. 6.** NOTICE--CONTENTS AND DELIVERY. (1) Except
21 as provided in sections 7 and 8 of this act, the notice of an intended
22 relocation of the child must be given by:

23 (a) Personal service or any form of mail requiring a return
24 receipt; and

25 (b) No less than:

26 (i) Sixty days before the date of the intended relocation of the
27 child; or

28 (ii) No more than five days after the date that the person knows
29 the information required to be furnished under subsection (2) of this
30 section, if the person did not know and could not reasonably have known
31 the information in sufficient time to provide the sixty-days' notice,
32 and it is not reasonable to delay the relocation.

33 (2)(a) The notice of intended relocation of the child must include:

34 (i) An address at which service of process may be accomplished during
35 the period for objection; (ii) a brief statement of the specific
36 reasons for the intended relocation of the child; and (iii) a notice to

1 the nonrelocating person that an objection to the intended relocation
2 of the child or to the relocating person's proposed revised residential
3 schedule must be filed with the court and served on the opposing person
4 within thirty days or the relocation of the child will be permitted and
5 the residential schedule may be modified pursuant to section 12 of this
6 act. The notice shall not be deemed to be in substantial compliance
7 for purposes of section 9 of this act unless the notice contains the
8 following statement: "THE RELOCATION OF THE CHILD WILL BE PERMITTED AND
9 THE PROPOSED REVISED RESIDENTIAL SCHEDULE MAY BE CONFIRMED UNLESS,
10 WITHIN THIRTY DAYS, YOU FILE A PETITION AND MOTION WITH THE COURT TO
11 BLOCK THE RELOCATION OR OBJECT TO THE PROPOSED REVISED RESIDENTIAL
12 SCHEDULE AND SERVE THE PETITION AND MOTION ON THE PERSON PROPOSING
13 RELOCATION AND ALL OTHER PERSONS ENTITLED BY COURT ORDER TO RESIDENTIAL
14 TIME OR VISITATION WITH THE CHILD."

15 (b) Except as provided in sections 7 and 8 of this act, the
16 following information shall also be included in every notice of
17 intended relocation of the child, if available:

18 (i) The specific street address of the intended new residence, if
19 known, or as much of the intended address as is known, such as city and
20 state;

21 (ii) The new mailing address, if different from the intended new
22 residence address;

23 (iii) The new home telephone number;

24 (iv) The name and address of the child's new school and day care
25 facility, if applicable;

26 (v) The date of the intended relocation of the child; and

27 (vi) A proposal in the form of a proposed parenting plan for a
28 revised schedule of residential time or visitation with the child, if
29 any.

30 (3) A person required to give notice of an intended relocation of
31 the child has a continuing duty to promptly update the information
32 required with the notice as that new information becomes known.

33 NEW SECTION. **Sec. 7.** NOTICE--RELOCATION WITHIN THE SAME SCHOOL
34 DISTRICT. (1) When the intended relocation of the child is within the
35 school district in which the child currently resides the majority of
36 the time, the person intending to relocate the child, in lieu of notice
37 prescribed in section 6 of this act, may provide actual notice by any

1 reasonable means to every other person entitled to residential time or
2 visitation with the child under a court order.

3 (2) A person who is entitled to residential time or visitation with
4 the child under a court order may not object to the intended relocation
5 of the child within the school district in which the child currently
6 resides the majority of the time, but he or she retains the right to
7 move for modification under RCW 26.09.260.

8 NEW SECTION. **Sec. 8.** LIMITATION OF NOTICES. (1) If a person
9 intending to relocate the child is entering a domestic violence shelter
10 due to the danger imposed by another person, notice may be delayed for
11 twenty-one days. This section shall not be construed to compel the
12 disclosure by any domestic violence shelter of information protected by
13 confidentiality except as provided by RCW 70.123.075 or equivalent laws
14 of the state in which the shelter is located.

15 (2) If a person intending to relocate the child is a participant in
16 the address confidentiality program pursuant to chapter 40.24 RCW or
17 has a court order which permits the party to withhold some or all of
18 the information required by section 6(2)(b) of this act, the
19 confidential or protected information is not required to be given with
20 the notice.

21 (3) If a person intending to relocate the child is relocating to
22 avoid a clear, immediate, and unreasonable risk to the health or safety
23 of a person or the child, notice may be delayed for twenty-one days.

24 (4) A person intending to relocate the child who believes that his
25 or her health or safety or the health or safety of the child would be
26 unreasonably put at risk by notice or disclosure of certain information
27 in the notice may request an ex parte hearing with the court to have
28 all or part of the notice requirements waived. If the court finds that
29 the health or safety of a person or a child would be unreasonably put
30 at risk by notice or the disclosure of certain information in the
31 notice, the court may:

32 (a) Order that the notice requirements be less than complete or
33 waived to the extent necessary to protect confidentiality or the health
34 or safety of a person or child; or

35 (b) Provide such other relief as the court finds necessary to
36 facilitate the legitimate needs of the parties and the best interests
37 of the child under the circumstances.

1 (5) This section does not deprive a person entitled to residential
2 time or visitation with a child under a court order the opportunity to
3 object to the intended relocation of the child or the proposed revised
4 residential schedule before the relocation occurs.

5 NEW SECTION. **Sec. 9.** FAILURE TO GIVE NOTICE. (1) The failure to
6 provide the required notice is grounds for sanctions, including
7 contempt if applicable.

8 (2) In determining whether a person has failed to comply with the
9 notice requirements for the purposes of this section, the court may
10 consider whether:

11 (a) The person has substantially complied with the notice
12 requirements;

13 (b) The court order in effect at the time of the relocation was
14 issued prior to the effective date of this act and the person
15 substantially complied with the notice requirements, if any, in the
16 existing order;

17 (c) A waiver of notice was granted;

18 (d) A person entitled to receive notice was substantially harmed;
19 and

20 (e) Any other factor the court deems relevant.

21 (3) A person entitled to file an objection to the intended
22 relocation of the child may file such objection whether or not the
23 person has received proper notice.

24 NEW SECTION. **Sec. 10.** OBJECTION TO RELOCATION OR PROPOSED REVISED
25 RESIDENTIAL SCHEDULE. (1) A party objecting to the intended relocation
26 of the child or the relocating parent's proposed revised residential
27 schedule shall do so by filing the objection with the court and serving
28 the objection on the relocating party and all other persons entitled by
29 court order to residential time or visitation with the child by means
30 of personal service or mailing by any form of mail requiring a return
31 receipt to the relocating party at the address designated for service
32 on the notice of intended relocation and to other parties requiring
33 notice at their mailing address. The objection must be filed and
34 served, including a three-day waiting period if the objection is served
35 by mail, within thirty days of receipt of the notice of intended
36 relocation of the child. The objection shall be in the form of: (a)
37 A petition for modification of the parenting plan pursuant to

1 relocation; or (b) other court proceeding adequate to provide grounds
2 for relief.

3 (2) Unless the special circumstances described in section 8 of this
4 act apply, the person intending to relocate the child shall not,
5 without a court order, change the principal residence of the child
6 during the period in which a party may object. The order required
7 under this subsection may be obtained ex parte. If the objecting party
8 notes a court hearing to prevent the relocation of the child for a date
9 not more than fifteen days following timely service of an objection to
10 relocation, the party intending to relocate the child shall not change
11 the principal residence of the child pending the hearing unless the
12 special circumstances described in section 8(3) of this act apply.

13 (3) The administrator for the courts shall develop a standard form,
14 separate from existing dissolution or modification forms, for use in
15 filing an objection to relocation of the child or objection of the
16 relocating person's proposed revised residential schedule.

17 NEW SECTION. **Sec. 11.** REQUIRED PROVISION IN RESIDENTIAL ORDERS.
18 Unless waived by court order, after the effective date of this act,
19 every court order shall include a clear restatement of the provisions
20 in sections 5 through 10 of this act.

21 NEW SECTION. **Sec. 12.** FAILURE TO OBJECT. (1) Except for good
22 cause shown, if a person entitled to object to the relocation of the
23 child does not file an objection with the court within thirty days
24 after receipt of the relocation notice, then the relocation of the
25 child shall be permitted.

26 (2) A nonobjecting person shall be entitled to the residential time
27 or visitation with the child specified in the proposed residential
28 schedule included with the relocation notice.

29 (3) Any person entitled to residential time or visitation with a
30 child under a court order retains his or her right to move for
31 modification under RCW 26.09.260.

32 (4) If a person entitled to object to the relocation of the child
33 does not file an objection with the court within thirty days after
34 receipt of the relocation notice, a person entitled to residential time
35 with the child may not be held in contempt of court for any act or
36 omission that is in compliance with the proposed revised residential
37 schedule set forth in the notice given.

1 (5) Any party entitled to residential time or visitation with the
2 child under a court order may, after thirty days have elapsed since the
3 receipt of the notice, obtain ex parte and file with the court an order
4 modifying the residential schedule in conformity with the relocating
5 party's proposed residential schedule specified in the notice upon
6 filing a copy of the notice and proof of service of such notice. A
7 party may obtain ex parte and file with the court an order modifying
8 the residential schedule in conformity with the proposed residential
9 schedule specified in the notice before the thirty days have elapsed if
10 the party files a copy of the notice, proof of service of such notice,
11 and proof that no objection will be filed.

12 NEW SECTION. **Sec. 13.** TEMPORARY ORDERS. (1) The court may grant
13 a temporary order restraining relocation of the child, or ordering
14 return of the child if the child's relocation has occurred, if the
15 court finds:

16 (a) The required notice of an intended relocation of the child was
17 not provided in a timely manner and the nonrelocating party was
18 substantially prejudiced;

19 (b) The relocation of the child has occurred without agreement of
20 the parties, court order, or the notice required by this act; or

21 (c) After examining evidence presented at a hearing for temporary
22 orders in which the parties had adequate opportunity to prepare and be
23 heard, there is a likelihood that on final hearing the court will not
24 approve the intended relocation of the child or no circumstances exist
25 sufficient to warrant a relocation of the child prior to a final
26 determination at trial.

27 (2) The court may grant a temporary order authorizing the intended
28 relocation of the child pending final hearing if the court finds:

29 (a) The required notice of an intended relocation of the child was
30 provided in a timely manner or that the circumstances otherwise warrant
31 issuance of a temporary order in the absence of compliance with the
32 notice requirements and issues an order for a revised schedule for
33 residential time with the child; and

34 (b) After examining the evidence presented at a hearing for
35 temporary orders in which the parties had adequate opportunity to
36 prepare and be heard, there is a likelihood that on final hearing the
37 court will approve the intended relocation of the child.

1 NEW SECTION. **Sec. 14.** BASIS FOR DETERMINATION. The person
2 proposing to relocate with the child shall provide his or her reasons
3 for the intended relocation. There is a rebuttable presumption that
4 the intended relocation of the child will be permitted. A person
5 entitled to object to the intended relocation of the child may rebut
6 the presumption by demonstrating that the detrimental effect of the
7 relocation outweighs the benefit of the change to the child and the
8 relocating person, based upon the following factors. The factors
9 listed in this section are not weighted. No inference is to be drawn
10 from the order in which the following factors are listed:

11 (1) The relative strength, nature, quality, extent of involvement,
12 and stability of the child's relationship with each parent, siblings,
13 and other significant persons in the child's life;

14 (2) Prior agreements of the parties;

15 (3) Whether disrupting the contact between the child and the person
16 with whom the child resides a majority of the time would be more
17 detrimental to the child than disrupting contact between the child and
18 the person objecting to the relocation;

19 (4) Whether either parent or a person entitled to residential time
20 with the child is subject to limitations under RCW 26.09.191;

21 (5) The reasons of each person for seeking or opposing the
22 relocation and the good faith of each of the parties in requesting or
23 opposing the relocation;

24 (6) The age, developmental stage, and needs of the child, and the
25 likely impact the relocation or its prevention will have on the child's
26 physical, educational, and emotional development, taking into
27 consideration any special needs of the child;

28 (7) The quality of life, resources, and opportunities available to
29 the child and to the relocating party in the current and proposed
30 geographic locations;

31 (8) The availability of alternative arrangements to foster and
32 continue the child's relationship with and access to the other parent;

33 (9) The alternatives to relocation and whether it is feasible and
34 desirable for the other party to relocate also;

35 (10) The financial impact and logistics of the relocation or its
36 prevention; and

37 (11) For a temporary order, the amount of time before a final
38 decision can be made at trial.

1 NEW SECTION. **Sec. 15.** FACTOR NOT TO BE CONSIDERED. In
2 determining whether to permit or restrain the relocation of the child,
3 the court may not admit evidence on the issue of whether the person
4 seeking to relocate the child will forego his or her own relocation if
5 the child's relocation is not permitted or whether the person opposing
6 relocation will also relocate if the child's relocation is permitted.
7 The court may admit and consider such evidence after it makes the
8 decision to allow or restrain relocation of the child and other
9 parenting, custody, or visitation issues remain before the court, such
10 as what, if any, modifications to the parenting plan are appropriate
11 and who the child will reside with the majority of the time if the
12 court has denied relocation of the child and the person is relocating
13 without the child.

14 NEW SECTION. **Sec. 16.** OBJECTIONS BY NONPARENTS. A court may not
15 restrict the right of a parent to relocate the child when the sole
16 objection to the relocation is from a third party, unless that third
17 party is entitled to residential time or visitation under a court order
18 and has served as the primary residential care provider to the child
19 for a substantial period of time during the thirty-six consecutive
20 months preceding the intended relocation.

21 NEW SECTION. **Sec. 17.** SANCTIONS. The court may sanction a party
22 if it finds that a proposal to relocate the child or an objection to an
23 intended relocation or proposed revised residential schedule was made
24 to harass a person, to interfere in bad faith with the relationship
25 between the child and another person entitled to residential time or
26 visitation with the child, or to unnecessarily delay or needlessly
27 increase the cost of litigation.

28 NEW SECTION. **Sec. 18.** PRIORITY FOR HEARING. A hearing involving
29 relocations or intended relocations of children shall be accorded
30 priority on the court's motion calendar and trial docket.

31 **Sec. 19.** RCW 26.09.260 and 1999 c 174 s 1 are each amended to read
32 as follows:

33 (1) Except as otherwise provided in subsections (4), (5), (~~(7)~~)
34 ~~(6)~~, ~~(8)~~, and (~~(9)~~) (10) of this section, the court shall not modify
35 a prior custody decree or a parenting plan unless it finds, upon the

1 basis of facts that have arisen since the prior decree or plan or that
2 were unknown to the court at the time of the prior decree or plan, that
3 a substantial change has occurred in the circumstances of the child or
4 the nonmoving party and that the modification is in the best interest
5 of the child and is necessary to serve the best interests of the child.

6 (2) In applying these standards, the court shall retain the
7 residential schedule established by the decree or parenting plan
8 unless:

9 (a) The parents agree to the modification;

10 (b) The child has been integrated into the family of the petitioner
11 with the consent of the other parent in substantial deviation from the
12 parenting plan;

13 (c) The child's present environment is detrimental to the child's
14 physical, mental, or emotional health and the harm likely to be caused
15 by a change of environment is outweighed by the advantage of a change
16 to the child; or

17 (d) The court has found the nonmoving parent in contempt of court
18 at least twice within three years because the parent failed to comply
19 with the residential time provisions in the court-ordered parenting
20 plan, or the parent has been convicted of custodial interference in the
21 first or second degree under RCW 9A.40.060 or 9A.40.070.

22 (3) A conviction of custodial interference in the first or second
23 degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial
24 change of circumstances for the purposes of this section.

25 (4) The court may reduce or restrict contact between the
26 ~~((nonprimary residential))~~ child and the parent ~~((and a child))~~ with
27 whom the child does not reside a majority of the time if it finds that
28 the reduction or restriction would serve and protect the best interests
29 of the child using the criteria in RCW 26.09.191.

30 (5) The court may order adjustments to the residential aspects of
31 a parenting plan upon a showing of a substantial change in
32 circumstances of either parent or of the child, and without
33 consideration of the factors set forth in subsection (2) of this
34 section, if the proposed modification is only a minor modification in
35 the residential schedule that does not change the residence the child
36 is scheduled to reside in the majority of the time and:

37 (a) Does not exceed twenty-four full days in a calendar year; or

38 (b) Is based on a change of residence of the parent with whom the
39 child does not reside the majority of the time or an involuntary change

1 in work schedule by a parent which makes the residential schedule in
2 the parenting plan impractical to follow; or

3 (c) Does not result in a schedule that exceeds ninety overnights
4 per year in total, if the court finds that, at the time the petition
5 for modification is filed, the decree of dissolution or parenting plan
6 does not provide reasonable time with the ((nonprimary residential))
7 parent ((at the time the petition for modification is filed)) with whom
8 the child does not reside a majority of the time, and further, the
9 court finds that it is in the best interests of the child to increase
10 residential time with the ((nonprimary residential)) parent in excess
11 of the residential time period in (a) of this subsection. However, any
12 motion under this subsection (5)(c) is subject to the factors
13 established in subsection (2) of this section if the party bringing the
14 ((motion)) petition has previously been granted a modification under
15 this same subsection within twenty-four months of the current motion.
16 Relief granted under this section shall not be the sole basis for
17 adjusting or modifying child support.

18 (6) The court may order adjustments to the residential aspects of
19 a parenting plan pursuant to a proceeding to permit or restrain a
20 relocation of the child. The person objecting to the relocation of the
21 child or the relocating person's proposed revised residential schedule
22 may file a petition to modify the parenting plan, including a change of
23 the residence in which the child resides the majority of the time,
24 without a showing of adequate cause other than the proposed relocation
25 itself. A hearing to determine adequate cause for modification shall
26 not be required so long as the request for relocation of the child is
27 being pursued. In making a determination of a modification pursuant to
28 relocation of the child, the court shall first determine whether to
29 permit or restrain the relocation of the child using the procedures and
30 standards provided in sections 2 through 18 of this act. Following
31 that determination, the court shall determine what modification
32 pursuant to relocation should be made, if any, to the parenting plan or
33 custody order or visitation order.

34 (7) A ((nonprimary residential)) parent with whom the child does
35 not reside a majority of the time and whose residential time with the
36 child is subject to limitations pursuant to RCW 26.09.191 (2) or (3)
37 may not seek expansion of residential time under subsection (5)(c) of
38 this section unless that parent demonstrates a substantial change in
39 circumstances specifically related to the basis for the limitation.

1 (~~(7)~~) (8) If a (~~nonprimary residential~~) parent with whom the
2 child does not reside a majority of the time voluntarily fails to
3 exercise residential time for an extended period, that is, one year or
4 longer, the court upon proper motion may make adjustments to the
5 parenting plan in keeping with the best interests of the minor child.

6 (~~(8)~~) (9) A (~~nonprimary~~) parent with whom the child does not
7 reside a majority of the time who is required by the existing parenting
8 plan to complete evaluations, treatment, parenting, or other classes
9 may not seek expansion of residential time under subsection (5)(c) of
10 this section unless that parent has fully complied with such
11 requirements.

12 (~~(9)~~) (10) The court may order adjustments to any of the
13 nonresidential aspects of a parenting plan upon a showing of a
14 substantial change of circumstances of either parent or of a child, and
15 the adjustment is in the best interest of the child. Adjustments
16 ordered under this section may be made without consideration of the
17 factors set forth in subsection (2) of this section.

18 (~~(10)~~) (11) If the court finds that a motion to modify a prior
19 decree or parenting plan has been brought in bad faith, the court shall
20 assess the attorney's fees and court costs of the nonmoving parent
21 against the moving party.

22 **Sec. 20.** RCW 26.26.160 and 1992 c 229 s 8 are each amended to read
23 as follows:

24 (1) Except as provided in subsection (2) of this section the court
25 has continuing jurisdiction to prospectively modify a judgment and
26 order for future education and future support, and with respect to
27 matters listed in RCW 26.26.130 (3) and (~~(4)~~) (5), and RCW
28 26.26.150(2) upon showing a substantial change of circumstances. The
29 procedures set forth in RCW 26.09.175 shall be used in modification
30 proceedings under this section.

31 (2) A judgment or order entered under this chapter may be modified
32 without a showing of substantial change of circumstances upon the same
33 grounds as RCW 26.09.170 permits support orders to be modified without
34 a showing of a substantial change of circumstance.

35 (3) The court may modify a parenting plan or residential provisions
36 adopted pursuant to RCW 26.26.130(~~(6)~~) (7) in accordance with the
37 provisions of chapter 26.09 RCW.

1 (4) The court shall hear and review petitions for modifications of
2 a parenting plan, custody order, visitation order, or other order
3 governing the residence of a child, and conduct any proceedings
4 concerning a relocation of the residence where the child resides a
5 majority of the time, pursuant to chapter 26.09 RCW.

6 **Sec. 21.** RCW 26.10.190 and 1989 c 375 s 24 are each amended to
7 read as follows:

8 ~~(1) ((The court shall not modify a prior custody decree unless it~~
9 ~~finds, upon the basis of facts that have arisen since the prior decree~~
10 ~~or that were unknown to the court at the time of the prior decree, that~~
11 ~~a change has occurred in the circumstances of the child or the~~
12 ~~custodian and that the modification is necessary to serve the best~~
13 ~~interests of the child. In applying these standards, the court shall~~
14 ~~retain the custodian established by the prior decree unless:~~

15 ~~(a) The custodian agrees to the modification;~~

16 ~~(b) The child has been integrated into the family of the petitioner~~
17 ~~with the consent of the custodian; or~~

18 ~~(c) The child's present environment is detrimental to his or her~~
19 ~~physical, mental, or emotional health and the harm likely to be caused~~
20 ~~by a change of environment is outweighed by the advantage of a change~~

21 ~~to the child.))~~ The court shall hear and review petitions for
22 modifications of a parenting plan, custody order, visitation order, or
23 other order governing the residence of a child, and conduct any
24 proceedings concerning a relocation of the residence where the child
25 resides a majority of the time, pursuant to chapter 26.09 RCW.

26 (2) If the court finds that a motion to modify a prior custody
27 decree has been brought in bad faith, the court shall assess the
28 attorney's fees and court costs of the custodian against the
29 petitioner.

30 NEW SECTION. **Sec. 22.** Captions used in this act are not any part
31 of the law.

32 NEW SECTION. **Sec. 23.** Sections 2 through 18 of this act are each
33 added to chapter 26.09 RCW and codified with the subchapter heading
34 "Notice requirements and standards for parental relocation."

Passed the House February 14, 2000.
Passed the Senate March 1, 2000.
Approved by the Governor March 17, 2000.
Filed in Office of Secretary of State March 17, 2000.