

SENATE BILL REPORT

SB 6270

As of February 01, 2006

Title: An act relating to shared parental responsibility.

Brief Description: Encouraging shared parental responsibility in child custody arrangements.

Sponsors: Senators Kastama and Swecker.

Brief History:

Committee Activity: Human Services & Corrections: 1/26/06.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Indu Thomas (786-7459)

Background: Under Washington's dissolution of marriage and legal separation law, divorcing couples with children must establish a parenting plan. Currently this statute includes provisions permitting the court to order shared residential schedules under specific conditions. The objectives of parenting plans include the best interests of the child; however, there is no specific reference to consideration of best interests in establishing residential provisions.

Summary of Substitute Bill: Changes are made to the dissolution of marriage and legal separation law to define shared parental responsibility and shared residential placement and to establish a presumption in favor of shared residential placement.

The factors to be considered in making residential schedule decisions are only to be considered when the presumption is not in the best interests of the child. These factors are also expanded to include consideration of the child's special physical needs and whether the child is nursing. Consideration of whether a parent has taken greater responsibility for performing the parenting functions relating to the daily needs of the child is eliminated from consideration. The Administrative Office of the Courts is to conduct a survey of parenting plans and report back to the Legislature, the Governor and the public in two years.

Substitute Bill Compared to Original Bill: The proposed substitute emphasizes that the standard in parenting cases is the best interests of the child. The application of the determination factors based on age alone are eliminated. The court is permitted to adopt safeguards in order to facilitate visitation that is consistent and reduces conflict in cases where there is a history of poor cooperation between the parents. Finally, the substitute requires the administrative office of the courts to survey parenting plans in Washington to determine the allocation of residential time between parents.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: Although there is clear research based support for the benefits of shared residential parenting, the court continues to impose an every other weekend visitation schedule. There is a need to establish a presumption in favor of shared parenting in order to shift the practice of Family Court Judges. Children who have active and engaged fathers are more likely to succeed as adults. Fathers who are able to have an active role in the upbringing of their children are more likely to meet other obligations that are placed upon them.

Testimony Against: There is nothing in the Uniform Parenting Act that prohibits entering an order in favor of shared parenting. This proposal requires the court to move away from the best interests of the child and focus on the interests of the parents. This approach puts women and children in domestic violence situations at risk. It takes courage to get out of such a relationship. This puts the burden of proving that the situation is unhealthy on the mother who is already using everything she has to escape that situation.

Who Testified: PRO: Senator Kastama, prime sponsor; Elisa Teague, Washington Civil Rights Council; Greg Howe, Kevin Turner, Jennifer Orvis, Eric Paschall, Mark Mahnkey and Holly McKinley, The Other Parent; Sean Cooper, Andy Maris and Roger Hopkins, Top Rights; Chuck Szurszewski, Family Law Attorney; Lisa Scott, Taking Action Against Bias in the System; Mark Shattuck, Parent.

CON: Chris Wickham, Superior Court Judge; Sheranmarie Boling, Citizen; Leslie Owen, Northwest Justice Project; Grace Huang, Washington Coalition Against Domestic Violence; Rebecca Korby, Healthy Families of Clallam County; Laura Pierson, Dispute Resolution Center of Snohomish County.