

# SENATE BILL REPORT

## EHB 1050

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As of March 11, 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:** Passed House: 2/22/11, 91-0.

**Committee Activity:** Human Services & Corrections: 3/08/11.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Jennifer Strus (786-7316)

**Background:** In dissolution of marriage 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.

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 the parent's military duties potentially impact 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 person to whom the military parent's time is delegated.

**Summary of Bill:** A military parent can request that the court delegate his or her residential time or visitation rights when the military parent is or will be:

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- under temporary duty, deployment, activation or mobilization orders that involve moving a substantial distance away from his or her residence or would otherwise materially affect the parent's ability to exercise his or her residential time or visitation rights; or
- under temporary duty that would put the military parent away from his or her residence for more than one night at the time the parent is scheduled to have residential time or visitation.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: The legislation passed a couple of years ago dealt with delegation of residential and visitation time once there was a parenting plan in place. There have been military personnel who have deployed or assigned for temporary duty before a parenting plan has been established. This bill would allow the delegation while a dissolution or other action is pending and before a final parenting plan is entered. Washington remains a best practice state for dealing with dissolution issues for military personnel, and this bill enhances that standing.

**Persons Testifying:** PRO: Representative McCoy, prime sponsor; Lisa DuFour, McKinley Irwin Law Firm; Mark San Souci, Department of Defense, State Liaison Office; Ted Wicorek, Veterans' Legislative Coalition.