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SENATE BILL 5715

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State of Washington

52nd Legislature

1991 Regular Session

By Senator A. Smith.

Read first time February 18, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to community property; and amending RCW 26.09.080.

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

3 **Sec. 1.** RCW 26.09.080 and 1989 c 375 s 5 are each amended to read  
4 as follows:

5 (1) In a proceeding for dissolution of the marriage, legal  
6 separation, declaration of invalidity, or in a proceeding for  
7 disposition of tangible and intangible property and assets following  
8 dissolution of the marriage by a court which lacked personal  
9 jurisdiction over the absent spouse or lacked jurisdiction to dispose  
10 of the tangible and intangible property and assets, the court shall,  
11 without regard to marital misconduct, make such disposition of the  
12 tangible and intangible property and assets, and the liabilities of the  
13 parties, either community or separate, as shall appear just and  
14 equitable after considering all relevant factors including, but not  
15 limited to:

1       (~~(1)~~) (a) The nature and extent of the tangible community  
2 property and assets;

3       (~~(2)~~) (b) The nature and extent of intangible community property  
4 and assets, including the enhancement of earning capacity of either  
5 spouse during marriage, or the educational or career enhancement  
6 opportunities foregone by a spouse in order to provide educational  
7 opportunity or career enhancement for the other spouse, or both;

8       (c) The nature and extent of the separate property and assets;

9       (~~(3)~~) (d) The duration of the marriage; (~~and~~

10      ~~(4)~~) (e) The economic circumstances of each spouse at the time the  
11 division of property is to become effective, including the desirability  
12 of awarding the family home or the right to live therein for reasonable  
13 periods to a spouse with whom the children reside the majority of the  
14 time;

15      (f) The age and health of the parties; and

16      (g) Other factors the court deems just and reasonable.

17      (2) If the tangible assets of the parties are insufficient to  
18 permit an equitable disposition, the court shall require one spouse to  
19 make periodic payments to the other spouse over a reasonable period of  
20 time without regard to maintenance.