
SUBSTITUTE SENATE BILL 5470

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, McAuliffe, Brown and Regala)

READ FIRST TIME 02/23/07.

1 AN ACT Relating to dissolution proceedings; amending RCW 26.09.002,
2 26.12.050, 26.12.060, 26.12.240, 2.56.180, 26.09.020, 26.09.191,
3 26.12.177, 26.09.015, 26.09.030, 26.09.187, and 26.09.197; reenacting
4 and amending RCW 2.56.030; adding new sections to chapter 26.09 RCW;
5 adding a new section to chapter 26.12 RCW; adding a new section to
6 chapter 2.53 RCW; adding a new section to chapter 26.18 RCW; creating
7 new sections; and making appropriations.

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

9 **PART I - Appropriations**

10 NEW SECTION. **Sec. 101.** (1) The sum of one million nine hundred
11 thousand dollars of the general fund--state appropriation for fiscal
12 year 2008 and one million two hundred thousand dollars of the general
13 fund--state appropriation for fiscal year 2009 are provided solely to
14 the administrative office of the courts for the purposes of funding
15 twenty full-time equivalent positions statewide to provide family court
16 liaison services and to develop training curricula and provision of
17 statewide training for family court liaison. The administrative office

1 of the courts shall develop an equitable funding formula for courthouse
2 liaison services.

3 (2) The sum of one million five hundred thousand dollars of the
4 general fund--state appropriation for fiscal year 2008 and one million
5 five hundred thousand dollars of the general fund--state appropriation
6 for fiscal year 2009 are provided solely to the administrative office
7 of the courts for the purposes of funding mediation services for
8 dissolution matters as provided in sections 401 and 501 of this act.
9 The administrative office of the courts shall consult with Resolution
10 Washington in developing an equitable funding formula to the counties
11 for mediation services.

12 (3) The sum of fifty thousand dollars of the general fund--state
13 appropriation for fiscal year 2008 and fifty thousand dollars of the
14 general fund--state appropriation for fiscal year 2009 are provided
15 solely to the administrative office of the courts for the purposes of
16 developing a residential time summary form and reporting compiled
17 information as specified in sections 801 and 802 of this act and for
18 reimbursing the county clerks for copies of the handbook specified in
19 RCW 2.56.180.

20 (4) The sum of one hundred thousand dollars of the general fund--
21 state appropriation for fiscal year 2008 and one hundred thousand
22 dollars of the general fund--state appropriation for fiscal year 2009
23 are provided solely to the department of social and health services for
24 the data tracking purposes specified in sections 801 and 802 of this
25 act.

26 (5) The sum of three million one hundred thousand dollars of the
27 general fund--state appropriation for fiscal year 2008 and three
28 million one hundred thousand dollars of the general fund--state
29 appropriation for fiscal year 2009 are provided solely to the office of
30 civil legal aid to enhance funding for qualified legal aid programs for
31 legal representation of indigent persons in matters relating to
32 domestic violence in domestic relations and family law matters.

33 (6) The sum of five hundred thousand dollars of the general fund--
34 state appropriation for fiscal year 2008 and five hundred thousand
35 dollars of the general fund--state appropriation for fiscal year 2009
36 are provided solely to the department of community, trade, and economic
37 development for the development and funding of supervised visitation
38 and safe exchange centers.

1 (7) Counties receiving funds from the appropriations in this
2 section must agree not to use such funds to supplant existing funding
3 levels for maintenance of the courts.

4 (8) The sum of three hundred thousand dollars of the general fund--
5 state appropriation for fiscal year 2008 and one hundred fifty thousand
6 dollars of the general fund--state appropriation for fiscal year 2009
7 are provided to the supreme court or, if the supreme court does not
8 establish the task force described in section 405 of this act within
9 ninety days of the effective date of this section, to the office of
10 civil legal aid for the sole purpose of administering and supporting
11 the task force established in section 405 of this act.

12 **PART II - Intent**

13 **Sec. 201.** RCW 26.09.002 and 1987 c 460 s 2 are each amended to
14 read as follows:

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

32 NEW SECTION. **Sec. 202.** A new section is added to chapter 26.09
33 RCW to read as follows:

34 The legislature reaffirms the intent of the current law as
35 expressed in RCW 26.09.002. However, after review, the legislature

1 finds that there are certain components of the existing law which do
2 not support the original legislative intent. In order to better
3 implement the existing legislative intent the legislature finds that
4 incentives for parties to reduce family conflict and additional
5 alternative dispute resolution options can assist in reducing the
6 number of contested trials. Furthermore, the legislature finds that
7 the identification of domestic violence as defined in RCW 26.50.010 and
8 the treatment needs of the parties to dissolutions are necessary to
9 improve outcomes for children. When judicial officers have the
10 discretion to tailor individualized resolutions, the legislative intent
11 expressed in RCW 26.09.002 can more readily be achieved. Judicial
12 officers should have the discretion and flexibility to assess each case
13 based on the merits of the individual cases before them.

14 **PART III - Family Court Provisions**

15 **Sec. 301.** RCW 26.12.050 and 1993 c 15 s 1 are each amended to read
16 as follows:

17 (1) Except as provided in subsection (2) of this section, in each
18 county the superior court may appoint the following persons to assist
19 the family court in disposing of its business:

20 (a) One or more attorneys to act as family court commissioners, and

21 (b) Such liaisons, investigators, stenographers, and clerks as the
22 court shall find necessary to carry on the work of the family court.

23 (2) The county legislative authority must approve the creation of
24 family court commissioner positions.

25 (3) The appointments provided for in this section shall be made by
26 majority vote of the judges of the superior court of the county and may
27 be made in addition to all other appointments of commissioners and
28 other judicial attaches otherwise authorized by law. Family court
29 commissioners and investigators shall serve at the pleasure of the
30 judges appointing them and shall receive such compensation as the
31 county legislative authority shall determine. The appointments may be
32 full or part-time positions. A person appointed as a family court
33 commissioner may also be appointed to any other commissioner position
34 authorized by law.

1 NEW SECTION. **Sec. 302.** A new section is added to chapter 26.12
2 RCW to read as follows:

3 (1) A county shall create a family court liaison program to provide
4 basic services to all parties in family law cases. As part of its
5 responsibility to administer a curriculum of training for family court
6 liaisons, the administrative office of the courts shall develop a
7 curriculum and deliver training to enable family court liaisons to
8 conduct an initial screen for domestic violence as defined in RCW
9 26.50.010, child abuse and neglect, substance abuse, and mental health
10 issues and make referrals for comprehensive evaluations as appropriate.
11 The legislative authority of any county may impose user fees or may
12 impose a surcharge of up to twenty dollars on only those superior court
13 cases filed under this title, or both, to pay for the expenses of the
14 family court liaison program. Fees collected under this section shall
15 be collected and deposited in the same manner as other county funds are
16 collected and deposited, and shall be maintained in a separate account
17 to be used as provided in this section. Family court liaisons shall
18 provide services to indigent persons at no expense.

19 (2) The family court liaisons shall: (a) Be the initial point of
20 contact for parties in family law matters under Title 26 RCW; (b)
21 provide those parties with information regarding courthouse
22 facilitation programs and orientations; (c) provide pro se litigants
23 with information regarding the venue limitations and residency
24 requirements of this chapter; (d) inform those parties of alternatives
25 to filing a dissolution petition, such as marriage counseling; (e)
26 inform those parties of alternatives to litigation including
27 counseling, legal separation, and mediation services if appropriate;
28 (f) inform those parties that a search of the judicial information
29 system for limiting factors under RCW 26.09.191 will be conducted; (g)
30 review information from the judicial information system to ascertain
31 whether limiting factors under RCW 26.09.191 apply; (h) report any
32 information regarding limiting factors to the court; and (i) be
33 available to assist the court in superior court cases filed under this
34 title.

35 **Sec. 303.** RCW 26.12.060 and 1999 c 397 s 7 are each amended to
36 read as follows:

37 The court commissioners shall: (1) Make appropriate referrals to

1 county family court services program if the county has a family court
2 services program or appoint a guardian ad litem pursuant to RCW
3 26.12.175; (2) order investigation and reporting of the facts upon
4 which to base warrants, subpoenas, orders or directions in actions or
5 proceedings under this chapter; (3) exercise all the powers and perform
6 all the duties of court commissioners; (4) make written reports of all
7 proceedings had which shall become a part of the record of the family
8 court; (5) provide supervision over the exercise of its jurisdiction as
9 the judge of the family court may order; (6) cause the orders and
10 findings of the family court to be entered in the same manner as orders
11 and findings are entered in cases in the superior court; (7) cause
12 other reports to be made and records kept as will indicate the value
13 and extent of reconciliation, mediation, investigation, and treatment
14 services; (~~and~~) (8) conduct hearings under Title 13 and chapter
15 28A.225 RCW, as provided in RCW 13.04.021; and (9) advise all parties
16 that a person who, knowingly, intentionally, and in bad faith, makes a
17 false statement to the court may be found guilty of the crime of
18 perjury.

19 **Sec. 304.** RCW 26.12.240 and 2005 c 457 s 15 are each amended to
20 read as follows:

21 A county (~~may~~) shall create a courthouse facilitator program to
22 provide basic services to pro se litigants in family law cases. The
23 legislative authority of any county may impose user fees or may impose
24 a surcharge of up to twenty dollars on only those superior court cases
25 filed under Title 26 RCW, or both, to pay for the expenses of the
26 courthouse facilitator program. Fees collected under this section
27 shall be collected and deposited in the same manner as other county
28 funds are collected and deposited, and shall be maintained in a
29 separate account to be used as provided in this section.

30 **Sec. 305.** RCW 2.56.180 and 2005 c 282 s 10 are each amended to
31 read as follows:

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

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

4 (3) The handbook created under subsection (1) of this section shall
5 also be provided to both parties when an individual files a petition
6 for dissolution pursuant to RCW 26.09.020. The administrative office
7 of the courts shall on an annual basis reimburse the counties for each
8 copy of the handbook that is distributed directly to family law parties
9 under this section, provided that the county submits documentation of
10 the number of handbooks distributed on an annual basis.

11 (4) Both parties shall acknowledge, in writing, the receipt of the
12 family law handbook, information related to alternatives to litigation
13 including counseling, legal separation, and mediation services, and if
14 appropriate information regarding supervised visitation and safe
15 exchange programs prior to entry of a decree of dissolution.

16 (5) The information contained in the handbook created under
17 subsection (1) of this section shall be reviewed and updated annually.
18 The handbook must contain the following information:

19 (a) Information on prenuptial agreements as contracts and as a
20 means of structuring financial arrangements and other aspects of the
21 marital relationship;

22 (b) Information on shared parental responsibility for children,
23 including establishing a residential schedule for the child in the
24 event of the dissolution of the marriage;

25 (c) Information on notice requirements and standards for parental
26 relocation;

27 (d) Information on child support for minor children;

28 (e) Information on property rights, including equitable
29 distribution of assets and premarital and postmarital property rights;

30 (f) Information on spousal maintenance;

31 (g) Information on domestic violence, child abuse, and neglect,
32 including penalties;

33 (h) Information on the court process for dissolution;

34 (i) Information on the effects of dissolution on children;

35 (j) Information on community resources that are available to
36 separating or divorcing persons and their children.

1 **Sec. 306.** RCW 26.09.020 and 2001 c 42 s 1 are each amended to read
2 as follows:

3 (1) A petition in a proceeding for dissolution of marriage, legal
4 separation, or for a declaration concerning the validity of a marriage
5 shall allege:

6 (a) The last known state of residence of each party, and if a
7 party's last known state of residence is Washington, the last known
8 county of residence;

9 (b) The date and place of the marriage;

10 (c) If the parties are separated the date on which the separation
11 occurred;

12 (d) The names and ages of any child dependent upon either or both
13 spouses and whether the wife is pregnant;

14 (e) Any arrangements as to the residential schedule of, decision
15 making for, dispute resolution for, and support of the children and the
16 maintenance of a spouse;

17 (f) A statement specifying whether there is community or separate
18 property owned by the parties to be disposed of;

19 (g) A statement specifying that the moving party met with the
20 family court liaison at least fifteen days prior to filing;

21 (h) The relief sought.

22 (2) Either or both parties to the marriage may initiate the
23 proceeding.

24 (3) The petitioner shall complete and file with the petition a
25 certificate under RCW 43.70.150 on the form provided by the department
26 of health and the confidential information form under RCW 26.23.050.

27 (4) Nothing in this section shall be construed to limit or prohibit
28 the ability of parties to obtain appropriate emergency orders.

29 **PART IV - Domestic Violence, Child Abuse, and Neglect**

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

32 Mediation is generally inappropriate in cases involving family
33 violence, child abuse, and neglect. In order to effectively identify
34 cases where issues of domestic violence, child abuse, and neglect are
35 present and reduce conflict in dissolution matters: (1) Parties shall
36 meet with family court liaisons prior to participation in mediation;

1 (2) where appropriate parties shall be provided access to trained
2 domestic violence advocates; and (3) in cases where a victim requests
3 mediation the court may make exceptions and permit mediation, so long
4 as the court makes a finding that mediation is appropriate under the
5 circumstances and the victim is permitted to have a supporting person
6 present during the mediation proceedings.

7 **Sec. 402.** RCW 2.56.030 and 2005 c 457 s 7 and 2005 c 282 s 7 are
8 each reenacted and amended to read as follows:

9 The administrator for the courts shall, under the supervision and
10 direction of the chief justice:

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

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

17 (3) Make recommendations to the chief justice relating to the
18 assignment of judges where courts are in need of assistance and carry
19 out the direction of the chief justice as to the assignments of judges
20 to counties and districts where the courts are in need of assistance;

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

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

28 (6) Collect statistical and other data and make reports relating to
29 the expenditure of public moneys, state and local, for the maintenance
30 and operation of the judicial system and the offices connected
31 therewith;

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

1 (8) Act as secretary of the judicial conference referred to in RCW
2 2.56.060;

3 (9) Submit annually, as of February 1st, to the chief justice, a
4 report of the activities of the administrator's office for the
5 preceding calendar year including activities related to courthouse
6 security;

7 (10) Administer programs and standards for the training and
8 education of judicial personnel;

9 (11) Examine the need for new superior court and district court
10 judge positions under an objective workload analysis. The results of
11 the objective workload analysis shall be reviewed by the board for
12 judicial administration which shall make recommendations to the
13 legislature. It is the intent of the legislature that an objective
14 workload analysis become the basis for creating additional district and
15 superior court positions, and recommendations should address that
16 objective;

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

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

21 (14) Within available funds, develop a curriculum for a general
22 understanding of child development, placement, and treatment resources,
23 as well as specific legal skills and knowledge of relevant statutes
24 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,
25 interviewing skills, and special needs of the abused or neglected
26 child. This curriculum shall be completed and made available to all
27 juvenile court judges, court personnel, and service providers and be
28 updated yearly to reflect changes in statutes, court rules, or case
29 law;

30 (15) Develop, in consultation with the entities set forth in RCW
31 2.56.150(3), a comprehensive statewide curriculum for persons who act
32 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall
33 be made available July 1, (~~1997~~) 2008, and include specialty sections
34 on child development, child sexual abuse, child physical abuse, child
35 neglect, domestic violence, clinical and forensic investigative and
36 interviewing techniques, family reconciliation and mediation services,
37 and relevant statutory and legal requirements. The curriculum shall be

1 made available to all superior court judges, court personnel, and all
2 persons who act as guardians ad litem;

3 (16) Develop a curriculum for a general understanding of crimes of
4 malicious harassment, as well as specific legal skills and knowledge of
5 RCW 9A.36.080, relevant cases, court rules, and the special needs of
6 malicious harassment victims. This curriculum shall be made available
7 to all superior court and court of appeals judges and to all justices
8 of the supreme court;

9 (17) Develop, in consultation with the criminal justice training
10 commission and the commissions established under chapters 43.113,
11 43.115, and 43.117 RCW, a curriculum for a general understanding of
12 ethnic and cultural diversity and its implications for working with
13 youth of color and their families. The curriculum shall be available
14 to all superior court judges and court commissioners assigned to
15 juvenile court, and other court personnel. Ethnic and cultural
16 diversity training shall be provided annually so as to incorporate
17 cultural sensitivity and awareness into the daily operation of juvenile
18 courts statewide;

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

23 (19) Develop a Washington family law handbook in accordance with
24 RCW 2.56.180;

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

28 (21)(a) Administer and distribute amounts appropriated from the
29 equal justice subaccount under RCW 43.08.250(2) for district court
30 judges' and qualifying elected municipal court judges' salary
31 contributions. The administrator for the courts shall develop a
32 distribution formula for these amounts that does not differentiate
33 between district and elected municipal court judges.

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

- 36 (i) The judge is serving in an elected position;
- 37 (ii) The city has established by ordinance that a full-time judge

1 is compensated at a rate equivalent to at least ninety-five percent,
2 but not more than one hundred percent, of a district court judge salary
3 or for a part-time judge on a pro rata basis the same equivalent; and
4 (iii) The city has certified to the office of the administrator for
5 the courts that the conditions in (b)(i) and (ii) of this subsection
6 have been met.

7 **Sec. 403.** RCW 26.09.191 and 2004 c 38 s 12 are each amended to
8 read as follows:

9 (1) The permanent parenting plan shall not require mutual decision-
10 making or designation of a dispute resolution process other than court
11 action if it is found that a parent has engaged in any of the following
12 conduct: (a) Willful abandonment that continues for an extended period
13 of time or substantial refusal to perform parenting functions; (b)
14 physical, sexual, or a pattern of emotional abuse of a child; or (c) a
15 history of acts of domestic violence as defined in RCW 26.50.010(1) or
16 an assault or sexual assault which causes grievous bodily harm or the
17 fear of such harm.

18 (2)(a) The parent's residential time with the child shall be
19 limited if it is found that the parent has engaged in any of the
20 following conduct: (i) Willful abandonment that continues for an
21 extended period of time or substantial refusal to perform parenting
22 functions; (ii) physical, sexual, or a pattern of emotional abuse of a
23 child; (iii) a history of acts of domestic violence as defined in RCW
24 26.50.010(1) or an assault or sexual assault which causes grievous
25 bodily harm or the fear of such harm; or (iv) the parent has been
26 convicted as an adult of a sex offense under:

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

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

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

36 (D) RCW 9A.44.089;

37 (E) RCW 9A.44.093;

1 (F) RCW 9A.44.096;

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

5 (H) Chapter 9.68A RCW;

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

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

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

13 (b) The parent's residential time with the child shall be limited
14 if it is found that the parent resides with a person who has engaged in
15 any of the following conduct: (i) Physical, sexual, or a pattern of
16 emotional abuse of a child; (ii) a history of acts of domestic violence
17 as defined in RCW 26.50.010(1) or an assault or sexual assault that
18 causes grievous bodily harm or the fear of such harm; or (iii) the
19 person has been convicted as an adult or as a juvenile has been
20 adjudicated of a sex offense under:

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

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

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

30 (D) RCW 9A.44.089;

31 (E) RCW 9A.44.093;

32 (F) RCW 9A.44.096;

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

36 (H) Chapter 9.68A RCW;

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

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

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

6 (c) If a parent has been found to be a sexual predator under
7 chapter 71.09 RCW or under an analogous statute of any other
8 jurisdiction, the court shall restrain the parent from contact with a
9 child that would otherwise be allowed under this chapter. If a parent
10 resides with an adult or a juvenile who has been found to be a sexual
11 predator under chapter 71.09 RCW or under an analogous statute of any
12 other jurisdiction, the court shall restrain the parent from contact
13 with the parent's child except contact that occurs outside that
14 person's presence.

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

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

23 (ii) RCW 9A.44.073;

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

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

28 (v) RCW 9A.44.083;

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

31 (vii) RCW 9A.44.100;

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

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

37 (e) There is a rebuttable presumption that a parent who resides
38 with a person who, as an adult, has been convicted, or as a juvenile

1 has been adjudicated, of the sex offenses listed in (e)(i) through (ix)
2 of this subsection places a child at risk of abuse or harm when that
3 parent exercises residential time in the presence of the convicted or
4 adjudicated person. Unless the parent rebuts the presumption, the
5 court shall restrain the parent from contact with the parent's child
6 except for contact that occurs outside of the convicted or adjudicated
7 person's presence:

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

10 (ii) RCW 9A.44.073;

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

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

15 (v) RCW 9A.44.083;

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

18 (vii) RCW 9A.44.100;

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

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

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

26 (i) If the child was not the victim of the sex offense committed by
27 the parent requesting residential time, (A) contact between the child
28 and the offending parent is appropriate and poses minimal risk to the
29 child, and (B) the offending parent has successfully engaged in
30 treatment for sex offenders or is engaged in and making progress in
31 such treatment, if any was ordered by a court, and the treatment
32 provider believes such contact is appropriate and poses minimal risk to
33 the child; or

34 (ii) If the child was the victim of the sex offense committed by
35 the parent requesting residential time, (A) contact between the child
36 and the offending parent is appropriate and poses minimal risk to the
37 child, (B) if the child is in or has been in therapy for victims of
38 sexual abuse, the child's counselor believes such contact between the

1 child and the offending parent is in the child's best interest, and (C)
2 the offending parent has successfully engaged in treatment for sex
3 offenders or is engaged in and making progress in such treatment, if
4 any was ordered by a court, and the treatment provider believes such
5 contact is appropriate and poses minimal risk to the child.

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

8 (i) If the child was not the victim of the sex offense committed by
9 the person who is residing with the parent requesting residential time,
10 (A) contact between the child and the parent residing with the
11 convicted or adjudicated person is appropriate and that parent is able
12 to protect the child in the presence of the convicted or adjudicated
13 person, and (B) the convicted or adjudicated person has successfully
14 engaged in treatment for sex offenders or is engaged in and making
15 progress in such treatment, if any was ordered by a court, and the
16 treatment provider believes such contact is appropriate and poses
17 minimal risk to the child; or

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

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

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

7 (i) 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 has been adjudicated as a
10 juvenile 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 person adjudicated as a juvenile, supervised by a neutral and
13 independent adult and pursuant to an adequate plan for supervision of
14 such residential time. The court shall not approve of a supervisor for
15 contact between the child and the parent unless the court finds, based
16 on the evidence, that the supervisor is willing and capable of
17 protecting the child from harm. The court shall revoke court approval
18 of the supervisor upon finding, based on the evidence, that the
19 supervisor has failed to protect the child or is no longer willing or
20 capable of protecting the child.

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

35 (k) A court shall not order unsupervised contact between the
36 offending parent and a child of the offending parent who was sexually
37 abused by that parent. A court may order unsupervised contact between
38 the offending parent and a child who was not sexually abused by the

1 parent after the presumption under (d) of this subsection has been
2 rebutted and supervised residential time has occurred for at least two
3 years with no further arrests or convictions of sex offenses involving
4 children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW
5 and (i) the sex offense of the offending parent was not committed
6 against a child of the offending parent, and (ii) the court finds that
7 unsupervised contact between the child and the offending parent is
8 appropriate and poses minimal risk to the child, after consideration of
9 the testimony of a state-certified therapist, mental health counselor,
10 or social worker with expertise in treating child sexual abuse victims
11 who has supervised at least one period of residential time between the
12 parent and the child, and after consideration of evidence of the
13 offending parent's compliance with community supervision requirements,
14 if any. If the offending parent was not ordered by a court to
15 participate in treatment for sex offenders, then the parent shall
16 obtain a psychosexual evaluation conducted by a certified sex offender
17 treatment provider or a certified affiliate sex offender treatment
18 provider indicating that the offender has the lowest likelihood of risk
19 to reoffend before the court grants unsupervised contact between the
20 parent and a child.

21 (1) A court may order unsupervised contact between the parent and
22 a child which may occur in the presence of a juvenile adjudicated of a
23 sex offense listed in (e)(i) through (ix) of this subsection who
24 resides with the parent after the presumption under (e) of this
25 subsection has been rebutted and supervised residential time has
26 occurred for at least two years during which time the adjudicated
27 juvenile has had no further arrests, adjudications, or convictions of
28 sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020,
29 or chapter 9.68A RCW, and (i) the court finds that unsupervised contact
30 between the child and the parent that may occur in the presence of the
31 adjudicated juvenile is appropriate and poses minimal risk to the
32 child, after consideration of the testimony of a state-certified
33 therapist, mental health counselor, or social worker with expertise in
34 treatment of child sexual abuse victims who has supervised at least one
35 period of residential time between the parent and the child in the
36 presence of the adjudicated juvenile, and after consideration of
37 evidence of the adjudicated juvenile's compliance with community
38 supervision or parole requirements, if any. If the adjudicated

1 juvenile was not ordered by a court to participate in treatment for sex
2 offenders, then the adjudicated juvenile shall obtain a psychosexual
3 evaluation conducted by a certified sex offender treatment provider or
4 a certified affiliate sex offender treatment provider indicating that
5 the adjudicated juvenile has the lowest likelihood of risk to reoffend
6 before the court grants unsupervised contact between the parent and a
7 child which may occur in the presence of the adjudicated juvenile who
8 is residing with the parent.

9 (m)(i) The limitations imposed by the court under (a) or (b) of
10 this subsection shall be reasonably calculated to protect the child
11 from the physical, sexual, or emotional abuse or harm that could result
12 if the child has contact with the parent requesting residential time.
13 The limitations shall also be reasonably calculated to provide for the
14 safety of the parent who may be at risk of physical, sexual, or
15 emotional abuse or harm that could result if the parent has contact
16 with the parent requesting residential time. The limitations the court
17 may impose include, but are not limited to: Supervised contact between
18 the child and the parent or completion of relevant counseling or
19 treatment. If the court expressly finds based on the evidence that
20 limitations on the residential time with the child will not adequately
21 protect the child from the harm or abuse that could result if the child
22 has contact with the parent requesting residential time, the court
23 shall restrain the parent requesting residential time from all contact
24 with the child.

25 (ii) The court shall not enter an order under (a) of this
26 subsection allowing a parent to have contact with a child if the parent
27 has been found by clear and convincing evidence in a civil action or by
28 a preponderance of the evidence in a dependency action to have sexually
29 abused the child, except upon recommendation by an evaluator or
30 therapist for the child that the child is ready for contact with the
31 parent and will not be harmed by the contact. The court shall not
32 enter an order allowing a parent to have contact with the child in the
33 offender's presence if the parent resides with a person who has been
34 found by clear and convincing evidence in a civil action or by a
35 preponderance of the evidence in a dependency action to have sexually
36 abused a child, unless the court finds that the parent accepts that the
37 person engaged in the harmful conduct and the parent is willing to and
38 capable of protecting the child from harm from the person.

1 (iii) If the court limits residential time under (a) or (b) of this
2 subsection to require supervised contact between the child and the
3 parent, the court shall not approve of a supervisor for contact between
4 a child and a parent who has engaged in physical, sexual, or a pattern
5 of emotional abuse of the child unless the court finds based upon the
6 evidence that the supervisor accepts that the harmful conduct occurred
7 and is willing to and capable of protecting the child from harm. The
8 court shall revoke court approval of the supervisor upon finding, based
9 on the evidence, that the supervisor has failed to protect the child or
10 is no longer willing to or capable of protecting the child.

11 (n) If the court expressly finds based on the evidence that
12 contact between the parent and the child will not cause physical,
13 sexual, or emotional abuse or harm to the child and that the
14 probability that the parent's or other person's harmful or abusive
15 conduct will recur is so remote that it would not be in the child's
16 best interests to apply the limitations of (a), (b), and (m)(i) and
17 (iii) of this subsection, or if the court expressly finds that the
18 parent's conduct did not have an impact on the child, then the court
19 need not apply the limitations of (a), (b), and (m)(i) and (iii) of
20 this subsection. The weight given to the existence of a protection
21 order issued under chapter 26.50 RCW as to domestic violence is within
22 the discretion of the court. This subsection shall not apply when (c),
23 (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this
24 subsection apply.

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

29 (a) A parent's neglect or substantial nonperformance of parenting
30 functions;

31 (b) A long-term emotional or physical impairment which interferes
32 with the parent's performance of parenting functions as defined in RCW
33 26.09.004;

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

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

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

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

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

7 (4) In cases involving allegations of limiting factors under
8 subsection (2) (a)(ii), (iii), or (iv) of this section, both parties
9 shall be screened to determine the appropriateness of a comprehensive
10 assessment regarding the impact of the limiting factor on the child and
11 the parties.

12 (5) If any of the factors in this section exist, the court shall
13 require that a safety plan be completed and filed with the court.

14 (6) In entering a permanent parenting plan, the court shall not
15 draw any presumptions from the provisions of the temporary parenting
16 plan.

17 ~~((+5))~~ (7) In determining whether any of the conduct described in
18 this section has occurred, the court shall apply the civil rules of
19 evidence, proof, and procedure.

20 ~~((+6))~~ (8) For the purposes of this section, a parent's child
21 means that parent's natural child, adopted child, or stepchild.

22 **Sec. 404.** RCW 26.12.177 and 2005 c 282 s 30 are each amended to
23 read as follows:

24 (1) All guardians ad litem and investigators appointed under this
25 title must comply with the training requirements established under RCW
26 2.56.030(15), prior to their appointment in cases under Title 26 RCW,
27 except that volunteer guardians ad litem or court-appointed special
28 advocates may comply with alternative training requirements approved by
29 the administrative office of the courts that meet or exceed the
30 statewide requirements. In cases involving allegations of limiting
31 factors under RCW 26.09.191, the guardians ad litem and investigators
32 appointed under this title must have additional training under RCW
33 2.56.030(15) when it is available.

34 (2)(a) Each guardian ad litem program for compensated guardians ad
35 litem shall establish a rotational registry system for the appointment
36 of guardians ad litem and investigators under this title. If a
37 judicial district does not have a program the court shall establish the

1 rotational registry system. Guardians ad litem and investigators under
2 this title shall be selected from the registry except in exceptional
3 circumstances as determined and documented by the court. The parties
4 may make a joint recommendation for the appointment of a guardian ad
5 litem from the registry.

6 (b) In judicial districts with a population over one hundred
7 thousand, a list of three names shall be selected from the registry and
8 given to the parties along with the background information as specified
9 in RCW 26.12.175(3), including their hourly rate for services. Each
10 party may, within three judicial days, strike one name from the list.
11 If more than one name remains on the list, the court shall make the
12 appointment from the names on the list. In the event all three names
13 are stricken the person whose name appears next on the registry shall
14 be appointed.

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

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

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

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

32 NEW SECTION. **Sec. 405.** A new section is added to chapter 2.53 RCW
33 to read as follows:

34 (1) The legislature requests that the supreme court convene and
35 support a task force to establish statewide protocols for dissolution
36 cases. If the supreme court does not convene a task force along the
37 lines set forth in this section within ninety days of the effective

1 date of this section, such task force shall be convened and supported
2 by the office of civil legal aid. The task force shall develop: (a)
3 Clear and concise dispute resolution procedures; (b) in conjunction
4 with the office of crime victims advocacy, a sexual assault training
5 curriculum; (c) consistent standards for parenting evaluators; and (d)
6 a domestic violence training curriculum for individuals making
7 evaluations in dissolution cases. The task force shall make
8 recommendations concerning specialized evaluators for dissolution
9 cases, dissolution forms and procedures, and fees.

10 (2) The governor shall appoint the following members of the
11 workgroup:

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

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

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

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

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

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

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

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

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

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

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

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

33 (f) A guardian ad litem.

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

36 (5) The speaker of the house of representatives shall appoint one
37 member from each of the two largest caucuses of the house of
38 representatives, with at least one member.

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

4 (7) The supreme court or, in the event the supreme court does not
5 convene the task force within ninety days of the effective date of this
6 section, the office of civil legal aid shall provide staff support to
7 the task force, and shall carefully consider all input received from
8 interested organizations and individuals during the review process.

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

12 (9) Legislative members of the task force shall be reimbursed for
13 travel expenses under RCW 44.04.120. Nonlegislative members, except
14 those representing an employee or organization, are entitled to be
15 reimbursed for travel expenses in accordance with RCW 43.03.050 and
16 43.03.060.

17 (10) The task force shall present preliminary findings and
18 conclusions to the governor's office, the supreme court, and the
19 appropriate committees of the legislature by September 1, 2008. A
20 final report and recommendations, including recommendations for
21 legislative action, if necessary, shall be completed by December 1,
22 2008.

23 **PART V - Additional Services**

24 NEW SECTION. **Sec. 501.** 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. Indigent parties shall be
8 provided with guardian ad litem services at no expense.

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

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

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

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

28 (6) In cases in which the court finds that the parties do not have
29 a satisfactory history of cooperation or a high level of parental
30 conflict, supervised visitation and safe exchange centers or
31 alternative safe locations shall be utilized to facilitate the exercise
32 of residential time if ordered.

33 **PART VI - Mediation**

34 **Sec. 601.** RCW 26.09.015 and 2005 c 172 s 17 are each amended to
35 read as follows:

36 (1) In any proceeding under this chapter, the matter may be set for

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

7 (2) In any proceeding involving issues relating to residential time
8 or other matters governed by a parenting plan, the matter may be set
9 for mediation of the contested issues before or concurrent with the
10 setting of the matter for hearing. Both predecree and postdecree
11 mediation shall be provided at no expense to the parties within one
12 year of the filing of the dissolution petition.

13 (3) Each superior court (~~may~~) shall make available a mediator.
14 The court shall use the most cost-effective mediation services which
15 are readily available unless there is good cause to access alternative
16 providers. The mediator may be a member of the professional staff of
17 a family court or mental health services agency, or may be any other
18 person or agency designated by the court. In order to provide
19 mediation services, the court is not required to institute a family
20 court.

21 (~~(3)~~) (4)(a) Mediation proceedings under this chapter shall be
22 governed in all respects by chapter 7.07 RCW, except as follows:

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

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

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

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

32 (ii) If a postdecree mediation-arbitration proceeding is required
33 pursuant to a parenting plan and the same person acts as both mediator
34 and arbitrator, mediation communications in the mediation phase of such
35 a proceeding may be admitted during the arbitration phase, and shall be
36 admissible in the judicial review of such a proceeding under RCW
37 26.09.184(3)(e) to the extent necessary for such review to be
38 effective.

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

12 ~~((4))~~ (5) The mediator shall assess the needs and interests of
13 the child or children involved in the controversy and may interview the
14 child or children if the mediator deems such interview appropriate or
15 necessary.

16 ~~((5))~~ (6) Any agreement reached by the parties as a result of
17 mediation shall be reported to the court and to counsel for the parties
18 by the mediator on the day set for mediation or any time thereafter
19 designated by the court.

20 (7) Parties who choose to participate in good faith in the
21 mediation process within one month of filing a dissolution petition
22 remain eligible to finalize the dissolution ninety days after the date
23 of filing. In addition, any fees paid for family court liaison
24 services shall be refunded to the parties.

25 **PART VII - Technical Changes**

26 **Sec. 701.** RCW 26.09.030 and 2005 c 55 s 1 are each amended to read
27 as follows:

28 (1) When a party who ~~((1))~~ is:

29 (a) A resident of this state~~((, or (2) is))~~;

30 (b) A member of the armed forces and is stationed in this
31 state~~((,))~~; or ~~((3) is)~~

32 (c) Married to a party who is a resident of this state or who is a
33 member of the armed forces and is stationed in this state,
34 petitions for a dissolution of marriage, and alleges that the marriage
35 is irretrievably broken and when ninety days have elapsed since the

1 petition was filed and from the date when service of summons was made
2 upon the respondent or the first publication of summons was made, the
3 court shall proceed as follows:

4 ~~((a))~~ (i) If the other party joins in the petition or does not
5 deny that the marriage is irretrievably broken, the court shall enter
6 a decree of dissolution.

7 ~~((b))~~ (ii) If the other party alleges that the petitioner was
8 induced to file the petition by fraud, or coercion, the court shall
9 make a finding as to that allegation and, if it so finds shall dismiss
10 the petition.

11 ~~((c))~~ (iii) If the other party denies that the marriage is
12 irretrievably broken the court shall consider all relevant factors,
13 including the circumstances that gave rise to the filing of the
14 petition and the prospects for reconciliation and shall:

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

17 ~~((ii))~~ (B) At the request of either party or on its own motion,
18 transfer the cause to the family court, refer them to another
19 counseling service of their choice, and request a report back from the
20 counseling service within sixty days, or continue the matter for not
21 more than sixty days for hearing. If the cause is returned from the
22 family court or at the adjourned hearing, the court shall:

23 ~~((A))~~ (I) Find that the parties have agreed to reconciliation and
24 dismiss the petition; or

25 ~~((B))~~ (II) Find that the parties have not been reconciled, and
26 that either party continues to allege that the marriage is
27 irretrievably broken. When such facts are found, the court shall enter
28 a decree of dissolution of the marriage.

29 ~~((d))~~ (iv) If the petitioner requests the court to decree legal
30 separation in lieu of dissolution, the court shall enter the decree in
31 that form unless the other party objects and petitions for a decree of
32 dissolution or declaration of invalidity.

33 ~~((e))~~ (v) In considering a petition for dissolution of marriage,
34 a court shall not use a party's pregnancy as the sole basis for denying
35 or delaying the entry of a decree of dissolution of marriage. Granting
36 a decree of dissolution of marriage when a party is pregnant does not
37 affect further proceedings under the uniform parentage act, chapter
38 26.26 RCW.

1 (2) If the petitioner files in a county other than the county of
2 residence of either party or the child, the summons shall be served
3 upon the nonmoving party personally.

4 (3) A party may only file a modification in the county where the
5 petition for dissolution was filed, if the petition was filed after the
6 effective date of this section. Exceptions shall be made only if one
7 of the parties has moved to another county subsequent to the initial
8 filing, in which case the modification may be filed in the county where
9 one of the parties is now domiciled.

10 **Sec. 702.** RCW 26.09.187 and 1989 c 375 s 10 are each amended to
11 read as follows:

12 (1) DISPUTE RESOLUTION PROCESS. The court shall not order a
13 dispute resolution process, except court action, when it finds that any
14 limiting factor under RCW 26.09.191 applies, or when it finds that
15 either parent is unable to afford the cost of the proposed dispute
16 resolution process. If a dispute resolution process is not precluded
17 or limited, then in designating such a process the court shall consider
18 all relevant factors, including:

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

21 (b) The parents' wishes or agreements and, if the parents have
22 entered into agreements, whether the agreements were made knowingly and
23 voluntarily; and

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

27 (2) ALLOCATION OF DECISION-MAKING AUTHORITY.

28 (a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve
29 agreements of the parties allocating decision-making authority, or
30 specifying rules in the areas listed in RCW 26.09.184(4)(a), when it
31 finds that:

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

34 (ii) The agreement is knowing and voluntary.

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

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

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

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

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

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

11 (ii) The history of participation of each parent in decision making
12 in each of the areas in RCW 26.09.184(4)(a);

13 (iii) Whether the parents have a demonstrated ability and desire to
14 cooperate with one another in decision making in each of the areas in
15 RCW 26.09.184(4)(a); and

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

18 (3) RESIDENTIAL PROVISIONS.

19 (a) The court shall make residential provisions for each child
20 which encourage each parent to maintain a loving, stable, and nurturing
21 relationship with the child, consistent with the child's developmental
22 level and the family's social and economic circumstances. The child's
23 residential schedule shall be consistent with RCW 26.09.191. Where the
24 limitations of RCW 26.09.191 are not dispositive of the child's
25 residential schedule, the court shall consider the following factors:

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

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

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

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

37 (v) The child's relationship with siblings and with other

1 significant adults, as well as the child's involvement with his or her
2 physical surroundings, school, or other significant activities;

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

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

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

9 (b) The court may order that a child frequently alternate his or
10 her residence between the households of the parents for brief and
11 substantially equal intervals of time (~~only if the court finds the~~
12 ~~following:~~

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

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

16 ~~(B) The parties have a satisfactory history of cooperation and~~
17 ~~shared performance of parenting functions; the parties are available to~~
18 ~~each other, especially in geographic proximity, to the extent necessary~~
19 ~~to ensure their ability to share performance of the parenting~~
20 ~~functions; and~~

21 ~~(iii) The provisions are in the best interests of the child))~~ if
22 such provision is in the best interests of the child. In determining
23 whether such an arrangement is in the best interests of the child, the
24 court may consider the parties geographic proximity to the extent
25 necessary to ensure the ability to share performance of the parenting
26 functions.

27 (c) For any child, residential provisions may contain any
28 reasonable terms or conditions that facilitate the orderly and
29 meaningful exercise of residential time by a parent, including but not
30 limited to requirements of reasonable notice when residential time will
31 not occur.

32 **Sec. 703.** RCW 26.09.197 and 1987 c 460 s 14 are each amended to
33 read as follows:

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

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

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

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

9 **PART VIII - Data Tracking**

10 NEW SECTION. Sec. 801. A new section is added to chapter 26.09
11 RCW to read as follows:

12 The parties to dissolution matters shall file with the clerk of the
13 court the residential time summary report. The summary report shall be
14 on the form developed by the administrative office of the courts in
15 consultation with the department of social and health services division
16 of child support. The parties must complete the form and file the form
17 with the court order. The clerk of the court must forward the form to
18 the division of child support on at least a monthly basis.

19 NEW SECTION. Sec. 802. A new section is added to chapter 26.18
20 RCW to read as follows:

21 (1) The administrative office of the courts in consultation with
22 the department of social and health services, division of child
23 support, shall develop a residential time summary report form to
24 provide for the reporting of summary information in every case in which
25 residential time with children is to be established or modified.

26 (2) The residential time summary report must include at a minimum:
27 A breakdown of residential schedules with a reasonable degree of
28 specificity regarding actual time with each parent, including
29 enforcement practices, representation status of the parties, whether
30 domestic violence, child abuse or neglect, chemical dependency, or
31 mental health issues exist, and whether the matter was agreed or
32 contested.

33 (3) The division of child support shall compile and electronically
34 transmit the information in the residential time summary reports to the
35 administrative office of the courts for purposes of tracking

1 residential time awards by parent, enforcement practices,
2 representation status of the parties, the existence of domestic
3 violence, child abuse or neglect, chemical dependency, or mental health
4 issues and whether the matter was agreed or contested.

5 (4) The administrative office of the courts shall report the
6 compiled information organized by a judicial officer on at least an
7 annual basis. These reports shall be made publicly available through
8 the judicial information public access services.

9 **PART IX - Miscellaneous**

10 NEW SECTION. **Sec. 901.** Part headings used in this act are not any
11 part of the law.

12 NEW SECTION. **Sec. 902.** If specific funding for the purposes of
13 this act, referencing this act by bill or chapter number, is not
14 provided by June 30, 2007, in the omnibus appropriations act, this act
15 is null and void.

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