

# FINAL BILL REPORT

## SSB 5399

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C 79 L 19  
Synopsis as Enacted

**Brief Description:** Concerning child relocation by a person with substantially equal residential time.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Pedersen, Walsh, Dhingra, Frockt, Kuderer, Salomon, Mullet, Palumbo, Holy, Wellman and Wilson, C.).

**Senate Committee on Law & Justice**  
**House Committee on Civil Rights & Judiciary**

**Background:** Child Relocation Act. The primary residential (custodial) parent has a presumptive right to move the children. Notice must be given to those entitled to visitation or residential time within 60 days before the date of the intended relocation. The notice must state the reasons for relocation of the child. The notice must include a statement that any objection to relocation must be filed and served within 30 days or relocation will be permitted. The new address, telephone number, name and address of the child's new school, and a proposed revised schedule of visitation or residential time should also be included, if available. Without a court order, the person desiring to relocate may not change the principal residence of the child during the period in which a party may object, unless the relocation is due to danger posed by another person.

Court Determination on Objections to Relocation. The best interest of the child is not the test applied by the courts. There is a rebuttable presumption the intended relocation of the child will be permitted. A person who objects to relocation of the child may rebut this presumption by showing the detrimental effect of relocation outweighs the benefit to the child and the relocating person based on:

- the strength, nature, quality, extent of involvement, and stability of the child's relationship with each parent, siblings, and other significant persons;
- prior agreements of the parties;
- whether disrupting contact between the child and the person with whom the child resides a majority of the time would be more detrimental than disrupting contact between the child and the person objecting to the move;
- whether a person entitled to residential time is subject to limitations based on the person's conduct;
- the reasons and good faith of each person for seeking or opposing the relocation;

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- the age, developmental stage, and needs of the child;
- the quality of life, resources, and opportunities available to the child and the relocating party in the current and proposed geographic locations;
- the availability of alternative arrangements to continue the child’s relationship with and access to the other parent;
- alternatives to relocation and whether it is feasible and desirable for the other party to relocate;
- the financial impact and logistics of the relocation or its prevention, and
- for a temporary order, the amount of time before a final decision can be made at trial.

No factor is given greater weight than another. The court may not consider as a factor whether the person intending to relocate will forego relocation if the child’s relocation is prohibited, or whether the opposing party will relocate if the child’s relocation is permitted.

Joint Parenting Plans. In a 2017 appellate case of *In re Marriage of Ruff & Worthley*, the court held the Child Relocation Act does not apply to a relocation that would modify a joint parenting plan from an existing 50/50 residential time designation to something other than joint and equal residential time. There is no presumption for a relocation when a joint parenting plan exists. The court does not apply the factors listed above for determining relocation. Instead the court uses a parenting plan modification law that differs from the Child Relocation Act. The court is required to retain the existing residential plan unless a substantial change has occurred in the circumstances of the child or the nonmoving party on the basis of facts unknown to the court when the residential plan was established, and relocation is in the best interest of the child.

**Summary:** The Child Relocation Act applies to all parenting plans, including those with substantially equal residential time. Substantially equal residential time includes arrangements in which 45 percent or more of the child's residential time is spent with each parent. In a determination of the percentage of the child’s residential time, the court must consider only time spent with the parents and not any time ordered for non-parents. The percentage will be determined based on the designated time in the court order, unless there is a substantial deviation in the plan agreed to by both parents.

For parenting plans with substantially equal residential time, the presumption for relocation does not apply. The court shall make a determination in the best interest of the child considering the factors in the Child Relocation Act.

**Votes on Final Passage:**

Senate	48	1
House	63	32

**Effective:** July 28, 2019