

SENATE BILL REPORT

ESHB 1362

As of March 30, 1999

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

Brief Description: Creating the friendly parent presumption.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Kastama, Sheahan, Lantz, Dickerson, Hurst, Edmonds, Constantine, Stensen, Lambert, Carrell, Kessler, Thomas and McIntire).

Brief History: Passed House 3/12/99, 88-7.

Committee Activity: Judiciary: 3/31/99.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: When a court enters an order for dissolution, legal separation, or declaration concerning the invalidity of marriage, the court must also determine a permanent parenting plan if the parties have children.

The parenting plan must: (a) provide for a method of resolving future disputes about the children; (b) allocate decision making between the parents; and (c) make residential provisions for each child. In all aspects of the parenting plan, the court must consider the best interests of the child.

The court is required to consider the following factors when determining a child's residential schedule:

- (a) the relative strength, nature, and stability of the child's relationship with each parent, including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;
- (b) the knowing and voluntary agreements of the parties;
- (c) each parent's past and potential future performance of parenting functions;
- (d) the emotional needs and developmental level of the child;
- (e) the child's relationship with siblings and other significant adults and involvement with his or her physical surroundings, school, or other significant activities;
- (f) the wishes of the parents and wishes of a child who is mature enough to express reasoned and independent preferences; and
- (g) 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 a child's residential placement under a parenting plan. The court must consider which parent is more likely to allow and encourage the child frequent and continuing contact with the other parent.

In determining a child's residential schedule, the court gives the greatest weight only to the relative strength, nature, and stability of the child's relationship with each parent. Whether a parent has taken greater responsibility for the daily needs of the child is now listed as a separate factor and is no longer part of the factor given the greatest weight by the court. The "best interest of the child" standard is explicitly stated as the standard used by the court when determining a child's residential provisions.

Appropriation: None.

Fiscal Note: Not requested.

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