
HOUSE BILL 2979

State of Washington 59th Legislature 2006 Regular Session

By Representatives Hasegawa, Chase, Roberts and Santos

Read first time 01/17/2006. Referred to Committee on Juvenile
Justice & Family Law.

1 AN ACT Relating to addressing cultural upbringing in parenting
2 plans; and amending RCW 26.09.184.

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

4 **Sec. 1.** RCW 26.09.184 and 1991 c 367 s 7 are each amended to read
5 as follows:

6 (1) OBJECTIVES. The objectives of the permanent parenting plan are
7 to:

8 (a) Provide for the child's physical care;

9 (b) Maintain the child's emotional stability;

10 (c) Provide for the child's changing needs as the child grows and
11 matures, in a way that minimizes the need for future modifications to
12 the permanent parenting plan;

13 (d) Set forth the authority and responsibilities of each parent
14 with respect to the child, consistent with the criteria in RCW
15 26.09.187 and 26.09.191;

16 (e) Minimize the child's exposure to harmful parental conflict;

17 (f) Encourage the parents, where appropriate under RCW 26.09.187
18 and 26.09.191, to meet their responsibilities to their minor children

1 through agreements in the permanent parenting plan, rather than by
2 relying on judicial intervention; and

3 (g) To otherwise protect the best interests of the child consistent
4 with RCW 26.09.002.

5 (2) CONTENTS OF THE PERMANENT PARENTING PLAN. The permanent
6 parenting plan shall contain provisions for resolution of future
7 disputes between the parents, allocation of decision-making authority,
8 and residential provisions for the child.

9 (3) DISPUTE RESOLUTION. A process for resolving disputes, other
10 than court action, shall be provided unless precluded or limited by RCW
11 26.09.187 or 26.09.191. A dispute resolution process may include
12 counseling, mediation, or arbitration by a specified individual or
13 agency, or court action. In the dispute resolution process:

14 (a) Preference shall be given to carrying out the parenting plan;

15 (b) The parents shall use the designated process to resolve
16 disputes relating to implementation of the plan, except those related
17 to financial support, unless an emergency exists;

18 (c) A written record shall be prepared of any agreement reached in
19 counseling or mediation and of each arbitration award and shall be
20 provided to each party;

21 (d) If the court finds that a parent has used or frustrated the
22 dispute resolution process without good reason, the court shall award
23 attorneys' fees and financial sanctions to the prevailing parent;

24 (e) The parties have the right of review from the dispute
25 resolution process to the superior court; and

26 (f) The provisions of (a) through (e) of this subsection shall be
27 set forth in the decree.

28 (4) ALLOCATION OF DECISION-MAKING AUTHORITY.

29 (a) The plan shall allocate decision-making authority to one or
30 both parties regarding the children's education, health care, cultural
31 upbringing, and religious upbringing. Any allocation of decision-
32 making authority regarding cultural upbringing shall reflect the
33 inherent value of sustaining the child's connection to his or her
34 cultural heritage, through education or by other means. The parties
35 may incorporate an agreement related to the care and growth of the
36 child in these specified areas, or in other areas, into their plan,
37 consistent with the criteria in RCW 26.09.187 and 26.09.191.

1 Regardless of the allocation of decision-making in the parenting plan,
2 either parent may make emergency decisions affecting the health or
3 safety of the child.

4 (b) Each parent may make decisions regarding the day-to-day care
5 and control of the child while the child is residing with that parent.

6 (c) When mutual decision making is designated but cannot be
7 achieved, the parties shall make a good-faith effort to resolve the
8 issue through the dispute resolution process.

9 (5) RESIDENTIAL PROVISIONS FOR THE CHILD. The plan shall include
10 a residential schedule which designates in which parent's home each
11 minor child shall reside on given days of the year, including provision
12 for holidays, birthdays of family members, vacations, and other special
13 occasions, consistent with the criteria in RCW 26.09.187 and 26.09.191.

14 (6) PARENTS' OBLIGATION UNAFFECTED. If a parent fails to comply
15 with a provision of a parenting plan or a child support order, the
16 other parent's obligations under the parenting plan or the child
17 support order are not affected. Failure to comply with a provision in
18 a parenting plan or a child support order may result in a finding of
19 contempt of court, under RCW 26.09.160.

20 (7) PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN. The
21 permanent parenting plan shall set forth the provisions of subsections
22 (3)(a) through (c), (4)(b) and (c), and (6) of this section.

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