

2SSB 5470 - H COMM AMD  
By Committee on Judiciary

ADOPTED AND ENGROSSED 04/09/2007

1 Strike everything after the enacting clause and insert the  
2 following:

3 "PART I - Intent

4 **Sec. 101.** RCW 26.09.002 and 1987 c 460 s 2 are each amended to  
5 read as follows:

6 Parents have the responsibility to make decisions and perform other  
7 parental functions necessary for the care and growth of their minor  
8 children. In any proceeding between parents under this chapter, the  
9 best interests of the child shall be the standard by which the court  
10 determines and allocates the parties' parental responsibilities. The  
11 state recognizes the fundamental importance of the parent-child  
12 relationship to the welfare of the child, and that the relationship  
13 between the child and each parent should be fostered unless  
14 inconsistent with the child's best interests. Residential time and  
15 financial support are equally important components of parenting  
16 arrangements. The best interests of the child are served by a  
17 parenting arrangement that best maintains a child's emotional growth,  
18 health and stability, and physical care. Further, the best interest of  
19 the child is ordinarily served when the existing pattern of interaction  
20 between a parent and child is altered only to the extent necessitated  
21 by the changed relationship of the parents or as required to protect  
22 the child from physical, mental, or emotional harm.

23 NEW SECTION. **Sec. 102.** A new section is added to chapter 26.09  
24 RCW to read as follows:

25 The legislature reaffirms the intent of the current law as  
26 expressed in RCW 26.09.002. However, after review, the legislature  
27 finds that there are certain components of the existing law which do  
28 not support the original legislative intent. In order to better

1 implement the existing legislative intent the legislature finds that  
2 incentives for parties to reduce family conflict and additional  
3 alternative dispute resolution options can assist in reducing the  
4 number of contested trials. Furthermore, the legislature finds that  
5 the identification of domestic violence as defined in RCW 26.50.010 and  
6 the treatment needs of the parties to dissolutions are necessary to  
7 improve outcomes for children. When judicial officers have the  
8 discretion to tailor individualized resolutions, the legislative intent  
9 expressed in RCW 26.09.002 can more readily be achieved. Judicial  
10 officers should have the discretion and flexibility to assess each case  
11 based on the merits of the individual cases before them.

12 **PART II - Family Court Provisions**

13 **Sec. 201.** RCW 2.56.180 and 2005 c 282 s 10 are each amended to  
14 read as follows:

15 (1) The administrative office of the courts shall create a handbook  
16 explaining the sections of Washington law pertaining to the rights and  
17 responsibilities of marital partners to each other and to any children  
18 during a marriage and a dissolution of marriage. The handbook may also  
19 be provided in videotape or other electronic form.

20 (2) The handbook created under subsection (1) of this section shall  
21 be provided by the county auditor when an individual applies for a  
22 marriage license under RCW 26.04.140.

23 (3) The handbook created under subsection (1) of this section shall  
24 also be provided to the petitioner when he or she files a petition for  
25 dissolution, and to the respondent, unless the respondent did not file  
26 a response, notice of appearance, or any other paper in the case or did  
27 not appear in court. The administrative office of the courts shall on  
28 an annual basis reimburse the counties for each copy of the handbook  
29 that is distributed directly to family law parties under this section,  
30 provided that the county submits documentation of the number of  
31 handbooks distributed on an annual basis.

32 (4) The information contained in the handbook created under  
33 subsection (1) of this section shall be reviewed and updated annually.  
34 The handbook must contain the following information:

35 (a) Information on prenuptial agreements as contracts and as a

- 1 means of structuring financial arrangements and other aspects of the
- 2 marital relationship;
- 3 (b) Information on shared parental responsibility for children,
- 4 including establishing a residential schedule for the child in the
- 5 event of the dissolution of the marriage;
- 6 (c) Information on notice requirements and standards for parental
- 7 relocation;
- 8 (d) Information on child support for minor children;
- 9 (e) Information on property rights, including equitable
- 10 distribution of assets and premarital and postmarital property rights;
- 11 (f) Information on spousal maintenance;
- 12 (g) Information on domestic violence, child abuse, and neglect,
- 13 including penalties;
- 14 (h) Information on the court process for dissolution;
- 15 (i) Information on the effects of dissolution on children;
- 16 (j) Information on community resources that are available to
- 17 separating or divorcing persons and their children.

18 **PART III - Domestic Violence and Child Abuse**

19 NEW SECTION. **Sec. 301.** A new section is added to chapter 26.09  
20 RCW to read as follows:

21 Mediation is generally inappropriate in cases involving domestic  
22 violence and child abuse. In order to effectively identify cases where  
23 issues of domestic violence and child abuse are present and reduce  
24 conflict in dissolution matters: (1) Where appropriate parties shall  
25 be provided access to trained domestic violence advocates; and (2) in  
26 cases where a victim requests mediation the court may make exceptions  
27 and permit mediation, so long as the court makes a finding that  
28 mediation is appropriate under the circumstances and the victim is  
29 permitted to have a supporting person present during the mediation  
30 proceedings.

31 **Sec. 302.** RCW 2.56.030 and 2005 c 457 s 7 and 2005 c 282 s 7 are  
32 each reenacted and amended to read as follows:

33 The administrator for the courts shall, under the supervision and  
34 direction of the chief justice:

1 (1) Examine the administrative methods and systems employed in the  
2 offices of the judges, clerks, stenographers, and employees of the  
3 courts and make recommendations, through the chief justice, for the  
4 improvement of the same;

5 (2) Examine the state of the dockets of the courts and determine  
6 the need for assistance by any court;

7 (3) Make recommendations to the chief justice relating to the  
8 assignment of judges where courts are in need of assistance and carry  
9 out the direction of the chief justice as to the assignments of judges  
10 to counties and districts where the courts are in need of assistance;

11 (4) Collect and compile statistical and other data and make reports  
12 of the business transacted by the courts and transmit the same to the  
13 chief justice to the end that proper action may be taken in respect  
14 thereto;

15 (5) Prepare and submit budget estimates of state appropriations  
16 necessary for the maintenance and operation of the judicial system and  
17 make recommendations in respect thereto;

18 (6) Collect statistical and other data and make reports relating to  
19 the expenditure of public moneys, state and local, for the maintenance  
20 and operation of the judicial system and the offices connected  
21 therewith;

22 (7) Obtain reports from clerks of courts in accordance with law or  
23 rules adopted by the supreme court of this state on cases and other  
24 judicial business in which action has been delayed beyond periods of  
25 time specified by law or rules of court and make report thereof to  
26 supreme court of this state;

27 (8) Act as secretary of the judicial conference referred to in RCW  
28 2.56.060;

29 (9) Submit annually, as of February 1st, to the chief justice, a  
30 report of the activities of the administrator's office for the  
31 preceding calendar year including activities related to courthouse  
32 security;

33 (10) Administer programs and standards for the training and  
34 education of judicial personnel;

35 (11) Examine the need for new superior court and district court  
36 judge positions under an objective workload analysis. The results of  
37 the objective workload analysis shall be reviewed by the board for  
38 judicial administration which shall make recommendations to the

1 legislature. It is the intent of the legislature that an objective  
2 workload analysis become the basis for creating additional district and  
3 superior court positions, and recommendations should address that  
4 objective;

5 (12) Provide staff to the judicial retirement account plan under  
6 chapter 2.14 RCW;

7 (13) Attend to such other matters as may be assigned by the supreme  
8 court of this state;

9 (14) Within available funds, develop a curriculum for a general  
10 understanding of child development, placement, and treatment resources,  
11 as well as specific legal skills and knowledge of relevant statutes  
12 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,  
13 interviewing skills, and special needs of the abused or neglected  
14 child. This curriculum shall be completed and made available to all  
15 juvenile court judges, court personnel, and service providers and be  
16 updated yearly to reflect changes in statutes, court rules, or case  
17 law;

18 (15) Develop, in consultation with the entities set forth in RCW  
19 2.56.150(3), a comprehensive statewide curriculum for persons who act  
20 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall  
21 be made available July 1, (~~1997~~) 2008, and include specialty sections  
22 on child development, child sexual abuse, child physical abuse, child  
23 neglect, domestic violence, clinical and forensic investigative and  
24 interviewing techniques, family reconciliation and mediation services,  
25 and relevant statutory and legal requirements. The curriculum shall be  
26 made available to all superior court judges, court personnel, and all  
27 persons who act as guardians ad litem;

28 (16) Develop a curriculum for a general understanding of crimes of  
29 malicious harassment, as well as specific legal skills and knowledge of  
30 RCW 9A.36.080, relevant cases, court rules, and the special needs of  
31 malicious harassment victims. This curriculum shall be made available  
32 to all superior court and court of appeals judges and to all justices  
33 of the supreme court;

34 (17) Develop, in consultation with the criminal justice training  
35 commission and the commissions established under chapters 43.113,  
36 43.115, and 43.117 RCW, a curriculum for a general understanding of  
37 ethnic and cultural diversity and its implications for working with  
38 youth of color and their families. The curriculum shall be available

1 to all superior court judges and court commissioners assigned to  
2 juvenile court, and other court personnel. Ethnic and cultural  
3 diversity training shall be provided annually so as to incorporate  
4 cultural sensitivity and awareness into the daily operation of juvenile  
5 courts statewide;

6 (18) Authorize the use of closed circuit television and other  
7 electronic equipment in judicial proceedings. The administrator shall  
8 promulgate necessary standards and procedures and shall provide  
9 technical assistance to courts as required;

10 (19) Develop a Washington family law handbook in accordance with  
11 RCW 2.56.180;

12 (20) Administer state funds for improving the operation of the  
13 courts and provide support for court coordinating councils, under the  
14 direction of the board for judicial administration;

15 (21)(a) Administer and distribute amounts appropriated from the  
16 equal justice subaccount under RCW 43.08.250(2) for district court  
17 judges' and qualifying elected municipal court judges' salary  
18 contributions. The administrator for the courts shall develop a  
19 distribution formula for these amounts that does not differentiate  
20 between district and elected municipal court judges.

21 (b) A city qualifies for state contribution of elected municipal  
22 court judges' salaries under (a) of this subsection if:

23 (i) The judge is serving in an elected position;

24 (ii) The city has established by ordinance that a full-time judge  
25 is compensated at a rate equivalent to at least ninety-five percent,  
26 but not more than one hundred percent, of a district court judge salary  
27 or for a part-time judge on a pro rata basis the same equivalent; and

28 (iii) The city has certified to the office of the administrator for  
29 the courts that the conditions in (b)(i) and (ii) of this subsection  
30 have been met.

31 **Sec. 303.** RCW 26.09.191 and 2004 c 38 s 12 are each amended to  
32 read as follows:

33 (1) The permanent parenting plan shall not require mutual decision-  
34 making or designation of a dispute resolution process other than court  
35 action if it is found that a parent has engaged in any of the following  
36 conduct: (a) Willful abandonment that continues for an extended period  
37 of time or substantial refusal to perform parenting functions; (b)

1 physical, sexual, or a pattern of emotional abuse of a child; or (c) a  
2 history of acts of domestic violence as defined in RCW 26.50.010(1) or  
3 an assault or sexual assault which causes grievous bodily harm or the  
4 fear of such harm.

5 (2)(a) The parent's residential time with the child shall be  
6 limited if it is found that the parent has engaged in any of the  
7 following conduct: (i) Willful abandonment that continues for an  
8 extended period of time or substantial refusal to perform parenting  
9 functions; (ii) physical, sexual, or a pattern of emotional abuse of a  
10 child; (iii) a history of acts of domestic violence as defined in RCW  
11 26.50.010(1) or an assault or sexual assault which causes grievous  
12 bodily harm or the fear of such harm; or (iv) the parent has been  
13 convicted as an adult of a sex offense under:

14 (A) RCW 9A.44.076 if, because of the difference in age between the  
15 offender and the victim, no rebuttable presumption exists under (d) of  
16 this subsection;

17 (B) RCW 9A.44.079 if, because of the difference in age between the  
18 offender and the victim, no rebuttable presumption exists under (d) of  
19 this subsection;

20 (C) RCW 9A.44.086 if, because of the difference in age between the  
21 offender and the victim, no rebuttable presumption exists under (d) of  
22 this subsection;

23 (D) RCW 9A.44.089;

24 (E) RCW 9A.44.093;

25 (F) RCW 9A.44.096;

26 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
27 between the offender and the victim, no rebuttable presumption exists  
28 under (d) of this subsection;

29 (H) Chapter 9.68A RCW;

30 (I) Any predecessor or antecedent statute for the offenses listed  
31 in (a)(iv)(A) through (H) of this subsection;

32 (J) Any statute from any other jurisdiction that describes an  
33 offense analogous to the offenses listed in (a)(iv)(A) through (H) of  
34 this subsection.

35 This subsection (2)(a) shall not apply when (c) or (d) of this  
36 subsection applies.

37 (b) The parent's residential time with the child shall be limited  
38 if it is found that the parent resides with a person who has engaged in

1 any of the following conduct: (i) Physical, sexual, or a pattern of  
2 emotional abuse of a child; (ii) a history of acts of domestic violence  
3 as defined in RCW 26.50.010(1) or an assault or sexual assault that  
4 causes grievous bodily harm or the fear of such harm; or (iii) the  
5 person has been convicted as an adult or as a juvenile has been  
6 adjudicated of a sex offense under:

7 (A) RCW 9A.44.076 if, because of the difference in age between the  
8 offender and the victim, no rebuttable presumption exists under (e) of  
9 this subsection;

10 (B) RCW 9A.44.079 if, because of the difference in age between the  
11 offender and the victim, no rebuttable presumption exists under (e) of  
12 this subsection;

13 (C) RCW 9A.44.086 if, because of the difference in age between the  
14 offender and the victim, no rebuttable presumption exists under (e) of  
15 this subsection;

16 (D) RCW 9A.44.089;

17 (E) RCW 9A.44.093;

18 (F) RCW 9A.44.096;

19 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
20 between the offender and the victim, no rebuttable presumption exists  
21 under (e) of this subsection;

22 (H) Chapter 9.68A RCW;

23 (I) Any predecessor or antecedent statute for the offenses listed  
24 in (b)(iii)(A) through (H) of this subsection;

25 (J) Any statute from any other jurisdiction that describes an  
26 offense analogous to the offenses listed in (b)(iii)(A) through (H) of  
27 this subsection.

28 This subsection (2)(b) shall not apply when (c) or (e) of this  
29 subsection applies.

30 (c) If a parent has been found to be a sexual predator under  
31 chapter 71.09 RCW or under an analogous statute of any other  
32 jurisdiction, the court shall restrain the parent from contact with a  
33 child that would otherwise be allowed under this chapter. If a parent  
34 resides with an adult or a juvenile who has been found to be a sexual  
35 predator under chapter 71.09 RCW or under an analogous statute of any  
36 other jurisdiction, the court shall restrain the parent from contact  
37 with the parent's child except contact that occurs outside that  
38 person's presence.



1 (d) There is a rebuttable presumption that a parent who has been  
2 convicted as an adult of a sex offense listed in (d)(i) through (ix) of  
3 this subsection poses a present danger to a child. Unless the parent  
4 rebuts this presumption, the court shall restrain the parent from  
5 contact with a child that would otherwise be allowed under this  
6 chapter:

7 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
8 was at least five years older than the other person;

9 (ii) RCW 9A.44.073;

10 (iii) RCW 9A.44.076, provided that the person convicted was at  
11 least eight years older than the victim;

12 (iv) RCW 9A.44.079, provided that the person convicted was at least  
13 eight years older than the victim;

14 (v) RCW 9A.44.083;

15 (vi) RCW 9A.44.086, provided that the person convicted was at least  
16 eight years older than the victim;

17 (vii) RCW 9A.44.100;

18 (viii) Any predecessor or antecedent statute for the offenses  
19 listed in (d)(i) through (vii) of this subsection;

20 (ix) Any statute from any other jurisdiction that describes an  
21 offense analogous to the offenses listed in (d)(i) through (vii) of  
22 this subsection.

23 (e) There is a rebuttable presumption that a parent who resides  
24 with a person who, as an adult, has been convicted, or as a juvenile  
25 has been adjudicated, of the sex offenses listed in (e)(i) through (ix)  
26 of this subsection places a child at risk of abuse or harm when that  
27 parent exercises residential time in the presence of the convicted or  
28 adjudicated person. Unless the parent rebuts the presumption, the  
29 court shall restrain the parent from contact with the parent's child  
30 except for contact that occurs outside of the convicted or adjudicated  
31 person's presence:

32 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
33 was at least five years older than the other person;

34 (ii) RCW 9A.44.073;

35 (iii) RCW 9A.44.076, provided that the person convicted was at  
36 least eight years older than the victim;

37 (iv) RCW 9A.44.079, provided that the person convicted was at least  
38 eight years older than the victim;

1 (v) RCW 9A.44.083;

2 (vi) RCW 9A.44.086, provided that the person convicted was at least  
3 eight years older than the victim;

4 (vii) RCW 9A.44.100;

5 (viii) Any predecessor or antecedent statute for the offenses  
6 listed in (e)(i) through (vii) of this subsection;

7 (ix) Any statute from any other jurisdiction that describes an  
8 offense analogous to the offenses listed in (e)(i) through (vii) of  
9 this subsection.

10 (f) The presumption established in (d) of this subsection may be  
11 rebutted only after a written finding that:

12 (i) If the child was not the victim of the sex offense committed by  
13 the parent requesting residential time, (A) contact between the child  
14 and the offending parent is appropriate and poses minimal risk to the  
15 child, and (B) the offending parent has successfully engaged in  
16 treatment for sex offenders or is engaged in and making progress in  
17 such treatment, if any was ordered by a court, and the treatment  
18 provider believes such contact is appropriate and poses minimal risk to  
19 the child; or

20 (ii) If the child was the victim of the sex offense committed by  
21 the parent requesting residential time, (A) contact between the child  
22 and the offending parent is appropriate and poses minimal risk to the  
23 child, (B) if the child is in or has been in therapy for victims of  
24 sexual abuse, the child's counselor believes such contact between the  
25 child and the offending parent is in the child's best interest, and (C)  
26 the offending parent has successfully engaged in treatment for sex  
27 offenders or is engaged in and making progress in such treatment, if  
28 any was ordered by a court, and the treatment provider believes such  
29 contact is appropriate and poses minimal risk to the child.

30 (g) The presumption established in (e) of this subsection may be  
31 rebutted only after a written finding that:

32 (i) If the child was not the victim of the sex offense committed by  
33 the person who is residing with the parent requesting residential time,  
34 (A) contact between the child and the parent residing with the  
35 convicted or adjudicated person is appropriate and that parent is able  
36 to protect the child in the presence of the convicted or adjudicated  
37 person, and (B) the convicted or adjudicated person has successfully  
38 engaged in treatment for sex offenders or is engaged in and making

1 progress in such treatment, if any was ordered by a court, and the  
2 treatment provider believes such contact is appropriate and poses  
3 minimal risk to the child; or

4 (ii) If the child was the victim of the sex offense committed by  
5 the person who is residing with the parent requesting residential time,  
6 (A) contact between the child and the parent in the presence of the  
7 convicted or adjudicated person is appropriate and poses minimal risk  
8 to the child, (B) if the child is in or has been in therapy for victims  
9 of sexual abuse, the child's counselor believes such contact between  
10 the child and the parent residing with the convicted or adjudicated  
11 person in the presence of the convicted or adjudicated person is in the  
12 child's best interest, and (C) the convicted or adjudicated person has  
13 successfully engaged in treatment for sex offenders or is engaged in  
14 and making progress in such treatment, if any was ordered by a court,  
15 and the treatment provider believes contact between the parent and  
16 child in the presence of the convicted or adjudicated person is  
17 appropriate and poses minimal risk to the child.

18 (h) If the court finds that the parent has met the burden of  
19 rebutting the presumption under (f) of this subsection, the court may  
20 allow a parent who has been convicted as an adult of a sex offense  
21 listed in (d)(i) through (ix) of this subsection to have residential  
22 time with the child supervised by a neutral and independent adult and  
23 pursuant to an adequate plan for supervision of such residential time.  
24 The court shall not approve of a supervisor for contact between the  
25 child and the parent unless the court finds, based on the evidence,  
26 that the supervisor is willing and capable of protecting the child from  
27 harm. The court shall revoke court approval of the supervisor upon  
28 finding, based on the evidence, that the supervisor has failed to  
29 protect the child or is no longer willing or capable of protecting the  
30 child.

31 (i) If the court finds that the parent has met the burden of  
32 rebutting the presumption under (g) of this subsection, the court may  
33 allow a parent residing with a person who has been adjudicated as a  
34 juvenile of a sex offense listed in (e)(i) through (ix) of this  
35 subsection to have residential time with the child in the presence of  
36 the person adjudicated as a juvenile, supervised by a neutral and  
37 independent adult and pursuant to an adequate plan for supervision of  
38 such residential time. The court shall not approve of a supervisor for

1 contact between the child and the parent unless the court finds, based  
2 on the evidence, that the supervisor is willing and capable of  
3 protecting the child from harm. The court shall revoke court approval  
4 of the supervisor upon finding, based on the evidence, that the  
5 supervisor has failed to protect the child or is no longer willing or  
6 capable of protecting the child.

7 (j) If the court finds that the parent has met the burden of  
8 rebutting the presumption under (g) of this subsection, the court may  
9 allow a parent residing with a person who, as an adult, has been  
10 convicted of a sex offense listed in (e)(i) through (ix) of this  
11 subsection to have residential time with the child in the presence of  
12 the convicted person supervised by a neutral and independent adult and  
13 pursuant to an adequate plan for supervision of such residential time.  
14 The court shall not approve of a supervisor for contact between the  
15 child and the parent unless the court finds, based on the evidence,  
16 that the supervisor is willing and capable of protecting the child from  
17 harm. The court shall revoke court approval of the supervisor upon  
18 finding, based on the evidence, that the supervisor has failed to  
19 protect the child or is no longer willing or capable of protecting the  
20 child.

21 (k) A court shall not order unsupervised contact between the  
22 offending parent and a child of the offending parent who was sexually  
23 abused by that parent. A court may order unsupervised contact between  
24 the offending parent and a child who was not sexually abused by the  
25 parent after the presumption under (d) of this subsection has been  
26 rebutted and supervised residential time has occurred for at least two  
27 years with no further arrests or convictions of sex offenses involving  
28 children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW  
29 and (i) the sex offense of the offending parent was not committed  
30 against a child of the offending parent, and (ii) the court finds that  
31 unsupervised contact between the child and the offending parent is  
32 appropriate and poses minimal risk to the child, after consideration of  
33 the testimony of a state-certified therapist, mental health counselor,  
34 or social worker with expertise in treating child sexual abuse victims  
35 who has supervised at least one period of residential time between the  
36 parent and the child, and after consideration of evidence of the  
37 offending parent's compliance with community supervision requirements,  
38 if any. If the offending parent was not ordered by a court to

1 participate in treatment for sex offenders, then the parent shall  
2 obtain a psychosexual evaluation conducted by a certified sex offender  
3 treatment provider or a certified affiliate sex offender treatment  
4 provider indicating that the offender has the lowest likelihood of risk  
5 to reoffend before the court grants unsupervised contact between the  
6 parent and a child.

7 (l) A court may order unsupervised contact between the parent and  
8 a child which may occur in the presence of a juvenile adjudicated of a  
9 sex offense listed in (e)(i) through (ix) of this subsection who  
10 resides with the parent after the presumption under (e) of this  
11 subsection has been rebutted and supervised residential time has  
12 occurred for at least two years during which time the adjudicated  
13 juvenile has had no further arrests, adjudications, or convictions of  
14 sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020,  
15 or chapter 9.68A RCW, and (i) the court finds that unsupervised contact  
16 between the child and the parent that may occur in the presence of the  
17 adjudicated juvenile is appropriate and poses minimal risk to the  
18 child, after consideration of the testimony of a state-certified  
19 therapist, mental health counselor, or social worker with expertise in  
20 treatment of child sexual abuse victims who has supervised at least one  
21 period of residential time between the parent and the child in the  
22 presence of the adjudicated juvenile, and after consideration of  
23 evidence of the adjudicated juvenile's compliance with community  
24 supervision or parole requirements, if any. If the adjudicated  
25 juvenile was not ordered by a court to participate in treatment for sex  
26 offenders, then the adjudicated juvenile shall obtain a psychosexual  
27 evaluation conducted by a certified sex offender treatment provider or  
28 a certified affiliate sex offender treatment provider indicating that  
29 the adjudicated juvenile has the lowest likelihood of risk to reoffend  
30 before the court grants unsupervised contact between the parent and a  
31 child which may occur in the presence of the adjudicated juvenile who  
32 is residing with the parent.

33 (m)(i) The limitations imposed by the court under (a) or (b) of  
34 this subsection shall be reasonably calculated to protect the child  
35 from the physical, sexual, or emotional abuse or harm that could result  
36 if the child has contact with the parent requesting residential time.  
37 The limitations shall also be reasonably calculated to provide for the  
38 safety of the parent who may be at risk of physical, sexual, or

1 emotional abuse or harm that could result if the parent has contact  
2 with the parent requesting residential time. The limitations the court  
3 may impose include, but are not limited to: Supervised contact between  
4 the child and the parent or completion of relevant counseling or  
5 treatment. If the court expressly finds based on the evidence that  
6 limitations on the residential time with the child will not adequately  
7 protect the child from the harm or abuse that could result if the child  
8 has contact with the parent requesting residential time, the court  
9 shall restrain the parent requesting residential time from all contact  
10 with the child.

11 (ii) The court shall not enter an order under (a) of this  
12 subsection allowing a parent to have contact with a child if the parent  
13 has been found by clear and convincing evidence in a civil action or by  
14 a preponderance of the evidence in a dependency action to have sexually  
15 abused the child, except upon recommendation by an evaluator or  
16 therapist for the child that the child is ready for contact with the  
17 parent and will not be harmed by the contact. The court shall not  
18 enter an order allowing a parent to have contact with the child in the  
19 offender's presence if the parent resides with a person who has been  
20 found by clear and convincing evidence in a civil action or by a  
21 preponderance of the evidence in a dependency action to have sexually  
22 abused a child, unless the court finds that the parent accepts that the  
23 person engaged in the harmful conduct and the parent is willing to and  
24 capable of protecting the child from harm from the person.

25 (iii) If the court limits residential time under (a) or (b) of this  
26 subsection to require supervised contact between the child and the  
27 parent, the court shall not approve of a supervisor for contact between  
28 a child and a parent who has engaged in physical, sexual, or a pattern  
29 of emotional abuse of the child unless the court finds based upon the  
30 evidence that the supervisor accepts that the harmful conduct occurred  
31 and is willing to and capable of protecting the child from harm. The  
32 court shall revoke court approval of the supervisor upon finding, based  
33 on the evidence, that the supervisor has failed to protect the child or  
34 is no longer willing to or capable of protecting the child.

35 (n) If the court expressly finds based on the evidence that  
36 contact between the parent and the child will not cause physical,  
37 sexual, or emotional abuse or harm to the child and that the  
38 probability that the parent's or other person's harmful or abusive

1 conduct will recur is so remote that it would not be in the child's  
2 best interests to apply the limitations of (a), (b), and (m)(i) and  
3 (iii) of this subsection, or if the court expressly finds that the  
4 parent's conduct did not have an impact on the child, then the court  
5 need not apply the limitations of (a), (b), and (m)(i) and (iii) of  
6 this subsection. The weight given to the existence of a protection  
7 order issued under chapter 26.50 RCW as to domestic violence is within  
8 the discretion of the court. This subsection shall not apply when (c),  
9 (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this  
10 subsection apply.

11 (3) A parent's involvement or conduct may have an adverse effect on  
12 the child's best interests, and the court may preclude or limit any  
13 provisions of the parenting plan, if any of the following factors  
14 exist:

15 (a) A parent's neglect or substantial nonperformance of parenting  
16 functions;

17 (b) A long-term emotional or physical impairment which interferes  
18 with the parent's performance of parenting functions as defined in RCW  
19 26.09.004;

20 (c) A long-term impairment resulting from drug, alcohol, or other  
21 substance abuse that interferes with the performance of parenting  
22 functions;

23 (d) The absence or substantial impairment of emotional ties between  
24 the parent and the child;

25 (e) The abusive use of conflict by the parent which creates the  
26 danger of serious damage to the child's psychological development;

27 (f) A parent has withheld from the other parent access to the child  
28 for a protracted period without good cause; or

29 (g) Such other factors or conduct as the court expressly finds  
30 adverse to the best interests of the child.

31 (4) In cases involving allegations of limiting factors under  
32 subsection (2)(a)(ii) and (iii) of this section, both parties shall be  
33 screened to determine the appropriateness of a comprehensive assessment  
34 regarding the impact of the limiting factor on the child and the  
35 parties.

36 (5) In entering a permanent parenting plan, the court shall not  
37 draw any presumptions from the provisions of the temporary parenting  
38 plan.

1        ~~((+5))~~ (6) In determining whether any of the conduct described in  
2 this section has occurred, the court shall apply the civil rules of  
3 evidence, proof, and procedure.

4        ~~((+6))~~ (7) For the purposes of this section, a parent's child  
5 means that parent's natural child, adopted child, or stepchild.

6        NEW SECTION.    **Sec. 304.** A new section is added to chapter 26.09  
7 RCW to read as follows:

8        Before entering a permanent parenting plan, the court shall  
9 determine the existence of any information and proceedings relevant to  
10 the placement of the child that are available in the judicial  
11 information system and databases.

12        **Sec. 305.** RCW 26.12.177 and 2005 c 282 s 30 are each amended to  
13 read as follows:

14        (1) All guardians ad litem and investigators appointed under this  
15 title must comply with the training requirements established under RCW  
16 2.56.030(15), prior to their appointment in cases under Title 26 RCW,  
17 except that volunteer guardians ad litem or court-appointed special  
18 advocates may comply with alternative training requirements approved by  
19 the administrative office of the courts that meet or exceed the  
20 statewide requirements. In cases involving allegations of limiting  
21 factors under RCW 26.09.191, the guardians ad litem and investigators  
22 appointed under this title must have additional relevant training under  
23 RCW 2.56.030(15) and as recommended under section 306 of this act, when  
24 it is available.

25        (2)(a) Each guardian ad litem program for compensated guardians ad  
26 litem shall establish a rotational registry system for the appointment  
27 of guardians ad litem and investigators under this title. If a  
28 judicial district does not have a program the court shall establish the  
29 rotational registry system. Guardians ad litem and investigators under  
30 this title shall be selected from the registry except in exceptional  
31 circumstances as determined and documented by the court. The parties  
32 may make a joint recommendation for the appointment of a guardian ad  
33 litem from the registry.

34        (b) In judicial districts with a population over one hundred  
35 thousand, a list of three names shall be selected from the registry and  
36 given to the parties along with the background information as specified



1 in RCW 26.12.175(3), including their hourly rate for services. Each  
2 party may, within three judicial days, strike one name from the list.  
3 If more than one name remains on the list, the court shall make the  
4 appointment from the names on the list. In the event all three names  
5 are stricken the person whose name appears next on the registry shall  
6 be appointed.

7 (c) If a party reasonably believes that the appointed guardian ad  
8 litem lacks the necessary expertise for the proceeding, charges an  
9 hourly rate higher than what is reasonable for the particular  
10 proceeding, or has a conflict of interest, the party may, within three  
11 judicial days from the appointment, move for substitution of the  
12 appointed guardian ad litem by filing a motion with the court.

13 (d) Under this section, within either registry referred to in (a)  
14 of this subsection, a subregistry may be created that consists of  
15 guardians ad litem under contract with the department of social and  
16 health services' division of child support. Guardians ad litem on such  
17 a subregistry shall be selected and appointed in state-initiated  
18 paternity cases only.

19 (e) The superior court shall remove any person from the guardian ad  
20 litem registry who misrepresents his or her qualifications pursuant to  
21 a grievance procedure established by the court.

22 (3) The rotational registry system shall not apply to court-  
23 appointed special advocate programs.

24 NEW SECTION. **Sec. 306.** A new section is added to chapter 2.53 RCW  
25 to read as follows:

26 (1)(a) The legislature requests that the supreme court convene and  
27 support a task force to establish statewide protocols for dissolution  
28 cases.

29 (b) The task force shall develop: (i) Clear and concise dispute  
30 resolution procedures; (ii) in conjunction with the office of crime  
31 victims advocacy, a sexual assault training curriculum; (iii)  
32 consistent standards for parenting evaluators; and (iv) a domestic  
33 violence training curriculum for individuals making evaluations in  
34 dissolution cases. The task force shall make recommendations  
35 concerning specialized evaluators for dissolution cases, dissolution  
36 forms and procedures, and fees.

1 (c) The task force shall also study issues related to: (i) Venue  
2 for filing and modifying petitions; and (ii) establishing a program  
3 that would be the initial point of contact for parties in dissolution  
4 cases where parties would be provided information on the dissolution  
5 process and alternatives to dissolution. The task force shall address  
6 issues that include but are not limited to: (A) Whether the program  
7 should be required for all parties in dissolutions; (B) whether the  
8 program should be administered by the courts or county clerks; (C) the  
9 type and extent of information provided to parties and how such  
10 information should be delivered.

11 (2) The governor shall appoint the following members of the task  
12 force:

13 (a) A representative of the office of crime victims advocacy;

14 (b) A professor of law specializing in family law;

15 (c) A representative from a statewide domestic violence advocacy  
16 group;

17 (d) A representative from a community sexual assault program;

18 (e) Two noncustodial parents with at least one representing the  
19 interests of low-income noncustodial parents; and

20 (f) Two custodial parents with at least one representing the  
21 interests of low-income custodial parents.

22 (3) The chief justice of the supreme court is requested to appoint  
23 the following members of the task force:

24 (a) Two representatives from the superior court judges association,  
25 including a superior court judge and a court commissioner who is  
26 familiar with dissolution issues;

27 (b) A representative from the administrative office of the courts;

28 (c) A representative from the Washington state bar association's  
29 family law executive committee;

30 (d) A representative from a qualified legal aid provider that  
31 receives funding from the office of civil legal aid;

32 (e) A representative of the Washington state association of county  
33 clerks; and

34 (f) A guardian ad litem.

35 (4) The president of the senate shall appoint one member from each  
36 of the two largest caucuses of the senate.

37 (5) The speaker of the house of representatives shall appoint one

1 member from each of the two largest caucuses of the house of  
2 representatives, with at least one member.

3 (6) Membership of the task force may also include members of the  
4 civil legal aid oversight committee, including but not limited to the  
5 legislative members of the committee.

6 (7) The task force shall carefully consider all input received from  
7 interested organizations and individuals during the task force process.

8 (8) The task force may form an executive committee, create  
9 subcommittees, designate alternative representatives, and define other  
10 procedures, as needed, for operation of the task force.

11 (9) Legislative members of the task force shall be reimbursed for  
12 travel expenses under RCW 44.04.120. Nonlegislative members, except  
13 those representing an employee or organization, are entitled to be  
14 reimbursed for travel expenses in accordance with RCW 43.03.050 and  
15 43.03.060.

16 (10) The task force shall present preliminary findings and  
17 conclusions to the governor's office, the supreme court, and the  
18 appropriate committees of the legislature by September 1, 2008. A  
19 final report and recommendations, including recommendations for  
20 legislative action, if necessary, shall be completed by December 1,  
21 2008.

22 (11) This section expires June 30, 2009.

23 **PART IV - Additional Services**

24 NEW SECTION. **Sec. 401.** A new section is added to chapter 26.09  
25 RCW to read as follows:

26 In order to provide judicial officers with better information and  
27 to facilitate decision making which allows for the protection of  
28 children from physical, mental, or emotional harm and in order to  
29 facilitate consistent healthy contact between both parents and their  
30 children:

31 (1) Parties and witnesses who require the assistance of  
32 interpreters shall be provided access to qualified interpreters  
33 pursuant to chapter 2.42 or 2.43 RCW. To the extent practicable and  
34 within available resources, interpreters shall also be made available  
35 at dissolution-related proceedings.

1 (2) Parties and witnesses who require literacy assistance shall be  
2 referred to the multipurpose service centers established in chapter  
3 28B.04 RCW.

4 (3) In matters involving guardian ad litem, the court shall  
5 specify the hourly rate the guardian ad litem may charge for his or her  
6 services, and shall specify the maximum amount the guardian ad litem  
7 may charge without additional review. Counties may, and to the extent  
8 state funding is provided therefor counties shall, provide indigent  
9 parties with guardian ad litem services at a reduced or waived fee.

10 (4) Parties may request to participate by telephone or interactive  
11 videoconference. The court may allow telephonic or interactive  
12 videoconference participation of one or more parties at any proceeding  
13 in its discretion. The court may also allow telephonic or interactive  
14 videoconference participation of witnesses.

15 (5) In cases involving domestic violence or child abuse, if  
16 residential time is ordered, the court may:

17 (a) Order exchange of a child to occur in a protected setting;

18 (b) Order residential time supervised by a neutral and independent  
19 adult and pursuant to an adequate plan for supervision of such  
20 residential time. The court shall not approve of a supervisor for  
21 contact between the child and the parent unless the supervisor is  
22 willing to and capable of protecting the child from harm. The court  
23 shall revoke court approval of the supervisor if the court determines,  
24 after a hearing, that the supervisor has failed to protect the child or  
25 is no longer willing or capable of protecting the child. If the court  
26 allows a family or household member to supervise residential time, the  
27 court shall establish conditions to be followed during residential  
28 time.

29 (6) In cases in which the court finds that the parties do not have  
30 a satisfactory history of cooperation or there is a high level of  
31 parental conflict, the court may order the parties to use supervised  
32 visitation and safe exchange centers or alternative safe locations to  
33 facilitate the exercise of residential time.

34 **PART V - Mediation**

35 **Sec. 501.** RCW 26.09.015 and 2005 c 172 s 17 are each amended to  
36 read as follows:

1 (1) In any proceeding under this chapter, the matter may be set for  
2 mediation of the contested issues before or concurrent with the setting  
3 of the matter for hearing. The purpose of the mediation proceeding  
4 shall be to reduce acrimony which may exist between the parties and to  
5 develop an agreement assuring the child's close and continuing contact  
6 with both parents after the marriage is dissolved. The mediator shall  
7 use his or her best efforts to effect a settlement of the dispute.

8 (2)(a) Each superior court may make available a mediator. The  
9 court shall use the most cost-effective mediation services that are  
10 readily available unless there is good cause to access alternative  
11 providers. The mediator may be a member of the professional staff of  
12 a family court or mental health services agency, or may be any other  
13 person or agency designated by the court. In order to provide  
14 mediation services, the court is not required to institute a family  
15 court.

16 (b) In any proceeding involving issues relating to residential time  
17 or other matters governed by a parenting plan, the matter may be set  
18 for mediation of the contested issues before or concurrent with the  
19 setting of the matter for hearing. Counties may, and to the extent  
20 state funding is provided therefor counties shall, provide both  
21 predecree and postdecree mediation at reduced or waived fee to the  
22 parties within one year of the filing of the dissolution petition.

23 (3)(a) Mediation proceedings under this chapter shall be governed  
24 in all respects by chapter 7.07 RCW, except as follows:

25 (i) Mediation communications in postdecree mediations mandated by  
26 a parenting plan are admissible in subsequent proceedings for the  
27 limited purpose of proving:

28 (A) Abuse, neglect, abandonment, exploitation, or unlawful  
29 harassment as defined in RCW 9A.46.020(1), of a child;

30 (B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1), of  
31 a family or household member as defined in RCW 26.50.010(2); or

32 (C) That a parent used or frustrated the dispute resolution process  
33 without good reason for purposes of RCW 26.09.184(3)(d).

34 (ii) If a postdecree mediation-arbitration proceeding is required  
35 pursuant to a parenting plan and the same person acts as both mediator  
36 and arbitrator, mediation communications in the mediation phase of such  
37 a proceeding may be admitted during the arbitration phase, and shall be

1 admissible in the judicial review of such a proceeding under RCW  
2 26.09.184(3)(e) to the extent necessary for such review to be  
3 effective.

4 (b) None of the exceptions under (a)(i) and (ii) of this subsection  
5 shall subject a mediator to compulsory process to testify except by  
6 court order for good cause shown, taking into consideration the need  
7 for the mediator's testimony and the interest in the mediator  
8 maintaining an appearance of impartiality. If a mediation  
9 communication is not privileged under (a)(i) of this subsection or that  
10 portion of (a)(ii) of this subsection pertaining to judicial review,  
11 only the portion of the communication necessary for the application of  
12 the exception may be admitted, and such admission of evidence shall not  
13 render any other mediation communication discoverable or admissible  
14 except as may be provided in chapter 7.07 RCW.

15 (4) The mediator shall assess the needs and interests of the child  
16 or children involved in the controversy and may interview the child or  
17 children if the mediator deems such interview appropriate or necessary.

18 (5) Any agreement reached by the parties as a result of mediation  
19 shall be reported to the court and to counsel for the parties by the  
20 mediator on the day set for mediation or any time thereafter designated  
21 by the court.

22 **PART VI - Residential Time**

23 **Sec. 601.** RCW 26.09.184 and 1991 c 367 s 7 are each amended to  
24 read as follows:

25 (1) OBJECTIVES. The objectives of the permanent parenting plan are  
26 to:

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

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

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

32 (d) Set forth the authority and responsibilities of each parent  
33 with respect to the child, consistent with the criteria in RCW  
34 26.09.187 and 26.09.191;

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

1 (f) Encourage the parents, where appropriate under RCW 26.09.187  
2 and 26.09.191, to meet their responsibilities to their minor children  
3 through agreements in the permanent parenting plan, rather than by  
4 relying on judicial intervention; and

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

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

11 (3) CONSIDERATION IN ESTABLISHING THE PERMANENT PARENTING PLAN. In  
12 establishing a permanent parenting plan, the court shall consider the  
13 cultural heritage and religious beliefs of a child.

14 (4) DISPUTE RESOLUTION. A process for resolving disputes, other  
15 than court action, shall be provided unless precluded or limited by RCW  
16 26.09.187 or 26.09.191. A dispute resolution process may include  
17 counseling, mediation, or arbitration by a specified individual or  
18 agency, or court action. In the dispute resolution process:

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

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

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

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

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

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

33 (~~(4)~~) (5) ALLOCATION OF DECISION-MAKING AUTHORITY.

34 (a) The plan shall allocate decision-making authority to one or  
35 both parties regarding the children's education, health care, and  
36 religious upbringing. The parties may incorporate an agreement related  
37 to the care and growth of the child in these specified areas, or in  
38 other areas, into their plan, consistent with the criteria in RCW

1 26.09.187 and 26.09.191. Regardless of the allocation of decision-  
2 making in the parenting plan, either parent may make emergency  
3 decisions affecting the health or 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))~~ (6) RESIDENTIAL PROVISIONS FOR THE CHILD. The plan shall  
10 include a residential schedule which designates in which parent's home  
11 each minor child shall reside on given days of the year, including  
12 provision for holidays, birthdays of family members, vacations, and  
13 other special occasions, consistent with the criteria in RCW 26.09.187  
14 and 26.09.191.

15 ~~((6))~~ (7) PARENTS' OBLIGATION UNAFFECTED. If a parent fails to  
16 comply with a provision of a parenting plan or a child support order,  
17 the other parent's obligations under the parenting plan or the child  
18 support order are not affected. Failure to comply with a provision in  
19 a parenting plan or a child support order may result in a finding of  
20 contempt of court, under RCW 26.09.160.

21 ~~((7))~~ (8) PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN.  
22 The permanent parenting plan shall set forth the provisions of  
23 subsections ~~((3))~~ (4)(a) through (c), ~~((4))~~ (5)(b) and (c), and  
24 ~~((6))~~ (7) of this section.

25 **Sec. 602.** RCW 26.09.015 and 2005 c 172 s 17 are each amended to  
26 read as follows:

27 (1) In any proceeding under this chapter, the matter may be set for  
28 mediation of the contested issues before or concurrent with the setting  
29 of the matter for hearing. The purpose of the mediation proceeding  
30 shall be to reduce acrimony which may exist between the parties and to  
31 develop an agreement assuring the child's close and continuing contact  
32 with both parents after the marriage is dissolved. The mediator shall  
33 use his or her best efforts to effect a settlement of the dispute.

34 (2) Each superior court may make available a mediator. The  
35 mediator may be a member of the professional staff of a family court or  
36 mental health services agency, or may be any other person or agency



1 designated by the court. In order to provide mediation services, the  
2 court is not required to institute a family court.

3 (3)(a) Mediation proceedings under this chapter shall be governed  
4 in all respects by chapter 7.07 RCW, except as follows:

5 (i) Mediation communications in postdecree mediations mandated by  
6 a parenting plan are admissible in subsequent proceedings for the  
7 limited purpose of proving:

8 (A) Abuse, neglect, abandonment, exploitation, or unlawful  
9 harassment as defined in RCW 9A.46.020(1), of a child;

10 (B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1), of  
11 a family or household member as defined in RCW 26.50.010(2); or

12 (C) That a parent used or frustrated the dispute resolution process  
13 without good reason for purposes of RCW 26.09.184(~~(+3)~~) (4)(d).

14 (ii) If a postdecree mediation-arbitration proceeding is required  
15 pursuant to a parenting plan and the same person acts as both mediator  
16 and arbitrator, mediation communications in the mediation phase of such  
17 a proceeding may be admitted during the arbitration phase, and shall be  
18 admissible in the judicial review of such a proceeding under RCW  
19 26.09.184(~~(+3)~~) (4)(e) to the extent necessary for such review to be  
20 effective.

21 (b) None of the exceptions under (a)(i) and (ii) of this subsection  
22 shall subject a mediator to compulsory process to testify except by  
23 court order for good cause shown, taking into consideration the need  
24 for the mediator's testimony and the interest in the mediator  
25 maintaining an appearance of impartiality. If a mediation  
26 communication is not privileged under (a)(i) of this subsection or that  
27 portion of (a)(ii) of this subsection pertaining to judicial review,  
28 only the portion of the communication necessary for the application of  
29 the exception may be admitted, and such admission of evidence shall not  
30 render any other mediation communication discoverable or admissible  
31 except as may be provided in chapter 7.07 RCW.

32 (4) The mediator shall assess the needs and interests of the child  
33 or children involved in the controversy and may interview the child or  
34 children if the mediator deems such interview appropriate or necessary.

35 (5) Any agreement reached by the parties as a result of mediation  
36 shall be reported to the court and to counsel for the parties by the  
37 mediator on the day set for mediation or any time thereafter designated  
38 by the court.

1       **Sec. 603.** RCW 26.09.187 and 1989 c 375 s 10 are each amended to  
2 read as follows:

3       (1) DISPUTE RESOLUTION PROCESS. The court shall not order a  
4 dispute resolution process, except court action, when it finds that any  
5 limiting factor under RCW 26.09.191 applies, or when it finds that  
6 either parent is unable to afford the cost of the proposed dispute  
7 resolution process. If a dispute resolution process is not precluded  
8 or limited, then in designating such a process the court shall consider  
9 all relevant factors, including:

10       (a) Differences between the parents that would substantially  
11 inhibit their effective participation in any designated process;

12       (b) The parents' wishes or agreements and, if the parents have  
13 entered into agreements, whether the agreements were made knowingly and  
14 voluntarily; and

15       (c) Differences in the parents' financial circumstances that may  
16 affect their ability to participate fully in a given dispute resolution  
17 process.

18       (2) ALLOCATION OF DECISION-MAKING AUTHORITY.

19       (a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve  
20 agreements of the parties allocating decision-making authority, or  
21 specifying rules in the areas listed in RCW 26.09.184(~~((4))~~) (5)(a),  
22 when it finds that:

23       (i) The agreement is consistent with any limitations on a parent's  
24 decision-making authority mandated by RCW 26.09.191; and

25       (ii) The agreement is knowing and voluntary.

26       (b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole  
27 decision-making to one parent when it finds that:

28       (i) A limitation on the other parent's decision-making authority is  
29 mandated by RCW 26.09.191;

30       (ii) Both parents are opposed to mutual decision making;

31       (iii) One parent is opposed to mutual decision making, and such  
32 opposition is reasonable based on the criteria in (c) of this  
33 subsection;

34       (c) MUTUAL DECISION-MAKING AUTHORITY. Except as provided in (a)  
35 and (b) of this subsection, the court shall consider the following  
36 criteria in allocating decision-making authority:

37       (i) The existence of a limitation under RCW 26.09.191;

1 (ii) The history of participation of each parent in decision making  
2 in each of the areas in RCW 26.09.184(~~(+4)~~) (5)(a);

3 (iii) Whether the parents have a demonstrated ability and desire to  
4 cooperate with one another in decision making in each of the areas in  
5 RCW 26.09.184(~~(+4)~~) (5)(a); and

6 (iv) The parents' geographic proximity to one another, to the  
7 extent that it affects their ability to make timely mutual decisions.

8 (3) RESIDENTIAL PROVISIONS.

9 (a) The court shall make residential provisions for each child  
10 which encourage each parent to maintain a loving, stable, and nurturing  
11 relationship with the child, consistent with the child's developmental  
12 level and the family's social and economic circumstances. The child's  
13 residential schedule shall be consistent with RCW 26.09.191. Where the  
14 limitations of RCW 26.09.191 are not dispositive of the child's  
15 residential schedule, the court shall consider the following factors:

16 (i) The relative strength, nature, and stability of the child's  
17 relationship with each parent(~~(, including whether a parent has taken~~  
18 ~~greater responsibility for performing parenting functions relating to~~  
19 ~~the daily needs of the child))~~);

20 (ii) The agreements of the parties, provided they were entered into  
21 knowingly and voluntarily;

22 (iii) Each parent's past and potential for future performance of  
23 parenting functions as defined in RCW 26.09.004(3), including whether  
24 a parent has taken greater responsibility for performing parenting  
25 functions relating to the daily needs of the child;

26 (iv) The emotional needs and developmental level of the child;

27 (v) The child's relationship with siblings and with other  
28 significant adults, as well as the child's involvement with his or her  
29 physical surroundings, school, or other significant activities;

30 (vi) The wishes of the parents and the wishes of a child who is  
31 sufficiently mature to express reasoned and independent preferences as  
32 to his or her residential schedule; and

33 (vii) Each parent's employment schedule, and shall make  
34 accommodations consistent with those schedules.

35 Factor (i) shall be given the greatest weight.

36 (b) Where the limitations of RCW 26.09.191 are not dispositive, the  
37 court may order that a child frequently alternate his or her residence

1 between the households of the parents for brief and substantially equal  
2 intervals of time (~~only if the court finds the following:~~

3 ~~(i) No limitation exists under RCW 26.09.191;~~

4 ~~(ii)(A) The parties have agreed to such provisions and the~~  
5 ~~agreement was knowingly and voluntarily entered into; or~~

6 ~~(B) The parties have a satisfactory history of cooperation and~~  
7 ~~shared performance of parenting functions; the parties are available to~~  
8 ~~each other, especially in geographic proximity, to the extent necessary~~  
9 ~~to ensure their ability to share performance of the parenting~~  
10 ~~functions; and~~

11 ~~(iii) The provisions are in the best interests of the child))~~ if  
12 such provision is in the best interests of the child. In determining  
13 whether such an arrangement is in the best interests of the child, the  
14 court may consider the parties geographic proximity to the extent  
15 necessary to ensure the ability to share performance of the parenting  
16 functions.

17 (c) For any child, residential provisions may contain any  
18 reasonable terms or conditions that facilitate the orderly and  
19 meaningful exercise of residential time by a parent, including but not  
20 limited to requirements of reasonable notice when residential time will  
21 not occur.

22 **Sec. 604.** RCW 26.09.197 and 1987 c 460 s 14 are each amended to  
23 read as follows:

24 After considering the affidavit required by RCW 26.09.194(1) and  
25 other relevant evidence presented, the court shall make a temporary  
26 parenting plan that is in the best interest of the child. In making  
27 this determination, the court shall give particular consideration to:

28 (1) (~~Which parent has taken greater responsibility during the last~~  
29 ~~twelve months for performing parenting functions relating to the daily~~  
30 ~~needs of the child)) The relative strength, nature, and stability of  
31 the child's relationship with each parent; and~~

32 (2) Which parenting arrangements will cause the least disruption to  
33 the child's emotional stability while the action is pending.

34 The court shall also consider the factors used to determine  
35 residential provisions in the permanent parenting plan.

36 **PART VII - Data Tracking**



1        NEW SECTION.    **Sec. 801.**    Part headings used in this act are not any  
2 part of the law.

3        NEW SECTION.    **Sec. 802.**    If specific funding for the purposes of  
4 section 306 of this act, referencing section 306 of this act by bill or  
5 chapter number and section number, is not provided by June 30, 2007, in  
6 the omnibus appropriations act, section 306 of this act is null and  
7 void.

8        NEW SECTION.    **Sec. 803.**    If specific funding for the purposes of  
9 section 701 of this act, referencing section 701 of this act by bill or  
10 chapter number and section number, is not provided by June 30, 2007, in  
11 the omnibus appropriations act, section 701 of this act is null and  
12 void.

13        NEW SECTION.    **Sec. 804.**    If specific funding for the purposes of  
14 section 702 of this act, referencing section 702 of this act by bill or  
15 chapter number and section number, is not provided by June 30, 2007, in  
16 the omnibus appropriations act, section 702 of this act is null and  
17 void.

18        NEW SECTION.    **Sec. 805.**    (1) Section 201 of this act takes effect  
19 January 1, 2008.

20        (2) Section 501 of this act takes effect January 1, 2009."

21        Correct the title.

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