

SENATE BILL REPORT

SB 6331

As Passed Senate, February 14, 2008

Title: An act relating to the modification of parenting plans based on the military service of a parent.

Brief Description: Making temporary any changes to a parenting plan that were based on the military service of a parent.

Sponsors: Senator McCaslin.

Brief History:

Committee Activity: Human Services & Corrections: 1/31/08, 2/5/08 [DP, w/oRec].
Passed Senate: 2/14/08, 48-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Marr and McAuliffe.

Minority Report: That it be referred without recommendation.

Signed by Senator Carrell.

Staff: Jennifer Strus (786-7316)

Background: In dissolution cases in which minor children are involved, parenting plans are required. A parenting plan provides for the care of a minor child. The plan must include an allocation of decision making authority to one or both parents regarding the child's education, health care, and religious upbringing. The other main purpose of the parenting plan is to determine residential time of the child with the parents. The plan must include a specific residential schedule which designates in which parent's home a child will reside on given days of the year.

A parenting plan can be modified if certain circumstances exist. The court can modify the nonresidential portions of a plan upon a showing of a substantial change in circumstances of either of the parents or the child and that the modification is in the child's best interests.

However, to modify the residential portion of the parenting plan, there must be a finding that there is a substantial change in circumstances of the child or the parent not requesting the modification and that the modification is necessary to serve the best interests of the child. In addition, the moving parent must show that one of the following four factors also exists: 1)

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the nonmoving parent agrees to the modification of residential time; 2) the child has been integrated into the moving parent's home with the other parent's consent in substantial deviation from the original parenting plan; 3) the child's present environment is detrimental to the child; or 4) the court has found the nonmoving parent in contempt at least two times within three years because the nonmoving parent failed to comply with the residential time provisions of the parenting plan.

Summary of Bill: If a parenting plan or custody decree is modified based solely on the military service of a parent in the U.S. Armed Services who is deployed outside the United States or on the federal military service of the parent in the state national guard or the reserves, the modification is temporary and must revert back to the prior custody decree or parenting plan at the end of the parent's deployment or federal military service. If the parent who is serving in the U.S. Armed Services or the federal military service agrees to the modification, such modification will continue past the parent's return from deployment or the end of the parent's federal military service.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill addresses the situations in which a service member is deployed and the other parent moves to change the parenting plan, and the service member cannot respond because he or she is in another country. This change to the law is needed so that changes made during a parent's deployment are only temporary, and can be litigated once the parent returns to the state.

Persons Testifying: PRO: Bill Harrington, Shared Parenting Washington.