

CERTIFICATION OF ENROLLMENT  
ENGROSSED SUBSTITUTE HOUSE BILL 2884

56th Legislature  
2000 Regular Session

Passed by the House February 14, 2000  
Yeas 91 Nays 4

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**Speaker of the House of Representatives**

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**Speaker of the House of Representatives**

Passed by the Senate March 1, 2000  
Yeas 43 Nays 0

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**President of the Senate**

Approved

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2884** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

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**Chief Clerk**

FILED

Secretary of State  
State of Washington

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**ENGROSSED SUBSTITUTE HOUSE BILL 2884**

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Passed Legislature - 2000 Regular Session

**State of Washington                      56th Legislature                      2000 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Constantine, Carlson, Grant, Radcliff, Kastama, Mastin, Keiser, Ruderman, Kessler, Dickerson, Tokuda, D. Sommers and Stensen)

Read first time 02/03/2000. Referred to Committee on .

1            AN ACT Relating to relocation of children; amending RCW 26.09.260,  
2 26.26.160, and 26.10.190; adding new sections to chapter 26.09 RCW; and  
3 creating new sections.

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

5            NEW SECTION.    **Sec. 1.** By this act, the legislature intends to  
6 supersede the state supreme court's decisions *In Re the Marriage of*  
7 *Littlefield*, 133 Wn.2d 39 (1997), and *In Re the Marriage of Pape*,  
8 Docket No. 67527-9, December 23, 1999.

9            NEW SECTION.    **Sec. 2.** DEFINITIONS. The definitions in this  
10 section apply throughout sections 2 through 18 of this act and RCW  
11 26.09.260 unless the context clearly requires otherwise.

12            (1) "Court order" means a temporary or permanent parenting plan,  
13 custody order, visitation order, or other order governing the residence  
14 of a child under this title.

15            (2) "Relocate" means a change in principal residence either  
16 permanently or for a protracted period of time.

1        NEW SECTION.    **Sec. 3.**    APPLICABILITY.    (1) The provisions of this  
2 act apply to a court order regarding residential time or visitation  
3 with a child issued:

4        (a) After the effective date of this act; and

5        (b) Before the effective date of this act, if the existing court  
6 order does not expressly govern relocation of the child.

7        (2) To the extent that a provision of this act conflicts with the  
8 express terms of a court order existing prior to the effective date of  
9 this act, then this act does not apply to those terms of that order  
10 governing relocation of the child.

11       NEW SECTION.    **Sec. 4.**    GRANT OF AUTHORITY.    When entering or  
12 modifying a court order, the court has the authority to allow or not  
13 allow a person to relocate the child.

14       NEW SECTION.    **Sec. 5.**    NOTICE REQUIREMENT.    Except as provided in  
15 section 8 of this act, a person with whom the child resides a majority  
16 of the time shall notify every other person entitled to residential  
17 time or visitation with the child under a court order if the person  
18 intends to relocate.    Notice shall be given as prescribed in sections  
19 6 and 7 of this act.

20       NEW SECTION.    **Sec. 6.**    NOTICE--CONTENTS AND DELIVERY.    (1) Except  
21 as provided in sections 7 and 8 of this act, the notice of an intended  
22 relocation of the child must be given by:

23        (a) Personal service or any form of mail requiring a return  
24 receipt; and

25        (b) No less than:

26        (i) Sixty days before the date of the intended relocation of the  
27 child; or

28        (ii) No more than five days after the date that the person knows  
29 the information required to be furnished under subsection (2) of this  
30 section, if the person did not know and could not reasonably have known  
31 the information in sufficient time to provide the sixty-days' notice,  
32 and it is not reasonable to delay the relocation.

33        (2)(a) The notice of intended relocation of the child must include:

34        (i) An address at which service of process may be accomplished during  
35 the period for objection; (ii) a brief statement of the specific  
36 reasons for the intended relocation of the child; and (iii) a notice to

1 the nonrelocating person that an objection to the intended relocation  
2 of the child or to the relocating person's proposed revised residential  
3 schedule must be filed with the court and served on the opposing person  
4 within thirty days or the relocation of the child will be permitted and  
5 the residential schedule may be modified pursuant to section 12 of this  
6 act. The notice shall not be deemed to be in substantial compliance  
7 for purposes of section 9 of this act unless the notice contains the  
8 following statement: "THE RELOCATION OF THE CHILD WILL BE PERMITTED AND  
9 THE PROPOSED REVISED RESIDENTIAL SCHEDULE MAY BE CONFIRMED UNLESS,  
10 WITHIN THIRTY DAYS, YOU FILE A PETITION AND MOTION WITH THE COURT TO  
11 BLOCK THE RELOCATION OR OBJECT TO THE PROPOSED REVISED RESIDENTIAL  
12 SCHEDULE AND SERVE THE PETITION AND MOTION ON THE PERSON PROPOSING  
13 RELOCATION AND ALL OTHER PERSONS ENTITLED BY COURT ORDER TO RESIDENTIAL  
14 TIME OR VISITATION WITH THE CHILD."

15 (b) Except as provided in sections 7 and 8 of this act, the  
16 following information shall also be included in every notice of  
17 intended relocation of the child, if available:

18 (i) The specific street address of the intended new residence, if  
19 known, or as much of the intended address as is known, such as city and  
20 state;

21 (ii) The new mailing address, if different from the intended new  
22 residence address;

23 (iii) The new home telephone number;

24 (iv) The name and address of the child's new school and day care  
25 facility, if applicable;

26 (v) The date of the intended relocation of the child; and

27 (vi) A proposal in the form of a proposed parenting plan for a  
28 revised schedule of residential time or visitation with the child, if  
29 any.

30 (3) A person required to give notice of an intended relocation of  
31 the child has a continuing duty to promptly update the information  
32 required with the notice as that new information becomes known.

33 NEW SECTION. **Sec. 7.** NOTICE--RELOCATION WITHIN THE SAME SCHOOL  
34 DISTRICT. (1) When the intended relocation of the child is within the  
35 school district in which the child currently resides the majority of  
36 the time, the person intending to relocate the child, in lieu of notice  
37 prescribed in section 6 of this act, may provide actual notice by any

1 reasonable means to every other person entitled to residential time or  
2 visitation with the child under a court order.

3 (2) A person who is entitled to residential time or visitation with  
4 the child under a court order may not object to the intended relocation  
5 of the child within the school district in which the child currently  
6 resides the majority of the time, but he or she retains the right to  
7 move for modification under RCW 26.09.260.

8 NEW SECTION. **Sec. 8.** LIMITATION OF NOTICES. (1) If a person  
9 intending to relocate the child is entering a domestic violence shelter  
10 due to the danger imposed by another person, notice may be delayed for  
11 twenty-one days. This section shall not be construed to compel the  
12 disclosure by any domestic violence shelter of information protected by  
13 confidentiality except as provided by RCW 70.123.075 or equivalent laws  
14 of the state in which the shelter is located.

15 (2) If a person intending to relocate the child is a participant in  
16 the address confidentiality program pursuant to chapter 40.24 RCW or  
17 has a court order which permits the party to withhold some or all of  
18 the information required by section 6(2)(b) of this act, the  
19 confidential or protected information is not required to be given with  
20 the notice.

21 (3) If a person intending to relocate the child is relocating to  
22 avoid a clear, immediate, and unreasonable risk to the health or safety  
23 of a person or the child, notice may be delayed for twenty-one days.

24 (4) A person intending to relocate the child who believes that his  
25 or her health or safety or the health or safety of the child would be  
26 unreasonably put at risk by notice or disclosure of certain information  
27 in the notice may request an ex parte hearing with the court to have  
28 all or part of the notice requirements waived. If the court finds that  
29 the health or safety of a person or a child would be unreasonably put  
30 at risk by notice or the disclosure of certain information in the  
31 notice, the court may:

32 (a) Order that the notice requirements be less than complete or  
33 waived to the extent necessary to protect confidentiality or the health  
34 or safety of a person or child; or

35 (b) Provide such other relief as the court finds necessary to  
36 facilitate the legitimate needs of the parties and the best interests  
37 of the child under the circumstances.

1 (5) This section does not deprive a person entitled to residential  
2 time or visitation with a child under a court order the opportunity to  
3 object to the intended relocation of the child or the proposed revised  
4 residential schedule before the relocation occurs.

5 NEW SECTION. **Sec. 9.** FAILURE TO GIVE NOTICE. (1) The failure to  
6 provide the required notice is grounds for sanctions, including  
7 contempt if applicable.

8 (2) In determining whether a person has failed to comply with the  
9 notice requirements for the purposes of this section, the court may  
10 consider whether:

11 (a) The person has substantially complied with the notice  
12 requirements;

13 (b) The court order in effect at the time of the relocation was  
14 issued prior to the effective date of this act and the person  
15 substantially complied with the notice requirements, if any, in the  
16 existing order;

17 (c) A waiver of notice was granted;

18 (d) A person entitled to receive notice was substantially harmed;  
19 and

20 (e) Any other factor the court deems relevant.

21 (3) A person entitled to file an objection to the intended  
22 relocation of the child may file such objection whether or not the  
23 person has received proper notice.

24 NEW SECTION. **Sec. 10.** OBJECTION TO RELOCATION OR PROPOSED REVISED  
25 RESIDENTIAL SCHEDULE. (1) A party objecting to the intended relocation  
26 of the child or the relocating parent's proposed revised residential  
27 schedule shall do so by filing the objection with the court and serving  
28 the objection on the relocating party and all other persons entitled by  
29 court order to residential time or visitation with the child by means  
30 of personal service or mailing by any form of mail requiring a return  
31 receipt to the relocating party at the address designated for service  
32 on the notice of intended relocation and to other parties requiring  
33 notice at their mailing address. The objection must be filed and  
34 served, including a three-day waiting period if the objection is served  
35 by mail, within thirty days of receipt of the notice of intended  
36 relocation of the child. The objection shall be in the form of: (a)  
37 A petition for modification of the parenting plan pursuant to

1 relocation; or (b) other court proceeding adequate to provide grounds  
2 for relief.

3 (2) Unless the special circumstances described in section 8 of this  
4 act apply, the person intending to relocate the child shall not,  
5 without a court order, change the principal residence of the child  
6 during the period in which a party may object. The order required  
7 under this subsection may be obtained ex parte. If the objecting party  
8 notes a court hearing to prevent the relocation of the child for a date  
9 not more than fifteen days following timely service of an objection to  
10 relocation, the party intending to relocate the child shall not change  
11 the principal residence of the child pending the hearing unless the  
12 special circumstances described in section 8(3) of this act apply.

13 (3) The administrator for the courts shall develop a standard form,  
14 separate from existing dissolution or modification forms, for use in  
15 filing an objection to relocation of the child or objection of the  
16 relocating person's proposed revised residential schedule.

17 NEW SECTION. **Sec. 11.** REQUIRED PROVISION IN RESIDENTIAL ORDERS.  
18 Unless waived by court order, after the effective date of this act,  
19 every court order shall include a clear restatement of the provisions  
20 in sections 5 through 10 of this act.

21 NEW SECTION. **Sec. 12.** FAILURE TO OBJECT. (1) Except for good  
22 cause shown, if a person entitled to object to the relocation of the  
23 child does not file an objection with the court within thirty days  
24 after receipt of the relocation notice, then the relocation of the  
25 child shall be permitted.

26 (2) A nonobjecting person shall be entitled to the residential time  
27 or visitation with the child specified in the proposed residential  
28 schedule included with the relocation notice.

29 (3) Any person entitled to residential time or visitation with a  
30 child under a court order retains his or her right to move for  
31 modification under RCW 26.09.260.

32 (4) If a person entitled to object to the relocation of the child  
33 does not file an objection with the court within thirty days after  
34 receipt of the relocation notice, a person entitled to residential time  
35 with the child may not be held in contempt of court for any act or  
36 omission that is in compliance with the proposed revised residential  
37 schedule set forth in the notice given.

1 (5) Any party entitled to residential time or visitation with the  
2 child under a court order may, after thirty days have elapsed since the  
3 receipt of the notice, obtain ex parte and file with the court an order  
4 modifying the residential schedule in conformity with the relocating  
5 party's proposed residential schedule specified in the notice upon  
6 filing a copy of the notice and proof of service of such notice. A  
7 party may obtain ex parte and file with the court an order modifying  
8 the residential schedule in conformity with the proposed residential  
9 schedule specified in the notice before the thirty days have elapsed if  
10 the party files a copy of the notice, proof of service of such notice,  
11 and proof that no objection will be filed.

12 NEW SECTION. **Sec. 13.** TEMPORARY ORDERS. (1) The court may grant  
13 a temporary order restraining relocation of the child, or ordering  
14 return of the child if the child's relocation has occurred, if the  
15 court finds:

16 (a) The required notice of an intended relocation of the child was  
17 not provided in a timely manner and the nonrelocating party was  
18 substantially prejudiced;

19 (b) The relocation of the child has occurred without agreement of  
20 the parties, court order, or the notice required by this act; or

21 (c) After examining evidence presented at a hearing for temporary  
22 orders in which the parties had adequate opportunity to prepare and be  
23 heard, there is a likelihood that on final hearing the court will not  
24 approve the intended relocation of the child or no circumstances exist  
25 sufficient to warrant a relocation of the child prior to a final  
26 determination at trial.

27 (2) The court may grant a temporary order authorizing the intended  
28 relocation of the child pending final hearing if the court finds:

29 (a) The required notice of an intended relocation of the child was  
30 provided in a timely manner or that the circumstances otherwise warrant  
31 issuance of a temporary order in the absence of compliance with the  
32 notice requirements and issues an order for a revised schedule for  
33 residential time with the child; and

34 (b) After examining the evidence presented at a hearing for  
35 temporary orders in which the parties had adequate opportunity to  
36 prepare and be heard, there is a likelihood that on final hearing the  
37 court will approve the intended relocation of the child.



1        NEW SECTION.     **Sec. 14.**    BASIS FOR DETERMINATION.    The person  
2 proposing to relocate with the child shall provide his or her reasons  
3 for the intended relocation.    There is a rebuttable presumption that  
4 the intended relocation of the child will be permitted.    A person  
5 entitled to object to the intended relocation of the child may rebut  
6 the presumption by demonstrating that the detrimental effect of the  
7 relocation outweighs the benefit of the change to the child and the  
8 relocating person, based upon the following factors.    The factors  
9 listed in this section are not weighted.    No inference is to be drawn  
10 from the order in which the following factors are listed:

11        (1) The relative strength, nature, quality, extent of involvement,  
12 and stability of the child's relationship with each parent, siblings,  
13 and other significant persons in the child's life;

14        (2) Prior agreements of the parties;

15        (3) Whether disrupting the contact between the child and the person  
16 with whom the child resides a majority of the time would be more  
17 detrimental to the child than disrupting contact between the child and  
18 the person objecting to the relocation;

19        (4) Whether either parent or a person entitled to residential time  
20 with the child is subject to limitations under RCW 26.09.191;

21        (5) The reasons of each person for seeking or opposing the  
22 relocation and the good faith of each of the parties in requesting or  
23 opposing the relocation;

24        (6) The age, developmental stage, and needs of the child, and the  
25 likely impact the relocation or its prevention will have on the child's  
26 physical, educational, and emotional development, taking into  
27 consideration any special needs of the child;

28        (7) The quality of life, resources, and opportunities available to  
29 the child and to the relocating party in the current and proposed  
30 geographic locations;

31        (8) The availability of alternative arrangements to foster and  
32 continue the child's relationship with and access to the other parent;

33        (9) The alternatives to relocation and whether it is feasible and  
34 desirable for the other party to relocate also;

35        (10) The financial impact and logistics of the relocation or its  
36 prevention; and

37        (11) For a temporary order, the amount of time before a final  
38 decision can be made at trial.

1        NEW SECTION.    **Sec. 15.**    FACTOR NOT TO BE CONSIDERED.    In  
2 determining whether to permit or restrain the relocation of the child,  
3 the court may not admit evidence on the issue of whether the person  
4 seeking to relocate the child will forego his or her own relocation if  
5 the child's relocation is not permitted or whether the person opposing  
6 relocation will also relocate if the child's relocation is permitted.  
7 The court may admit and consider such evidence after it makes the  
8 decision to allow or restrain relocation of the child and other  
9 parenting, custody, or visitation issues remain before the court, such  
10 as what, if any, modifications to the parenting plan are appropriate  
11 and who the child will reside with the majority of the time if the  
12 court has denied relocation of the child and the person is relocating  
13 without the child.

14        NEW SECTION.    **Sec. 16.**    OBJECTIONS BY NONPARENTS.    A court may not  
15 restrict the right of a parent to relocate the child when the sole  
16 objection to the relocation is from a third party, unless that third  
17 party is entitled to residential time or visitation under a court order  
18 and has served as the primary residential care provider to the child  
19 for a substantial period of time during the thirty-six consecutive  
20 months preceding the intended relocation.

21        NEW SECTION.    **Sec. 17.**    SANCTIONS.    The court may sanction a party  
22 if it finds that a proposal to relocate the child or an objection to an  
23 intended relocation or proposed revised residential schedule was made  
24 to harass a person, to interfere in bad faith with the relationship  
25 between the child and another person entitled to residential time or  
26 visitation with the child, or to unnecessarily delay or needlessly  
27 increase the cost of litigation.

28        NEW SECTION.    **Sec. 18.**    PRIORITY FOR HEARING.    A hearing involving  
29 relocations or intended relocations of children shall be accorded  
30 priority on the court's motion calendar and trial docket.

31        **Sec. 19.**    RCW 26.09.260 and 1999 c 174 s 1 are each amended to read  
32 as follows:

33        (1) Except as otherwise provided in subsections (4), (5), (~~(7)~~)  
34 (~~6~~), (~~8~~), and (~~(9)~~) (10) of this section, the court shall not modify  
35 a prior custody decree or a parenting plan unless it finds, upon the

1 basis of facts that have arisen since the prior decree or plan or that  
2 were unknown to the court at the time of the prior decree or plan, that  
3 a substantial change has occurred in the circumstances of the child or  
4 the nonmoving party and that the modification is in the best interest  
5 of the child and is necessary to serve the best interests of the child.

6 (2) In applying these standards, the court shall retain the  
7 residential schedule established by the decree or parenting plan  
8 unless:

9 (a) The parents agree to the modification;

10 (b) The child has been integrated into the family of the petitioner  
11 with the consent of the other parent in substantial deviation from the  
12 parenting plan;

13 (c) The child's present environment is detrimental to the child's  
14 physical, mental, or emotional health and the harm likely to be caused  
15 by a change of environment is outweighed by the advantage of a change  
16 to the child; or

17 (d) The court has found the nonmoving parent in contempt of court  
18 at least twice within three years because the parent failed to comply  
19 with the residential time provisions in the court-ordered parenting  
20 plan, or the parent has been convicted of custodial interference in the  
21 first or second degree under RCW 9A.40.060 or 9A.40.070.

22 (3) A conviction of custodial interference in the first or second  
23 degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial  
24 change of circumstances for the purposes of this section.

25 (4) The court may reduce or restrict contact between the  
26 ~~((nonprimary residential))~~ child and the parent ~~((and a child))~~ with  
27 whom the child does not reside a majority of the time if it finds that  
28 the reduction or restriction would serve and protect the best interests  
29 of the child using the criteria in RCW 26.09.191.

30 (5) The court may order adjustments to the residential aspects of  
31 a parenting plan upon a showing of a substantial change in  
32 circumstances of either parent or of the child, and without  
33 consideration of the factors set forth in subsection (2) of this  
34 section, if the proposed modification is only a minor modification in  
35 the residential schedule that does not change the residence the child  
36 is scheduled to reside in the majority of the time and:

37 (a) Does not exceed twenty-four full days in a calendar year; or

38 (b) Is based on a change of residence of the parent with whom the  
39 child does not reside the majority of the time or an involuntary change

1 in work schedule by a parent which makes the residential schedule in  
2 the parenting plan impractical to follow; or

3 (c) Does not result in a schedule that exceeds ninety overnights  
4 per year in total, if the court finds that, at the time the petition  
5 for modification is filed, the decree of dissolution or parenting plan  
6 does not provide reasonable time with the ((nonprimary residential))  
7 parent ((at the time the petition for modification is filed)) with whom  
8 the child does not reside a majority of the time, and further, the  
9 court finds that it is in the best interests of the child to increase  
10 residential time with the ((nonprimary residential)) parent in excess  
11 of the residential time period in (a) of this subsection. However, any  
12 motion under this subsection (5)(c) is subject to the factors  
13 established in subsection (2) of this section if the party bringing the  
14 ((motion)) petition has previously been granted a modification under  
15 this same subsection within twenty-four months of the current motion.  
16 Relief granted under this section shall not be the sole basis for  
17 adjusting or modifying child support.

18 (6) The court may order adjustments to the residential aspects of  
19 a parenting plan pursuant to a proceeding to permit or restrain a  
20 relocation of the child. The person objecting to the relocation of the  
21 child or the relocating person's proposed revised residential schedule  
22 may file a petition to modify the parenting plan, including a change of  
23 the residence in which the child resides the majority of the time,  
24 without a showing of adequate cause other than the proposed relocation  
25 itself. A hearing to determine adequate cause for modification shall  
26 not be required so long as the request for relocation of the child is  
27 being pursued. In making a determination of a modification pursuant to  
28 relocation of the child, the court shall first determine whether to  
29 permit or restrain the relocation of the child using the procedures and  
30 standards provided in sections 2 through 18 of this act. Following  
31 that determination, the court shall determine what modification  
32 pursuant to relocation should be made, if any, to the parenting plan or  
33 custody order or visitation order.

34 (7) A ((nonprimary residential)) parent with whom the child does  
35 not reside a majority of the time and whose residential time with the  
36 child is subject to limitations pursuant to RCW 26.09.191 (2) or (3)  
37 may not seek expansion of residential time under subsection (5)(c) of  
38 this section unless that parent demonstrates a substantial change in  
39 circumstances specifically related to the basis for the limitation.

1       (~~(7)~~) (8) If a (~~nonprimary residential~~) parent with whom the  
2 child does not reside a majority of the time voluntarily fails to  
3 exercise residential time for an extended period, that is, one year or  
4 longer, the court upon proper motion may make adjustments to the  
5 parenting plan in keeping with the best interests of the minor child.

6       (~~(8)~~) (9) A (~~nonprimary~~) parent with whom the child does not  
7 reside a majority of the time who is required by the existing parenting  
8 plan to complete evaluations, treatment, parenting, or other classes  
9 may not seek expansion of residential time under subsection (5)(c) of  
10 this section unless that parent has fully complied with such  
11 requirements.

12       (~~(9)~~) (10) The court may order adjustments to any of the  
13 nonresidential aspects of a parenting plan upon a showing of a  
14 substantial change of circumstances of either parent or of a child, and  
15 the adjustment is in the best interest of the child. Adjustments  
16 ordered under this section may be made without consideration of the  
17 factors set forth in subsection (2) of this section.

18       (~~(10)~~) (11) If the court finds that a motion to modify a prior  
19 decree or parenting plan has been brought in bad faith, the court shall  
20 assess the attorney's fees and court costs of the nonmoving parent  
21 against the moving party.

22       **Sec. 20.** RCW 26.26.160 and 1992 c 229 s 8 are each amended to read  
23 as follows:

24       (1) Except as provided in subsection (2) of this section the court  
25 has continuing jurisdiction to prospectively modify a judgment and  
26 order for future education and future support, and with respect to  
27 matters listed in RCW 26.26.130 (3) and (~~(4)~~) (5), and RCW  
28 26.26.150(2) upon showing a substantial change of circumstances. The  
29 procedures set forth in RCW 26.09.175 shall be used in modification  
30 proceedings under this section.

31       (2) A judgment or order entered under this chapter may be modified  
32 without a showing of substantial change of circumstances upon the same  
33 grounds as RCW 26.09.170 permits support orders to be modified without  
34 a showing of a substantial change of circumstance.

35       (3) The court may modify a parenting plan or residential provisions  
36 adopted pursuant to RCW 26.26.130(~~(6)~~) (7) in accordance with the  
37 provisions of chapter 26.09 RCW.

1        (4) The court shall hear and review petitions for modifications of  
2 a parenting plan, custody order, visitation order, or other order  
3 governing the residence of a child, and conduct any proceedings  
4 concerning a relocation of the residence where the child resides a  
5 majority of the time, pursuant to chapter 26.09 RCW.

6        **Sec. 21.** RCW 26.10.190 and 1989 c 375 s 24 are each amended to  
7 read as follows:

8        ~~(1) ((The court shall not modify a prior custody decree unless it~~  
9 ~~finds, upon the basis of facts that have arisen since the prior decree~~  
10 ~~or that were unknown to the court at the time of the prior decree, that~~  
11 ~~a change has occurred in the circumstances of the child or the~~  
12 ~~custodian and that the modification is necessary to serve the best~~  
13 ~~interests of the child. In applying these standards, the court shall~~  
14 ~~retain the custodian established by the prior decree unless:~~

15        ~~(a) The custodian agrees to the modification;~~

16        ~~(b) The child has been integrated into the family of the petitioner~~  
17 ~~with the consent of the custodian; or~~

18        ~~(c) The child's present environment is detrimental to his or her~~  
19 ~~physical, mental, or emotional health and the harm likely to be caused~~  
20 ~~by a change of environment is outweighed by the advantage of a change~~

21 ~~to the child.))~~ The court shall hear and review petitions for  
22 modifications of a parenting plan, custody order, visitation order, or  
23 other order governing the residence of a child, and conduct any  
24 proceedings concerning a relocation of the residence where the child  
25 resides a majority of the time, pursuant to chapter 26.09 RCW.

26        (2) If the court finds that a motion to modify a prior custody  
27 decree has been brought in bad faith, the court shall assess the  
28 attorney's fees and court costs of the custodian against the  
29 petitioner.

30        NEW SECTION. **Sec. 22.** Captions used in this act are not any part  
31 of the law.

32        NEW SECTION. **Sec. 23.** Sections 2 through 18 of this act are each  
33 added to chapter 26.09 RCW and codified with the subchapter heading  
34 "Notice requirements and standards for parental relocation."

--- END ---