HOUSE BILL REPORT
SHB 1021

As Passed House:

February 25, 2013

Title: An act relating to educating parents of the harmful effects of parental abduction.

Brief Description: Educating parents of the harmful effects of parental abduction.

Sponsors: House Committee on Judiciary (originally sponsored by Representative Haler).

Brief History:

Committee Activity:

Judiciary: 1/23/13, 2/12/13 [DPS].

Floor Activity:

Passed House: 2/25/13, 92-0.

Brief Summary of Substitute Bill

- Provides that information regarding the harmful effects of parental abduction must be provided in any packet of information or parenting classes provided to parties in dissolution or legal separation cases involving the custody or care of minor children.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Pedersen, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Hope, Jinkins, Kirby, Klippert, Nealey, Orwall, Roberts and Shea.

Staff: Edie Adams (786-7180).

Background:

In dissolution or legal separation cases in which there are minor children, the court must establish a parenting plan setting forth, among other things, each parent's residential time with the children. The court must make residential provisions that encourage each parent to maintain a loving, stable, and nurturing relationship with the child, considering a number of

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statutory factors. These factors include, among others: the relative strength, nature, and stability of the child's relationship with each parent; each parent's past and potential for future performance of parenting functions; the emotional needs and developmental level of the child; and 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.

Generally, a court may modify a parenting plan only upon a showing of a substantial change of circumstances with respect to the child or the nonmoving party, and that the modification is in the best interests of the child. The court must retain the residential schedule unless certain factors are established. One basis for changing the residential schedule is that the court has found the nonmoving parent in contempt of court at least twice in three years for failing to comply with the residential schedule, or if the parent has been convicted of Custodial Interference. A conviction of custodial interference is considered a substantial change of circumstances for purposes of modifying the parenting plan.

Custodial Interference in the first degree is committed by a parent if the parent takes, entices, retains, detains, or conceals the child, with the intent to deny access, from the other parent having the lawful right to time with the child pursuant to a court-ordered parenting plan and the parent: intends to hold the child permanently or for a protracted period; exposes the child to a substantial risk of illness or physical injury; or causes the child to be removed from the state of usual residence. Custodial Interference in the first degree is a class c felony.

Custodial Interference in the second degree is committed by a parent if: (a) the parent takes, entices, retains, detains, or conceals the child, with the intent to deny access, from the other parent having the lawful right to time with the child pursuant to a court-ordered parenting plan; (b) the parent has not complied with the residential provisions of the parenting plan after a finding of contempt; or (c) the parent has engaged in a pattern of willful violations of court-ordered residential provisions. Custodial Interference in the second degree is a gross misdemeanor on a first offense and a class c felony for subsequent offenses.

Summary of Substitute Bill:

In a dissolution or legal separation proceeding involving the care or custody of a minor child, information regarding the harmful effects of parental abduction must be included in any packet of information provided to the parties, or in any parenting class or seminar provided to the parties. The information must contain material set out in statute that discusses the potential immediate and long-term adverse impacts of child abduction by a parent.

Appropriation: None.

Fiscal Note: Available.

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 is an important bill to help protect children. Some parents in dissolution cases seek to use a child as a wedge by separating the child away from the other parent. Abducted children are told untrue things by the abducting parent in order to maintain that separation. This can lead to fear, confusion, and a terrible loss for a child. Children have the right to have contact with both of their parents. Nothing is being provided in the current process, including parenting classes, to inform parents about the consequences of parental abduction. People do not understand what children go through when they are abducted.

(Opposed) The certification process in the bill is a concern. Often one party does not want the divorce. If both parties have to certify that they have read the pamphlet, this could create a problem. It is not clear what would happen if one of the parties refuses to sign. The fiscal note is minimal and does not present a concern.

Persons Testifying: (In support) Representative Haler, prime sponsor; and Bryan McGlothin, Prevent Parental Kidnap.

(Opposed) Rick Bartholomew, Family Law Section of the Washington State Bar Association.

Persons Signed In To Testify But Not Testifying: None.