

SENATE BILL REPORT

SB 5858

As of January 12, 2024

Title: An act relating to the just and equitable distribution of real property and liabilities in the dissolution of marriage or domestic partnerships.

Brief Description: Concerning the just and equitable distribution of real property and liabilities in the dissolution of marriage or domestic partnerships.

Sponsors: Senator Fortunato.

Brief History:

Committee Activity: Law & Justice: 1/15/24.

Brief Summary of Bill

- Requires courts to consider additional factors when distributing real property and family homes in dissolution proceedings.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: William Bridges (786-7312)

Background: Distribution of Property in Dissolution Proceedings. In a proceeding for dissolution of marriage or domestic partnership, legal separation, or declaration of invalidity, Washington courts are required by statute to distribute the property and liabilities of the parties in a just and equitable manner after considering all relevant factors including, but not limited to the following:

- the nature and extent of the community property;
- the nature and extent of the separate property;
- the duration of the marriage or domestic partnership; and
- the economic circumstances of each spouse or domestic partner at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live in it for reasonable periods to a spouse or domestic

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partner with whom the children reside the majority of the time.

Summary of Bill: Requiring Courts to Consider Additional Factors when Distributing Real Property and Family Homes in Dissolution Proceedings. When considering the just and equitable distribution of real property and liabilities, a court shall consider the equitable division of costs associated with the disposition of real property, such as taxes, broker and agent fees, repairs, and other costs related to preparing a property for sale.

When considering the disposition of the family home, a court shall consider the following:

- the potential for homelessness of a spouse and children and the provision of housing if such a case is likely to occur; and
- the value of the home for which it can be sold.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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