

SENATE BILL REPORT

SB 5453

As Reported by Senate Committee On:
Human Services & Corrections, February 20, 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].

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 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill (Recommended Substitute): A parent who plans to relocate his or her residence must notify the other parent of the intent to relocate regardless of which parent has primary residential custody of the child.

The bill is made retroactive for all parenting plans in effect on the effective date of the act, except that relocation decisions that have already been made cannot be reopened.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): Clarifies that a parent who intends to relocate his or her residence must notify the other parent regardless of which parent has primary residential custody of the child. An intent section is added to clarify that the bill is intended to prevent the results that occurred in the *Spring v. Spring* case. The bill is made retroactive for those parenting plans in effect on the effective date of the act except that relocation decisions that have already been made cannot be reopened, unless it is a new instance of relocation that has occurred since the effective date of the act.

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 on Original Bill: 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.