

SENATE BILL REPORT

SSB 5511

As Passed Senate, March 10, 2001

Title: An act relating to adding a factor a court is to consider in determining residential time between parents.

Brief Description: Adding a factor a court is to consider in determining residential time between parents.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kastama and Franklin).

Brief History:

Committee Activity: Judiciary: 2/26/01, 2/27/01 [DPS].

Passed Senate: 3/10/01, 47-2.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5511 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Staff: Lisa Ellis (786-7421)

Background: Current law regarding the establishment of residential provisions for a child does not require consideration of which parent is more likely to allow and encourage the child frequent and continuing contact with the other parent. The objectives of parenting plans include protection of the best interests of the child; however, there is no specific reference to consideration of best interests of the child in establishing residential provisions.

Summary of Bill: In making residential provisions for a child, the court is directed to make provisions consistent with the best interests of the child. The relative strength, nature, and ability of the child's relationship with each parent is given greatest weight by a court when considering residential provisions. Determination of whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of a child and which parent is more likely to allow and encourage the child frequent and continuing contact with the other parent are in the list of eight other factors that the court may consider.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Both parents should play a substantial role in their children's lives. Children thrive in an atmosphere where both parents actively participate.

Testimony Against: The original bill goes too far in creating a presumption in favor of joint parenting even when parents are in conflict. Courts should focus on the best interests of the child, not the parents.

Testified: Prof. Leonard Pitts, Arizona State University (by video)(pro); Dr. Marsha Hedrick (pro); Diane Thompson (pro); Lisa Stone, Northwest Women's Law Center (con as originally introduced); Lonnie Johns-Brown, Wash. NOW (con as originally introduced); Pastor Marvin Charles, D.A.D.S. Program (pro); Jackie Kirshenbaum (pro); Jana Little (pro); Gail Stone, WSBA (con as originally introduced); Martha Harden, Superior Court Judges Assn.(con as originally introduced).