
HOUSE BILL 2684

State of Washington

54th Legislature

1996 Regular Session

By Representatives Lambert, Wolfe, Carrell, Mitchell, Sheahan, Patterson, Morris, Cooke, Scott, Dickerson, Backlund and Thompson

Read first time 01/16/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to domestic relations; adding a new section to
2 chapter 26.09 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.09 RCW
5 to read as follows:

6 (1) If the parents are in a dispute over custody, visitation, or
7 the residential schedule, and one of the parents intentionally accuses
8 the other parent of sexually or physically abusing the child that is
9 the subject of the dispute or that child's siblings, the court shall
10 impose sanctions on the parent making the allegation if the court finds
11 by clear, cogent, and convincing evidence that:

12 (a) The allegation is false;

13 (b) The parent making the allegation knew the allegation was false
14 and made the allegation in bad faith; and

15 (c) The parent making the false allegation made the allegation to
16 influence the court's decision regarding custody or the residential or
17 visitation schedule with the child.

18 (2) Upon finding that the parent made a false allegation of abuse
19 under subsection (1) of this section, the court shall order the parent

1 making the false allegation to pay to the accused parent all court
2 costs and reasonable attorneys' fees incurred to defend the parent
3 against the false allegation, and a civil penalty of not less than five
4 hundred dollars.

5 (3) The court shall also impose the sanctions under subsection (2)
6 of this section against a parent if the court finds by clear, cogent,
7 and convincing evidence that the parent induced a relative or friend
8 who testified on behalf of that parent in the judicial proceedings to
9 intentionally and in bad faith make a false allegation against the
10 other parent of sexual or physical abuse of the child to help that
11 parent influence the court regarding custody or the residential or
12 visitation schedule with the child. This section does not apply to
13 officials who investigated the case such as guardians ad litem or
14 medical or law enforcement professionals investigating the case.

15 (4) The court may find that making a false allegation of abuse
16 under this section constitutes an abusive use of conflict under RCW
17 26.09.191 by the parent making the allegation.

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