

FINAL BILL REPORT

SHB 2784

C 229 L 92
Synopsis As Enacted

Brief Description: Making technical and clarifying amendments to domestic relations provisions.

By House Committee on Judiciary (originally sponsored by Representative Appelwick).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: In 1991 the Legislature enacted a statute requiring the administrator for the courts to develop mandatory forms for use in domestic relations cases. Some implementation questions arose during the process of developing the forms.

The terms "motion," "petition," "modification," and "adjustment" are terms of art that impact procedural requirements. The terms are sometimes used interchangeably and improperly in existing domestic relations statutes.

Some decrees provide for automatic adjustments of support. If a party has to move the court for an order compelling compliance, the law does not specify whether the adjustment is retroactive to the date specified in the decree or to the date the motion is filed.

Child support provisions have been amended during the last two legislative sessions. Each time the amendment has stated when parties may use those provisions to modify a support order. Those provisions need to be updated.

The court must enter written findings of fact as to why the court set support at a certain amount. Apparently clarification is needed to insure that courts enter findings whether support is set at an amount within or outside the presumptive or advisory amounts set out in the law.

The Parentage Act specifies that the Marriage Dissolution Act, which governs modifications of support orders, applies to modifications of support orders issued under the Parentage Act but does not specify that the Marriage Dissolution Act also applies to modifications of a parenting plan.

The court may issue a temporary restraining order pending final resolution of a divorce, restraining the parties from disposing of or concealing property. Under court rule, the court must order the moving party to post security. No court rule or statute gives the court discretion to waive that requirement in domestic cases.

Summary: In addition to forms and format rules already developed, the administrator for the courts must develop by September 1, 1992 mandatory forms for financial affidavits. The parties must use those forms for actions commenced on or after September 1, 1992.

Parties may delete unnecessary parts of forms according to rules established by the administrator for the courts. The court may not dismiss a case, reject a filing, or strike a pleading if a party does not use the mandatory forms. The court may require the party to submit a corrected pleading and impose terms.

The administrator for the courts has ongoing responsibility to develop and revise forms and format rules. The administrator for the courts and court clerks may distribute the forms and may collect the costs of distribution and production. Private vendors may also distribute the forms.

Technical changes are made to use correct references to "motion," "petition," "modification," and "adjustment."

Adjustments of support ordered following a motion to compel compliance with the decree will accrue from the effective date specified in the decree.

An expired provision regarding when parties may file for a modification due to changes in the child support schedule is deleted.

The court must enter written findings of fact whether the court sets support at an amount within the presumptive amount, within the advisory amount, or outside the presumptive or advisory amounts.

Provisions in the Marriage Dissolution Act regarding modification of parenting plans also apply to orders regarding parenting plans issued under the Parentage act.

The court may waive the requirement to post security when the court issues a temporary restraining order restraining a party from disposing of property pending final resolution of a divorce.

Votes on Final Passage:

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|--------|----|---|---------------------------|
| House | 95 | 0 | |
| Senate | 46 | 0 | (Senate amended) |
| House | | | (House refused to concur) |
| Senate | 46 | 0 | (Senate amended) |
| House | 96 | 0 | (House concurred) |

Effective: June 11, 1992