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HOUSE BILL 1171

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State of Washington

59th Legislature

2005 Regular Session

By Representatives Dickerson, Moeller, Cody, Roberts, Schual-Berke, Appleton, Morrell, Darneille, Chase, Kenney and Ormsby

Read first time 01/18/2005. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to dissolution; and amending RCW 26.09.030.

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

3 **Sec. 1.** RCW 26.09.030 and 1996 c 23 s 1 are each amended to read  
4 as follows:

5 When a party who (1) is a resident of this state, or (2) is a  
6 member of the armed forces and is stationed in this state, or (3) is  
7 married to a party who is a resident of this state or who is a member  
8 of the armed forces and is stationed in this state, petitions for a  
9 dissolution of marriage, and alleges that the marriage is irretrievably  
10 broken and when ninety days have elapsed since the petition was filed  
11 and from the date when service of summons was made upon the respondent  
12 or the first publication of summons was made, the court shall proceed  
13 as follows:

14 ~~((1))~~ (a) If the other party joins in the petition or does not  
15 deny that the marriage is irretrievably broken, the court shall enter  
16 a decree of dissolution.

17 ~~((2))~~ (b) If the other party alleges that the petitioner was  
18 induced to file the petition by fraud, or coercion, the court shall

1 make a finding as to that allegation and, if it so finds shall dismiss  
2 the petition.

3 ~~((+3+))~~ (c) If the other party denies that the marriage is  
4 irretrievably broken the court shall consider all relevant factors,  
5 including the circumstances that gave rise to the filing of the  
6 petition and the prospects for reconciliation and shall:

7 ~~((+a+))~~ (i) Make a finding that the marriage is irretrievably  
8 broken and enter a decree of dissolution of the marriage; or

9 ~~((+b+))~~ (ii) At the request of either party or on its own motion,  
10 transfer the cause to the family court, refer them to another  
11 counseling service of their choice, and request a report back from the  
12 counseling service within sixty days, or continue the matter for not  
13 more than sixty days for hearing. If the cause is returned from the  
14 family court or at the adjourned hearing, the court shall:

15 ~~((+i+))~~ (A) Find that the parties have agreed to reconciliation and  
16 dismiss the petition; or

17 ~~((+ii+))~~ (B) Find that the parties have not been reconciled, and  
18 that either party continues to allege that the marriage is  
19 irretrievably broken. When such facts are found, the court shall enter  
20 a decree of dissolution of the marriage.

21 ~~((+4+))~~ (d) If the petitioner requests the court to decree legal  
22 separation in lieu of dissolution, the court shall enter the decree in  
23 that form unless the other party objects and petitions for a decree of  
24 dissolution or declaration of invalidity.

25 (e) In considering a petition for dissolution, a court may not use  
26 the petitioner's pregnancy as a basis for denying the decree for  
27 dissolution, nor may the court continue the matter on that basis.

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