

Judiciary Committee

SSB 5511

Title: *An act relating to adding a factor a court is to consider in determining residential time between parents.*

Brief Description: *Adding a factor a court is to consider in determining residential time between parents.*

Sponsors: *By Senate Committee on Judiciary (originally sponsored by Senators Kastama and Franklin).*

Brief Summary of Substitute Bill

- *Requires the court to consider, when determining the child's residential schedule under a parenting plan, which parent is more likely to allow and encourage frequent and continuing contact between the child and other parent.*
- *Changes how the court weighs the factors it must consider when determining the residential schedule under a parenting plan.*

Hearing Date: *3/23/01*

Staff: *Trudes Hutcheson (786-7384).*

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 minor children.

The parenting plan must: (a) provide a dispute resolution process for future disputes; (b) allocate decision making between the parents; and (c) establish a residential schedule for each child. In all aspects of the parenting plan, the court must consider the best interests of the child.

Regarding the residential schedule, the court must make provisions 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:

- (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, and 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 the court must consider when determining a child's residential schedule. 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 must give 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.

Appropriation: *None.*

Fiscal Note: *Not Requested.*

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