
ENGROSSED SUBSTITUTE SENATE BILL 6110

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Spanel, A. Smith, Hargrove and Winsley)

Read first time 02/01/94.

1 AN ACT Relating to the production of family medical history;
2 amending RCW 26.09.050 and 26.09.170; reenacting and amending RCW
3 26.26.130; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature that
6 parents or guardians of minor children should have access to
7 information regarding the family medical history of their children.
8 This information will enable medical professionals to provide
9 appropriate health care to children. It is also the intent of the
10 legislature to recognize that each person has a privacy interest in his
11 or her family medical history. The legislature intends to limit access
12 to this information in order to respect this interest.

13 **Sec. 2.** RCW 26.09.050 and 1989 c 375 s 29 are each amended to read
14 as follows:

15 (1) In entering a decree of dissolution of marriage, legal
16 separation, or declaration of invalidity, the court shall determine the
17 marital status of the parties, make provision for a parenting plan for
18 any minor child of the marriage, require that each parent provide a

1 family medical history for purposes of facilitating proper health care
2 of the child or children, make provision for the support of any child
3 of the marriage entitled to support, consider or approve provision for
4 the maintenance of either spouse, make provision for the disposition of
5 property and liabilities of the parties, make provision for the
6 allocation of the children as federal tax exemptions, make provision
7 for any necessary continuing restraining orders, and make provision for
8 the change of name of any party.

9 (2) In order to meet the requirement of providing family medical
10 history under subsection (1) of this section, the parent shall submit
11 a written statement describing any medical attribute, diagnosis or
12 disease in the parent's immediate family that is generally accepted to
13 be medically linked to the health of the child, such as medically
14 accepted genetic traits or abnormalities, and that would facilitate the
15 proper health care of the child. For purposes of this section,
16 "immediate family" means parents, siblings, grandparents, aunts, uncles
17 and first cousins.

18 (3) Absent a court order, a parent is not required to make
19 inquiries regarding his or her family medical history and may provide
20 only such information of which the parent is aware at the time of
21 entering into the decree of dissolution of marriage, legal separation
22 or declaration of invalidity.

23 (4) In order to assist a parent in complying with the obligation to
24 provide a family medical history under subsection (1) of this section,
25 the court shall provide each parent with a list of medical attributes,
26 diagnoses or diseases that are generally accepted as being medically
27 linked to the health of children.

28 (5) The department of health shall provide courts with the list
29 described in subsection (4) of this section, and update this list as
30 needed.

31 (6) Family medical history shall be considered confidential
32 information, and all records containing this information shall be
33 sealed. The court shall not open these records to inspection by any
34 person except:

35 (a) The parent or guardian of the minor child in question for
36 purposes of facilitating proper health care of the child; or

37 (b) The child in question after such child has reached the age of
38 eighteen.

1 **Sec. 3.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to read
2 as follows:

3 (1) Except as otherwise provided in subsection (7) of RCW
4 26.09.070, the provisions of any decree respecting maintenance or
5 support may be modified: (a) Only as to installments accruing
6 subsequent to the petition for modification or motion for adjustment
7 except motions to compel court-ordered adjustments, which shall be
8 effective as of the first date specified in the decree for implementing
9 the adjustment; and, (b) except as otherwise provided in subsections
10 (4), (5), (8), and (9) of this section, only upon a showing of a
11 substantial change of circumstances. The provisions as to property
12 disposition may not be revoked or modified, unless the court finds the
13 existence of conditions that justify the reopening of a judgment under
14 the laws of this state. A decree may be modified at any time to
15 provide that a parent be required to provide a family medical history
16 for the purposes of facilitating proper health care of a child.

17 (2) Unless otherwise agreed in writing or expressly provided in the
18 decree the obligation to pay future maintenance is terminated upon the
19 death of either party or the remarriage of the party receiving
20 maintenance.

21 (3) Unless otherwise agreed in writing or expressly provided in the
22 decree, provisions for the support of a child are terminated by
23 emancipation of the child or by the death of the parent obligated to
24 support the child.

25 (4) An order of child support may be modified one year or more
26 after it has been entered without showing a substantial change of
27 circumstances:

28 (a) If the order in practice works a severe economic hardship on
29 either party or the child;

30 (b) If a party requests an adjustment in an order for child support
31 which was based on guidelines which determined the amount of support
32 according to the child's age, and the child is no longer in the age
33 category on which the current support amount was based;

34 (c) If a child is still in high school, upon a finding that there
35 is a need to extend support beyond the eighteenth birthday to complete
36 high school; or

37 (d) To add an automatic adjustment of support provision consistent
38 with RCW 26.09.100.

1 (5) An order or decree entered prior to June 7, 1984, may be
2 modified without showing a substantial change of circumstances if the
3 requested modification is to:

4 (a) Require health insurance coverage for a child named therein; or

5 (b) Modify an existing order for health insurance coverage.

6 (6) An obligor's voluntary unemployment or voluntary
7 underemployment, by itself, is not a substantial change of
8 circumstances.

9 (7) The department of social and health services may file an action
10 to modify an order of child support if public assistance money is being
11 paid to or for the benefit of the child and the child support order is
12 twenty-five percent or more below the appropriate child support amount
13 set forth in the standard calculation as defined in RCW 26.19.011 and
14 reasons for the deviation are not set forth in the findings of fact or
15 order. The determination of twenty-five percent or more shall be based
16 on the current income of the parties and the department shall not be
17 required to show a substantial change of circumstances if the reasons
18 for the deviations were not set forth in the findings of fact or order.

19 (8)(a) All child support decrees may be adjusted once every twenty-
20 four months based upon changes in the income of the parents without a
21 showing of substantially changed circumstances. Either party may
22 initiate the adjustment by filing a motion and child support
23 worksheets.

24 (b) A party may petition for modification in cases of substantially
25 changed circumstances under subsection (1) of this section at any time.
26 However, if relief is granted under subsection (1) of this section,
27 twenty-four months must pass before a motion for an adjustment under
28 (a) of this subsection may be filed.

29 (c) If, pursuant to (a) of this subsection or subsection (9) of
30 this section, the court adjusts or modifies a child support obligation
31 by more than thirty percent and the change would cause significant
32 hardship, the court may implement the change in two equal increments,
33 one at the time of the entry of the order and the second six months
34 from the entry of the order. Twenty-four months must pass following
35 the second change before a motion for an adjustment under (a) of this
36 subsection may be filed.

37 (d) A parent who is receiving transfer payments who receives a wage
38 or salary increase may not bring a modification action pursuant to

1 subsection (1) of this section alleging that increase constitutes a
2 substantial change of circumstances.

3 (9) An order of child support may be adjusted twenty-four months
4 from the date of the entry of the decree or the last adjustment or
5 modification, whichever is later, based upon changes in the economic
6 table or standards in chapter 26.19 RCW.

7 **Sec. 4.** RCW 26.26.130 and 1989 c 375 s 23 and 1989 c 360 s 18 are
8 each reenacted and amended to read as follows:

9 (1) The judgment and order of the court determining the existence
10 or nonexistence of the parent and child relationship shall be
11 determinative for all purposes.

12 (2) If the judgment and order of the court is at variance with the
13 child's birth certificate, the court shall order that an amended birth
14 certificate be issued.

15 (3) The judgment and order shall contain other appropriate
16 provisions directed to the appropriate parties to the proceeding,
17 concerning the duty of current and future support, the extent of any
18 liability for past support furnished to the child if that issue is
19 before the court, the furnishing of bond or other security for the
20 payment of the judgment, or any other matter in the best interest of
21 the child. The judgment and order may direct the father to pay the
22 reasonable expenses of the mother's pregnancy and confinement. The
23 judgment and order shall direct each parent to provide a family medical
24 history for the purposes of facilitating the health care of the child.

25 (4) In order to meet the requirement of providing family medical
26 history under subsection (3) of this section, the parent shall submit
27 a written statement describing any medical attribute, diagnosis or
28 disease in the parent's immediate family that is generally accepted to
29 be medically linked to the health of the child, such as medically
30 accepted genetic traits or abnormalities, and that would facilitate the
31 proper health care of the child. For purposes of this section,
32 "immediate family" means parents, siblings, grandparents, aunts, uncles
33 and first cousins.

34 (5) Absent a court order, a parent is not required to make
35 inquiries regarding his or her family medical history and may provide
36 only such information of which the parent is aware at the time of
37 entering into the decree of dissolution of marriage, legal separation
38 or declaration of invalidity.

1 (6) In order to assist a parent in complying with the obligation to
2 provide a family medical history under subsection (3) of this section,
3 the court shall provide each parent with a list of medical attributes,
4 diagnoses or diseases that are generally accepted as being medically
5 linked to the health of children.

6 (7) The department of health shall provide courts with the list
7 described in subsection (6) of this section, and update this list as
8 needed.

9 (8) Family medical history shall be considered confidential
10 information, and all records containing this information shall be
11 sealed. The court shall not open these records to inspection by any
12 person except:

13 (a) The parent or guardian of the minor child in question for
14 purposes of facilitating proper health care of the child; or

15 (b) The child in question after such child has reached the age of
16 eighteen.

17 (9) Support judgment and orders shall be for periodic payments
18 which may vary in amount. The court may limit the father's liability
19 for the past support to the child to the proportion of the expenses
20 already incurred as the court deems just. The court shall not limit or
21 affect in any manner the right of nonparties including the state of
22 Washington to seek reimbursement for support and other services
23 previously furnished to the child.

24 ~~((+5))~~ (10) After considering all relevant factors, the court
25 shall order either or both parents to pay an amount determined pursuant
26 to the schedule and standards adopted under chapter 26.19 RCW
27 ~~((26.19.040))~~.

28 ~~((+6))~~ (11) On the same basis as provided in chapter 26.09 RCW,
29 the court shall make residential provisions with regard to minor
30 children of the parties, except that a parenting plan shall not be
31 required unless requested by a party.

32 ~~((+7))~~ (12) In any dispute between the natural parents of a child
33 and a person or persons who have (a) commenced adoption proceedings or
34 who have been granted an order of adoption, and (b) pursuant to a court
35 order, or placement by the department of social and health services or
36 by a licensed agency, have had actual custody of the child for a period
37 of one year or more before court action is commenced by the natural
38 parent or parents, the court shall consider the best welfare and
39 interests of the child, including the child's need for situation

1 stability, in determining the matter of custody, and the parent or
2 person who is more fit shall have the superior right to custody.

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