

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1171

Chapter 55, Laws of 2005

59th Legislature
2005 Regular Session

MARRIAGE DISSOLUTION--PREGNANCY

EFFECTIVE DATE: 7/24/05

Passed by the House February 28, 2005
Yeas 89 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 6, 2005
Yeas 43 Nays 0

BRAD OWEN

President of the Senate

Approved April 14, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1171** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

April 14, 2005 - 11:29 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1171

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Moeller, Cody, Roberts, Schual-Berke, Appleton, Morrell, Darneille, Chase, Kenney and Ormsby)

READ FIRST TIME 02/11/05.

1 AN ACT Relating to dissolution; and amending RCW 26.09.030.

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

3 **Sec. 1.** RCW 26.09.030 and 1996 c 23 s 1 are each amended to read
4 as follows:

5 When a party who (1) is a resident of this state, or (2) is a
6 member of the armed forces and is stationed in this state, or (3) is
7 married to a party who is a resident of this state or who is a member
8 of the armed forces and is stationed in this state, petitions for a
9 dissolution of marriage, and alleges that the marriage is irretrievably
10 broken and when ninety days have elapsed since the petition was filed
11 and from the date when service of summons was made upon the respondent
12 or the first publication of summons was made, the court shall proceed
13 as follows:

14 ~~((1))~~ (a) If the other party joins in the petition or does not
15 deny that the marriage is irretrievably broken, the court shall enter
16 a decree of dissolution.

17 ~~((2))~~ (b) If the other party alleges that the petitioner was
18 induced to file the petition by fraud, or coercion, the court shall

1 make a finding as to that allegation and, if it so finds shall dismiss
2 the petition.

3 ~~((3))~~ (c) If the other party denies that the marriage is
4 irretrievably broken the court shall consider all relevant factors,
5 including the circumstances that gave rise to the filing of the
6 petition and the prospects for reconciliation and shall:

7 ~~((a))~~ (i) Make a finding that the marriage is irretrievably
8 broken and enter a decree of dissolution of the marriage; or

9 ~~((b))~~ (ii) At the request of either party or on its own motion,
10 transfer the cause to the family court, refer them to another
11 counseling service of their choice, and request a report back from the
12 counseling service within sixty days, or continue the matter for not
13 more than sixty days for hearing. If the cause is returned from the
14 family court or at the adjourned hearing, the court shall:

15 ~~((i))~~ (A) Find that the parties have agreed to reconciliation and
16 dismiss the petition; or

17 ~~((ii))~~ (B) Find that the parties have not been reconciled, and
18 that either party continues to allege that the marriage is
19 irretrievably broken. When such facts are found, the court shall enter
20 a decree of dissolution of the marriage.

21 ~~((4))~~ (d) If the petitioner requests the court to decree legal
22 separation in lieu of dissolution, the court shall enter the decree in
23 that form unless the other party objects and petitions for a decree of
24 dissolution or declaration of invalidity.

25 (e) In considering a petition for dissolution of marriage, a court
26 shall not use a party's pregnancy as the sole basis for denying or
27 delaying the entry of a decree of dissolution of marriage. Granting a
28 decree of dissolution of marriage when a party is pregnant does not
29 affect further proceedings under the uniform parentage act, chapter
30 26.26 RCW.

Passed by the House February 28, 2005.
Passed by the Senate April 6, 2005.
Approved by the Governor April 14, 2005.
Filed in Office of Secretary of State April 14, 2005.