

SENATE BILL REPORT

SB 5511

As Reported By Senate Committee On:
Judiciary, February 27, 2001

Title: An act relating to changing how the court determines the allocation of residential time between parents.

Brief Description: Modifying parenting plans.

Sponsors: Senators Kastama and Franklin.

Brief History:

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

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: Lilah Amos (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 Substitute Bill: In making residential provisions for a child, the court is directed to make provisions consistent with the best interests of the child. The court is directed to consider which parent is more likely to allow and encourage the child frequent and continuing contact with the other parent. Determination of whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of a child is no longer included as part of the factor which is to be given the greatest weight by the court, but is to be considered as a separate factor.

Substitute Bill Compared to Original Bill: The presumption in favor of shared residential placement, and of one-third residential time with each parent, is deleted. The court is specifically directed to make residential provisions for a child which are consistent with the best interests of the child.

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); Lonnie Johns-Brown, Wash. NOW (con); Pastor Marvin Charles, D.A.D.S. Program (pro); Jackie Kirshenbaum (pro); Jana Little (pro); Gail Stone, WSBA (con); Martha Harden, Superior Court Judges Assn.(con).