
SENATE BILL 5528

State of Washington

61st Legislature

2009 Regular Session

By Senator Hargrove

Read first time 01/26/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to making technical nonsubstantive corrections to
2 the initial point of contact program established in chapter 496, Laws
3 of 2007; and amending RCW 26.09.003, 26.12.260, 2.56.180, and
4 26.09.020.

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

6 **Sec. 1.** RCW 26.09.003 and 2007 c 496 s 102 are each amended to
7 read as follows:

8 The legislature reaffirms the intent of the current law as
9 expressed in RCW 26.09.002. However, after review, the legislature
10 finds that there are certain components of the existing law which do
11 not support the original legislative intent. In order to better
12 implement the existing legislative intent the legislature finds that
13 ~~((incentives for parties to reduce family conflict and))~~ additional
14 alternative dispute resolution options and incentives to reduce family
15 conflict can assist in reducing the number of contested trials.
16 Furthermore, the legislature finds that the identification of domestic
17 violence as defined in RCW 26.50.010 and the treatment needs of the
18 parties to dissolutions are necessary to improve outcomes for children.
19 When judicial officers have the discretion to tailor individualized

1 resolutions, the legislative intent expressed in RCW 26.09.002 can more
2 readily be achieved. Judicial officers should have the discretion and
3 flexibility to assess each case based on the merits of the individual
4 cases before them.

5 **Sec. 2.** RCW 26.12.260 and 2008 c 6 s 1047 are each amended to read
6 as follows:

7 (1) After July 1, 2009, but no later than November 1, 2009, a
8 county may, and to the extent state funding is provided to meet the
9 minimum requirements of the program a county shall, create (~~a program~~
10 ~~to provide services to all parties~~) an information and referral
11 program to provide information on services that may be available to
12 petitioners and respondents involved in proceedings under chapter 26.09
13 RCW. Minimum components of this program shall include: (a) An
14 individual to serve as an initial point of contact for dissemination of
15 the information to parties filing petitions for dissolutions or legal
16 separations under chapter 26.09 RCW; (b) informing parties about
17 courthouse facilitation programs and orientations; (c) informing
18 parties of alternatives to filing a dissolution petition, such as
19 marriage or domestic partnership counseling; (d) informing parties of
20 alternatives to litigation including counseling, legal separation, and
21 mediation services (~~if appropriate~~); (e) informing parties of
22 supportive family services available in the community; and (f)
23 (~~screening for referral for~~) information regarding services in the
24 areas of domestic violence as defined in RCW 26.50.010, child abuse,
25 substance abuse, and mental health(~~and (g) assistance to the court~~
26 ~~in superior court cases filed under chapter 26.09 RCW~~)).

27 (2) This program shall not provide legal advice. No attorney-
28 client relationship or privilege is created, by implication or by
29 inference, between persons providing (~~basic~~) information under this
30 section and the participants in the program.

31 (3) The legislative authority of any county may impose user fees or
32 may impose a surcharge of up to twenty dollars or both on only those
33 superior court cases filed under (~~this title, or both~~) chapter 26.09
34 RCW, to pay for the expenses of this program. (~~Fees~~) Funds collected
35 under this section shall be collected and deposited in the same manner
36 as other county funds are collected and deposited, and shall be

1 maintained in a separate account to be used as provided in this
2 section. The program shall provide services to indigent persons at no
3 expense.

4 (4) Persons who implement the program shall be appointed in the
5 same manner as investigators, stenographers, and clerks as described in
6 RCW 26.12.050.

7 (5) If the county has a program under this section, any petition
8 under RCW 26.09.020 must allege that the moving party (~~met and~~
9 ~~conferred with the program~~) received the information on available
10 services prior to the filing of the petition.

11 (6) If the county has a program under this section, parties shall
12 (~~meet and confer with the program~~) obtain the information available
13 through the program prior to participation in mediation under RCW
14 26.09.016.

15 **Sec. 3.** RCW 2.56.180 and 2007 c 496 s 202 are each amended to read
16 as follows:

17 (1) The administrative office of the courts shall create a handbook
18 explaining the sections of Washington law pertaining to the rights and
19 responsibilities of marital partners to each other and to any children
20 during a marriage and a dissolution of marriage. The handbook may also
21 be provided in videotape or other electronic form.

22 (2) The handbook created under subsection (1) of this section shall
23 be provided by the county auditor when an individual applies for a
24 marriage license under RCW 26.04.140.

25 (3) The handbook created under subsection (1) of this section shall
26 also be provided to the petitioner when he or she files a petition for
27 dissolution, and to the respondent, unless the respondent did not file
28 a response, notice of appearance, or any other paper in the case or did
29 not appear in court. (~~The administrative office of the courts shall~~
30 ~~on an annual basis reimburse the counties for each copy of the handbook~~
31 ~~that is distributed directly to family law parties under this section,~~
32 ~~provided that the county submits documentation of the number of~~
33 ~~handbooks distributed on an annual basis.))~~

34 (4) The information contained in the handbook created under
35 subsection (1) of this section shall be reviewed and updated annually.
36 The handbook must contain the following information:

1 (a) Information on prenuptial agreements as contracts and as a
2 means of structuring financial arrangements and other aspects of the
3 marital relationship;

4 (b) Information on shared parental responsibility for children,
5 including establishing a residential schedule for the child in the
6 event of the dissolution of the marriage;

7 (c) Information on notice requirements and standards for parental
8 relocation;

9 (d) Information on child support for minor children;

10 (e) Information on property rights, including equitable
11 distribution of assets and premarital and postmarital property rights;

12 (f) Information on spousal maintenance;

13 (g) Information on domestic violence, child abuse, and neglect,
14 including penalties;

15 (h) Information on the court process for dissolution;

16 (i) Information on the effects of dissolution on children;

17 (j) Information on community resources that are available to
18 separating or divorcing persons and their children.

19 **Sec. 4.** RCW 26.09.020 and 2008 c 6 s 1005 are each amended to read
20 as follows:

21 (1) A petition in a proceeding for dissolution of marriage or
22 domestic partnership, legal separation, or for a declaration concerning
23 the validity of a marriage or domestic partnership shall allege:

24 (a) The last known state of residence of each party, and if a
25 party's last known state of residence is Washington, the last known
26 county of residence;

27 (b) The date and place of the marriage or, for domestic
28 partnerships, the date of registration, and place of residence when the
29 domestic partnership was registered;

30 (c) If the parties are separated the date on which the separation
31 occurred;

32 (d) The names and ages of any child dependent upon either or both
33 spouses or either or both domestic partners and whether the wife or
34 domestic partner is pregnant;

35 (e) Any arrangements as to the residential schedule of, decision
36 making for, dispute resolution for, and support of the children and the
37 maintenance of a spouse or domestic partner;

1 (f) A statement specifying whether there is community or separate
2 property owned by the parties to be disposed of;

3 (g) If the county has established a program under RCW 26.12.260, a
4 statement affirming that the moving party (~~met and conferred with the~~
5 ~~program~~) received the information prior to filing the petition;

6 (h) The relief sought.

7 (2) Either or both parties to the marriage or to the domestic
8 partnership may initiate the proceeding.

9 (3) The petitioner shall complete and file with the petition a
10 certificate under RCW 43.70.150 on the form provided by the department
11 of health and the confidential information form under RCW 26.23.050.

12 (4) Nothing in this section shall be construed to limit or prohibit
13 the ability of parties to obtain appropriate emergency orders.

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