

SENATE BILL REPORT

HB 1089

AS OF MARCH 18, 1991

Brief Description: Changing confidentiality for postdecree mediation proceedings.

SPONSORS: Representatives Appelwick, Paris and Padden.

HOUSE JUDICIARY COMMITTEE

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Richard Rodger (786-7461)

Hearing Dates: March 21, 1991

BACKGROUND:

In 1986, the Legislature created a procedure for mediation of contested issues in divorce proceedings. The mediation proceedings under this statute are private and confidential, and the mediator may not testify about the mediation proceedings. The original statute provided that the mediation provisions applied "in any proceeding under this chapter" and therefore apply to postdecree mediations conducted pursuant to the Parenting Act of 1987.

In 1989, the Legislature amended the mediation provisions to provide that the statute did not apply to postdecree mediation proceedings. The 1989 act did not specify what rules did apply to postdecree mediation. The Legislature may have intended to have all the mediation rules apply to postdecree mediation except for the confidentiality restrictions.

SUMMARY:

Except for the confidentiality restrictions, the mediation rules in divorce actions also apply to postdecree mediation proceedings. Postdecree mediation proceedings are not confidential and the mediator may testify about the proceedings.

Appropriation: none

Revenue: none

Fiscal Note: none requested