

HB 1042 - S COMM AMD

By Committee on Law & Justice

ADOPTED 03/30/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 26.27.051 and 2001 c 65 s 105 are each amended to
4 read as follows:

5 (1) A court of this state shall treat a foreign country as if it
6 were a state of the United States for the purpose of applying
7 Articles 1 and 2.

8 (2) Except as otherwise provided in subsection (3) or (4) of this
9 section, a child custody determination made in a foreign country
10 under factual circumstances in substantial conformity with the
11 jurisdictional standards of this chapter must be recognized and
12 enforced under Article 3.

13 (3) A court of this state need not apply this chapter if the
14 child custody law of a foreign country violates fundamental
15 principles of human rights.

16 (4) A court of this state need not apply this chapter if the law
17 of a foreign country holds that apostasy, or a sincerely held
18 religious belief or practice, or homosexuality are punishable by
19 death, and a parent or child may be at demonstrable risk of being
20 subject to such laws. For the purposes of this subsection, "apostasy"
21 means the abandonment or renunciation of a religious or political
22 belief.

23 NEW SECTION. **Sec. 2.** This act applies to child custody
24 proceedings or proceedings to enforce a child custody determination
25 pending as of the effective date of this section, or commenced on or
26 after the effective date of this section.

27 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of
29 the state government and its existing public institutions, and takes
30 effect immediately."

HB 1042 - S COMM AMD

By Committee on Law & Justice

ADOPTED 03/30/2021

1 On page 1, line 5 of the title, after "orientation;" strike the
2 remainder of the title and insert "amending RCW 26.27.051; creating a
3 new section; and declaring an emergency."

EFFECT: Allows Washington courts to refrain from applying Uniform Child Custody Jurisdiction and Enforcement Act standards in international custody matters if a parent or child is at demonstrable risk of being subject to the laws of a foreign country that carry a death sentence for a sincerely held religious belief or practice in addition to apostasy or homosexuality.

--- END ---