

SENATE BILL REPORT

SB 5633

As of February 4, 2003

Title: An act relating to changing how the court determines the allocation of residential time between parents.

Brief Description: Changing how the court allocates residential time between parents.

Sponsors: Senator Kastama.

Brief History:

Committee Activity: Children & Family Services & Corrections: 2/7/03.

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Staff: Edith Rice (786-7444)

Background: In an action for dissolution of marriage (divorce) when minor children are involved, a permanent parenting plan must be incorporated into the final decree. The permanent parenting plan addresses parenting functions such as maintaining a nurturing relationship with the child, attending to the child's daily needs, education, and financial support. The court uses the best interests of the child as the policy standard by which parental responsibilities are allocated. In establishing the child's residential schedule, the court is to consider the following seven factors (factor (i) shall be given the greatest weight):

- (i) the relative strength, nature, and stability of the child's relationship with each parent, including whether a parent has taken the greater responsibility for performing parenting functions relating to the daily needs of the child;
- (ii) the agreements of the parties, provided they were entered into knowingly and voluntarily;
- (iii) each parent's past and potential for future performance of parenting functions;
- (iv) the emotional needs and developmental level of the child;
- (v) the child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;
- (vi) the wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and
- (vii) each parent's employment schedule, and shall make accommodations consistent with those schedules.

Summary of Bill: A presumption is created that a child's residential schedule shall include at least one-third of a year with each of the parents, subject to the existing restrictions itemized under RCW 26.09.191. As long as there are no other limiting factors, the factors to be considered remain the same, but are weighted differently. Under (i), the relative strength, nature and stability of the child's relations with each parent is now given the greatest weight of all the factors. Whether a parent has taken greater responsibility for parenting

functions as to the daily needs of the child is now a separate factor weighted equally with the remaining factors.

Appropriation: None.

Fiscal Note: Not requested.

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