

SENATE BILL REPORT

SB 6193

As of January 20, 1998

Title: An act relating to petition for divorce.

Brief Description: Requiring a petition for divorce.

Sponsors: Senators Stevens, Schow, Hargrove and Zarelli

Brief History:

Committee Activity: Law & Justice: 1/20/98.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Aldo Melchiori (786-7439)

Background: Nationwide statistics show that four out of every ten marriages end in divorce and that about one-half of the nation's children live in a one-parent home at some point in their lives. Divorced women lose 25 to 35 percent of their income in the first year after divorce. Children of divorced parents are more likely to drop out of school, are more susceptible to delinquency, and more regularly become unwed parents. A party to a marriage, who meets residency criteria, may petition for dissolution alleging that the marriage is irretrievably broken. It has been suggested that no-fault dissolution has contributed to the increase in the rate of divorce.

Summary of Bill: A marriage is irretrievably broken when reasonable grounds exist. "Reasonable grounds" include: (1) infection with a sexually transmitted disease not known by the spouse at the time of marriage; (2) abandonment for one or more years; (3) habitual addiction to alcohol or drugs; (4) imprisonment for two or more years; (5) physical abuse, sexual abuse, or extreme mental cruelty; (6) mental disorder, criminal insanity, or commitment for mental illness; or (7) incompatibility evidenced by infidelity, rift, discord, or conflict which has destroyed the relationship beyond a reasonable possibility for reconciliation.

When a party files for divorce alleging any of the first six grounds listed above and the court finds that the grounds exist, the court grants the divorce. If the seventh ground is alleged, the court considers all relevant factors, including the best interests of the child(ren), and refers the parties to family court mediation or counseling services of the party's choice. For the first six months, the mediation or counseling focuses on reconciliation. Upon reconciliation or 12 months, whichever occurs first, a report is made to the court. The court reviews the record and can find and order: (1) that the parties have reconciled, whereupon the petition is dismissed; (2) that the marriage is irretrievably broken, whereupon a decree of divorce is entered; or (3) that up to an additional year of counseling is warranted. Superior court clerks collect an additional \$150 fee for dissolution proceedings to offset counseling costs for indigent parties to a dissolution.

Technical changes are made to include the term "divorce" in the domestic violence, probate, emancipation, domestic relations, retirement benefits, public assistance, and sea cucumber dive fishery statutes. All actions filed on or after the effective date of the legislation are governed by the rules of divorce proceedings. If a pending action for dissolution is not concluded within 180 days after the effective date, the divorce proceeding rules apply. Prior statutes governing pending dissolution and divorce proceedings are repealed.

Appropriation: None.

Fiscal Note: Requested on January 13, 1998.

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