

HOUSE BILL ANALYSIS

HB 2406

Title: An act relating to residential provisions of permanent parenting plans.

Brief Description: Creating the friendly parent presumption.

Sponsors: Representatives McDonald, Kastama, Radcliff, Gombosky, Lantz, Regala, Talcott, Anderson, Wolfe, Thompson and Kessler.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Edie Adams (786-7180).

Background: When a court enters an order for the dissolution, legal separation, or declaration concerning the invalidity of marriage, the court must determine a permanent parenting plan if the parties have children. The parenting plan must contain provisions concerning where the child will reside throughout the year and provisions concerning each party's authority to make decisions for the child.

The court is directed to make residential provisions for each child that encourage each parent to maintain a loving, stable, and nurturing relationship with the child consistent with the developmental level of the child and the social and economic circumstances of the family. The court is required to consider the following factors when determining a child's residential schedule:

- The relative strength, nature and stability of the child's relationship with each parent, and whether one parent has taken a greater responsibility in providing for the child's daily needs;
- The knowing and voluntary agreements of the parties;
- Each parent's past and potential for future performance of parenting functions;
- The emotional needs and developmental level of the child;
- The child's relationship with siblings and other significant adults;
- The child's involvement with his or her physical surroundings, school, or other significant activities;
- The wishes of the parents and the wishes of a child who is mature enough to express reasoned and independent preferences; and
- Each parent's employment schedule, making accommodations consistent with those schedules.

The court is required to give the greatest weight to the first factor.

Summary of Bill: Another factor is added to the list of factors a court must consider when determining the residential provisions for a child in actions for the dissolution of marriage, legal separation, or declaration of invalidity of marriage. The court must consider which parent is more likely to allow and encourage the child frequent and continuing contact with the other parent.

The requirement is removed that the court, in determining a child's residential schedule, give the greatest weight to the relative strength, nature, and stability of the child's relationship with each parent, and whether one parent has taken more responsibility in providing for the child's daily needs.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research