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ENGROSSED HOUSE BILL 1710

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State of Washington                      54th Legislature                      1995 Regular Session

By Representatives Sheahan, Appelwick, Padden and McMahan

Read first time 02/06/95. Referred to Committee on Law & Justice.

1            AN ACT Relating to dissolution of marriage; amending RCW 26.09.010,  
2 26.09.030, 26.12.170, and 26.12.172; reenacting and amending RCW  
3 26.09.150; and adding a new section to chapter 26.04 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 26.04 RCW  
6 to read as follows:

7            The county auditor's office may retain a list or brochures of  
8 public and private community resources that provide premarital  
9 compatibility counseling. The list or brochures may be made available  
10 to applicants for a marriage license or other members of the public.  
11 The county auditor may mail a copy of the list or brochures when  
12 sending applications in the mail to an applicant.

13            **Sec. 2.** RCW 26.09.010 and 1989 c 375 s 1 are each amended to read  
14 as follows:

15            (1) Except as otherwise specifically provided herein, the practice  
16 in civil action shall govern all proceedings under this chapter, except  
17 that trial by jury is dispensed with.

1 (2) A proceeding for dissolution of marriage, legal separation or  
2 a declaration concerning the validity of a marriage shall be entitled  
3 "In re the marriage of . . . . . and . . . . ." Such proceeding  
4 ((may)) shall be filed in the superior court of the county where ((the  
5 petitioner)) either party resides.

6 (3) In cases where there has been no prior proceeding in this state  
7 involving the marital status of the parties or support obligations for  
8 a minor child, a separate parenting and support proceeding between the  
9 parents shall be entitled "In re the parenting and support of  
10 . . . . ."

11 (4) The initial pleading in all proceedings under this chapter  
12 shall be denominated a petition. A responsive pleading shall be  
13 denominated a response. Other pleadings, and all pleadings in other  
14 matters under this chapter shall be denominated as provided in the  
15 civil rules for superior court.

16 (5) In this chapter, "decree" includes "judgment".

17 (6) A decree of dissolution, of legal separation, or a declaration  
18 concerning the validity of a marriage shall not be awarded to one of  
19 the parties, but shall provide that it affects the status previously  
20 existing between the parties in the manner decreed.

21 **Sec. 3.** RCW 26.09.030 and 1973 1st ex.s. c 157 s 3 are each  
22 amended to read as follows:

23 When a party who is a resident of this state or who is a member of  
24 the armed forces and is stationed in this state, petitions for a  
25 dissolution of marriage, and alleges that the marriage is irretrievably  
26 broken and when ((~~ninety days have elapsed~~)), since the petition was  
27 filed and from the date when service of summons was made upon the  
28 respondent or the first publication of summons was made, ninety days  
29 have elapsed if there are no minor children from the marriage, or one  
30 hundred eighty days have elapsed if there are minor children from the  
31 marriage, the court shall proceed as follows:

32 (1) If the other party joins in the petition or does not deny that  
33 the marriage is irretrievably broken, the court shall enter a decree of  
34 dissolution.

35 (2) If the other party alleges that the petitioner was induced to  
36 file the petition by fraud, or coercion, the court shall make a finding  
37 as to that allegation and, if it so finds shall dismiss the petition.

1 (3) If the other party denies that the marriage is irretrievably  
2 broken the court shall consider all relevant factors, including the  
3 circumstances that gave rise to the filing of the petition and the  
4 prospects for reconciliation and shall:

5 (a) Make a finding that the marriage is irretrievably broken and  
6 enter a decree of dissolution of the marriage; or

7 (b) At the request of either party or on its own motion, transfer  
8 the cause to the family court, refer them to another counseling service  
9 of their choice, and request a report back from the counseling service  
10 within sixty days, or continue the matter for not more than sixty days  
11 for hearing. If the cause is returned from the family court or at the  
12 adjourned hearing, the court shall:

13 (i) Find that the parties have agreed to reconciliation and dismiss  
14 the petition; or

15 (ii) Find that the parties have not been reconciled, and that  
16 either party continues to allege that the marriage is irretrievably  
17 broken. When such facts are found, the court shall enter a decree of  
18 dissolution of the marriage.

19 (4) If the petitioner requests the court to decree legal separation  
20 in lieu of dissolution, the court shall enter the decree in that form  
21 unless the other party objects and petitions for a decree of  
22 dissolution or declaration of invalidity.

23 (5) The court may enter a decree of dissolution under this section  
24 only if one of the parties is present at the final hearing on the  
25 petition.

26 **Sec. 4.** RCW 26.09.150 and 1989 1st ex.s. c 9 s 205 and 1989 c 375  
27 s 30 are each reenacted and amended to read as follows:

28 A decree of dissolution of marriage, legal separation, or  
29 declaration of invalidity is final when entered, subject to the right  
30 of appeal. An appeal which does not challenge the finding that the  
31 marriage is irretrievably broken or was invalid, does not delay the  
32 finality of the dissolution or declaration of invalidity and either  
33 party may remarry pending such an appeal.

34 No earlier than six months after entry of a decree of legal  
35 separation, on motion of either party, the court shall convert the  
36 decree of legal separation to a decree of dissolution of marriage if  
37 one of the parties is present at the hearing on the motion. The clerk  
38 of court shall complete the certificate as provided for in RCW

1 70.58.200 on the form provided by the department of health. On or  
2 before the tenth day of each month, the clerk of the court shall  
3 forward to the state registrar of vital statistics the certificate of  
4 each decree of divorce, dissolution of marriage, annulment, or separate  
5 maintenance granted during the preceding month.

6 Upon request of a party whose marriage is dissolved or declared  
7 invalid, the court shall order a former name restored or the court may,  
8 in its discretion, order a change to another name.

9 **Sec. 5.** RCW 26.12.170 and 1994 c 267 s 3 are each amended to read  
10 as follows:

11 To facilitate and promote the purposes of this chapter, family  
12 court judges and court commissioners may order or recommend family  
13 court services, (~~parenting seminars,~~) drug and alcohol abuse  
14 evaluations and monitoring of the parties through public or private  
15 treatment services, other treatment services, the aid of physicians,  
16 psychiatrists, other specialists, or other services or may recommend  
17 the aid of the pastor or director of any religious denomination to  
18 which the parties may belong. Subject to the limitations provided in  
19 RCW 26.12.172, family court judges and court commissioners shall order  
20 the parties to attend a parenting seminar if the parties have minor or  
21 dependent children. The court may waive the requirement if a parenting  
22 seminar is not reasonably available to the parties or the parties lack  
23 the ability to pay for the seminar.

24 If the court has reasonable cause to believe that a child of the  
25 parties has suffered abuse or neglect it may file a report with the  
26 proper law enforcement agency or the department of social and health  
27 services as provided in RCW 26.44.040. Upon receipt of such a report  
28 the law enforcement agency or the department of social and health  
29 services will conduct an investigation into the cause and extent of the  
30 abuse or neglect. The findings of the investigation may be made  
31 available to the court if ordered by the court as provided in RCW  
32 42.17.310(3). The findings shall be restricted to the issue of abuse  
33 and neglect and shall not be considered custody investigations.

34 **Sec. 6.** RCW 26.12.172 and 1994 c 267 s 5 are each amended to read  
35 as follows:

36 Any court rules adopted for the implementation of parenting  
37 seminars shall include the following provisions:

1 (1) In no case shall opposing parties be required to attend  
2 seminars together;

3 (2) Upon a showing of domestic violence or abuse which would not  
4 require mutual decision making pursuant to RCW 26.09.191(~~(, or that a~~  
5 ~~parent's attendance at the seminar is not in the children's best~~  
6 ~~interests))~~, the court shall ((either:

7 (a) ~~Waive the requirement of completion of the seminar; or~~

8 (b)) provide an alternative(~~(, voluntary)) parenting seminar for  
9 battered spouses and for the batterers; and~~

10 (3) The court may waive the seminar for good cause or upon a  
11 showing that a parent's attendance at the seminar is not in the  
12 children's best interests.

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