
Judiciary Committee

HB 1050

Title: An act relating to residential provisions for children of parents with military duties.

Brief Description: Regarding residential provisions for children of parents with military duties.

Sponsors: Representatives McCoy and Appleton.

Brief Summary of Bill

- Allows a military parent to seek delegation of residential time when establishing a parenting plan, not just when modifying an existing parenting plan
- Clarifies that the delegation provision applies to other court orders designating residential time or visitation rights.

Hearing Date: 1/20/11

Staff: Trudes Tango (786-7384).

Background:

In dissolution cases in which minor children are involved, the parties must have a parenting plan that sets forth the child's residential time with each parent. Other court orders, such as an order issued in a paternity case, can also establish residential time between the parents and minor children.

In 2009, the Legislature enacted a statute creating procedures to address changes in a parenting plan or custody order when a parent is unable to exercise residential time or visitation because of the parent's military duties.

When a parent receives military orders that involve moving a substantial distance away, or would have a material effect on the parent's ability to exercise court-ordered residential time or visitation rights, the court may, upon the military parent's request, delegate the military parent's

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time to a family member or another person. The family member or other person must have a close and substantial relationship to the child and the delegation must be in the best interest of the child. The delegation may last for as long as the military parent is absent. The delegation does not create separate rights to residential time or visitation for the other person.

The delegation provision is contained in the statute addressing modifications of existing parenting plans.

Summary of Bill:

It is made explicit that the delegation provision can apply when a military parent is establishing a temporary or permanent parenting plan or other court order designating residential time or visitation rights with a child, not just when modifying an existing parenting plan. The delegation provision applies to any court order designating residential time or visitation rights, not just parenting plans.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.