

**SENATE BILL REPORT**

**SB 5705**

**AS OF FEBRUARY 25, 1991**

**Brief Description:** Establishing statutory grounds for dissolution of marriage.

**SPONSORS:** Senators Craswell, Stratton, Roach, Hayner and Rasmussen.

**SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES**

**Staff:** Joanne Conrad (786-7190)

**Hearing Dates:** February 26, 1991

**BACKGROUND:**

Sociological and anecdotal evidence suggests a relationship between divorce and subsequent serious problems within the family. Such problems can include poor school performance, drug and alcohol abuse, antisocial behavior and significant decline in living standards for households headed by custodial parents, usually women.

Despite decades of concern, the divorce rate in America remains high, with many negative consequences, especially to children. In the past two years, the divorce rate in Washington State, a "no-fault" jurisdiction, where dissolution is granted upon a showing that the marriage is "irretrievably broken," has risen 10 percent, while California, once a pioneer in "no-fault" divorce, has seen a 21 percent decrease since enacting modifications, principally with targeted economic impact, to its "no-fault" statute in 1988.

Some studies indicate that in jurisdictions where divorce is more difficult to obtain, or where the economic consequences are more equitably distributed, there may be a greater tendency to put additional effort into the quality and viability of the marriage relationship.

**SUMMARY:**

Fault-based grounds for divorce are reinstated, eliminating divorce based upon "irretrievably broken" marriage. Dissolution is based upon a statutory list of reasons, which include consent obtained by force, duress or fraud; incapacity to consent; marriage when filing party was under the age of 17; adultery; impotence or various sexually transmitted diseases not known at the time of the marriage; "infection" with a fatal disease, as specified, unknown at the time of the marriage; abandonment for one year or more; knowledge of habitual and ongoing addition to alcohol or drugs; imprisonment for two years or more; sexual or physical abuse

or "extreme mental cruelty" to the filing party or child;  
legal insanity; or separation for two consecutive years.

In addition to adding statutory grounds upon which dissolution  
can be sought, the nature and extent of "marital misconduct"  
shall be considered in the court's determination of property  
settlement, maintenance, and child support.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested February 21, 1991