

SENATE BILL REPORT

SB 5453

As Amended by House, April 14, 2009

Title: An act relating to the relocation of a child in a domestic relations matter.

Brief Description: Defining "principal residence" for the purpose of relocation of a child.

Sponsors: Senators Kastama and Franklin.

Brief History:

Committee Activity: Human Services & Corrections: 2/03/09, 2/20/09 [DPS].

Passed Senate: 3/11/09, 49-0.

Passed House: 4/14/09, 96-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5453 be substituted therefor, and the substitute bill do pass.

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

Staff: Jennifer Strus (786-7316)

Background: In dissolution cases in which minor children are involved, the parties must have a parenting plan that provides for the care of those children. The parenting 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 parenting plan must also set forth the child's residential time with each parent. The plan must include a specific residential schedule designating in which parent's home the child will reside on given days of the year.

A person with whom the child resides the majority of the time (principal residence) must notify every other person entitled to residential time or visitation with the child if that person intends to relocate his or her residence. "Relocate" is defined as a change in the child's principal residence either permanently or for a protracted period of time.

In December 2008 the Court of Appeals, in *Spring v. Spring*, ruled that under a parenting plan which designates that the child is to spend an equal amount of residential time with each

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parent, the child does not have a principal residence. As a result, a parent who relocates has not violated the statute if that parent does not notify the other parent that he or she is moving.

Summary of Bill: "Principal residence," for purposes of parenting plans, is defined as any residence where the child spends a significant number of school nights including those residences shared equally by the child. The term does not include residences where the child may spend weekends, holidays, or summer vacations.

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 amendment makes clear that the relocation sections of the statute apply to the relocation of any residence where the child spends a significant number of school nights. The relocation statutes were designed to protect and provide stability and predictability to the children subject to a parenting plan. The Court of Appeals decision did away with that protection and stability because it does not apply to parenting plans in which children spend equal time with each parent. There are many parenting plans that exist in which the parents split the time equally and this bill is needed to provide direction to them should one decide to relocate.

Persons Testifying: PRO: Senator Kastama, prime sponsor; David Spring, Bill Harrington, citizens; Lisa Scott, Taking Action against Bias in the System.

House Amendment(s): The rebuttable presumption that the intended relocation of the child will be permitted does not apply when the child has substantially equal residential time with (1) the person proposing to relocate, and (2) another person with court-ordered residential time with the child.