

HOUSE BILL REPORT

HB 1089

As Passed House

March 1, 1991

Title: An act relating to confidentiality of postdecree mediation proceedings.

Brief Description: Changing confidentiality for postdecree mediation proceedings.

Sponsor(s): Representatives Appelwick, Paris and Padden.

Brief History:

Reported by House Committee on:
Judiciary, January 29, 1991, DP;
Passed House, March 1, 1991, 86-0.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 16 members:
Representatives Appelwick, Chair; Ludwig, Vice Chair;
Padden, Ranking Minority Member; Paris, Assistant Ranking
Minority Member; Broback; Forner; Hargrove; Inslee;
R. Meyers; Mielke; H. Myers; Riley; Scott; Tate; Vance; and
Wineberry.

Staff: Pat Shelledy (786-7149).

Background: In 1986, the Legislature created a procedure for mediation of contested issues in divorce proceedings. The procedure applied to proceedings under the Uniform Marriage and Divorce Act of 1973 and now applies to the Parenting Act of 1977. The court may set the matter for mediation and make available a mediator. The goal of mediation is to reduce acrimony between the parties, develop an agreement for close contact by both parents with the child after the divorce, and settle the dispute. The mediation proceedings are private and confidential, and the mediator may not testify about the mediation proceedings.

The original statute provided that the mediation provisions applied "in any proceeding under this chapter." In 1989, the Legislature amended the mediation provisions to provide the statute did not apply to postdecree mediation proceedings. The 1989 act did not specify what rules did apply to postdecree mediation. The Legislature may have

intended to have all the mediation rules apply to postdecree mediation except for the confidentiality restrictions.

Summary of Bill: The rules that apply to mediation of contested issues in a divorce action shall apply to postdecree mediation proceedings. However, the confidentiality restrictions that require predecree mediation proceedings to be confidential and that prohibit the mediator from testifying about the mediation proceedings shall not apply to postdecree mediation. Postdecree mediation proceedings shall not be confidential.

Fiscal Note: Requested January 17, 1991.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Reconciles the law with actual practice in postdecree mediation cases which should not be confidential.

Testimony Against: None.

Witnesses: Kim Prochnau, Washington State Bar Association, Family Law Section (supports as making a technical change); and Bill Harrington, Fathers' Rights (supports).