

HOUSE BILL REPORT

EHB 1050

As Passed House:
February 22, 2011

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 History:

Committee Activity:

Judiciary: 1/20/11, 1/27/11 [DP].

Floor Activity:

Passed House: 2/22/11, 91-0.

Brief Summary of Engrossed Bill

- Allows a military parent to ask the court to delegate the parent's residential time with a child if the parent's military orders involve being more than one night away when the parent is scheduled to have time with a child.
- Provides that the delegation provision applies when establishing a parenting plan or court order, not just when modifying an existing plan or order.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Chandler, Eddy, Frockt, Kirby, Klippert, Nealey, Orwall, Rivers and Roberts.

Staff: Trudes Tango (786-7384).

Background:

In dissolution cases in which minor children are involved, the parties must establish 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2009 the Legislature created procedures for a military parent to modify a parenting plan or custody order when the parent is unable to exercise residential time or visitation with his or her child because of the parent's military duties potentially impacting parenting functions. "Military duties potentially impacting parenting functions" is defined to include deployment, activation, mobilization, and temporary duty. The terms activation and mobilization explicitly exclude drill weekends.

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 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 Engrossed Bill:

A military parent may seek delegation of his or her residential time when the parent has received or will receive temporary duty that involves being more than one night away from the military parent's residence at the time he or she is scheduled to have residential time or visitation with the child.

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. In addition, 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.

Staff Summary of Public Testimony:

(In support) This issue was brought forward by deployed military parents. The 2009 law addressed most of the issues, but recently a military parent who was in the process of establishing a parenting plan received orders for deployment before the parenting plan was finished. The court was not sure whether the delegation law from 2009 applied or not. The court decided that it is a gray area but allowed delegation. It is important for military families to allow a member to delegate his or her time. Deployment is stressful. If there is

not an established parenting plan, the deployed parent may not be able to have contact with the child. This bill is helpful to military parents to preserve their relationship with their children and allows the military parents to focus on their missions. Allowing for delegation has become a best practice for the military defense. Alaska has modeled their law after Washington's 2009 law, and this bill will make the law even better.

(Opposed) None.

Persons Testifying: Representative McCoy, prime sponsor; Lisa Dufour, McKinley Irvin Professional Limited Liability Company; and Mark San Souci, Department of Defense, Defense State Liaison Office.

Persons Signed In To Testify But Not Testifying: None.