
SENATE BILL 5783

State of Washington

69th Legislature

2025 Regular Session

By Senators Fortunato, J. Wilson, and McCune

1 AN ACT Relating to prohibiting use of vaccination status in
2 certain administrative and legal proceedings; amending RCW 26.09.187;
3 adding a new section to chapter 11.130 RCW; adding a new section to
4 chapter 26.33 RCW; adding a new section to chapter 26.44 RCW; and
5 declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 11.130
8 RCW to read as follows:

9 In considering and deciding a petition for guardianship of a
10 minor pursuant to Article 2 of this chapter or of an incapacitated
11 adult pursuant to Article 3 of this chapter, a court may not:

12 (1) Admit into evidence the vaccination status of a person
13 seeking appointment as a guardian; or

14 (2) Consider a person's vaccination status when making an order
15 on the petition.

16 **Sec. 2.** RCW 26.09.187 and 2007 c 496 s 603 are each amended to
17 read as follows:

18 (1) DISPUTE RESOLUTION PROCESS. The court shall not order a
19 dispute resolution process, except court action, when it finds that
20 any limiting factor under RCW 26.09.191 applies, or when it finds

1 that either parent is unable to afford the cost of the proposed
2 dispute resolution process. If a dispute resolution process is not
3 precluded or limited, then in designating such a process the court
4 shall consider all relevant factors, including:

5 (a) Differences between the parents that would substantially
6 inhibit their effective participation in any designated process;

7 (b) The parents' wishes or agreements and, if the parents have
8 entered into agreements, whether the agreements were made knowingly
9 and voluntarily; and

10 (c) Differences in the parents' financial circumstances that may
11 affect their ability to participate fully in a given dispute
12 resolution process.

13 (2) ALLOCATION OF DECISION-MAKING AUTHORITY.

14 (a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve
15 agreements of the parties allocating decision-making authority, or
16 specifying rules in the areas listed in RCW 26.09.184(5) (a), when it
17 finds that:

18 (i) The agreement is consistent with any limitations on a
19 parent's decision-making authority mandated by RCW 26.09.191; and

20 (ii) The agreement is knowing and voluntary.

21 (b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole
22 decision-making to one parent when it finds that:

23 (i) A limitation on the other parent's decision-making authority
24 is mandated by RCW 26.09.191;

25 (ii) Both parents are opposed to mutual decision making;

26 (iii) One parent is opposed to mutual decision making, and such
27 opposition is reasonable based on the criteria in (c) of this
28 subsection.

29 (c) MUTUAL DECISION-MAKING AUTHORITY. Except as provided in (a)
30 and (b) of this subsection, the court shall consider the following
31 criteria in allocating decision-making authority:

32 (i) The existence of a limitation under RCW 26.09.191;

33 (ii) The history of participation of each parent in decision
34 making in each of the areas in RCW 26.09.184(5) (a);

35 (iii) Whether the parents have a demonstrated ability and desire
36 to cooperate with one another in decision making in each of the areas
37 in RCW 26.09.184(5) (a); and

38 (iv) The parents' geographic proximity to one another, to the
39 extent that it affects their ability to make timely mutual decisions.

40 (3) RESIDENTIAL PROVISIONS.

1 (a) The court shall make residential provisions for each child
2 which encourage each parent to maintain a loving, stable, and
3 nurturing relationship with the child, consistent with the child's
4 developmental level and the family's social and economic
5 circumstances. The child's residential schedule shall be consistent
6 with RCW 26.09.191. Where the limitations of RCW 26.09.191 are not
7 dispositive of the child's residential schedule, the court shall
8 consider the following factors:

9 (i) The relative strength, nature, and stability of the child's
10 relationship with each parent;

11 (ii) The agreements of the parties, provided they were entered
12 into knowingly and voluntarily;

13 (iii) Each parent's past and potential for future performance of
14 parenting functions as defined in RCW 26.09.004(~~((+3))~~) (2), including
15 whether a parent has taken greater responsibility for performing
16 parenting functions relating to the daily needs of the child;

17 (iv) The emotional needs and developmental level of the child;

18 (v) The child's relationship with siblings and with other
19 significant adults, as well as the child's involvement with his or
20 her physical surroundings, school, or other significant activities;

21 (vi) The wishes of the parents and the wishes of a child who is
22 sufficiently mature to express reasoned and independent preferences
23 as to his or her residential schedule; and

24 (vii) Each parent's employment schedule, and shall make
25 accommodations consistent with those schedules.

26 Factor (i) shall be given the greatest weight.

27 (b) Where the limitations of RCW 26.09.191 are not dispositive,
28 the court may order that a child frequently alternate his or her
29 residence between the households of the parents for brief and
30 substantially equal intervals of time if such provision is in the
31 best interests of the child. In determining whether such an
32 arrangement is in the best interests of the child, the court may
33 consider the parties geographic proximity to the extent necessary to
34 ensure the ability to share performance of the parenting functions.

35 (c) For any child, residential provisions may contain any
36 reasonable terms or conditions that facilitate the orderly and
37 meaningful exercise of residential time by a parent, including but
38 not limited to requirements of reasonable notice when residential
39 time will not occur.

40 (4) A court may not:

1 (a) Admit into evidence in any proceeding under this chapter the
2 vaccination status of a parent or a minor child; or

3 (b) Consider a person's vaccination status in making any order
4 related to child support, child custody, visitation, or parental
5 rights.

6 NEW SECTION. Sec. 3. A new section is added to chapter 26.33
7 RCW to read as follows:

8 (1) The vaccination status of a parent or child may not be
9 admitted as evidence or considered as a factor in any administrative
10 or judicial decision regarding a petition filed under this chapter.

11 (2) The vaccination status of a parent, child, or person seeking
12 to adopt a child may not be admitted as evidence or considered as a
13 factor in any administrative or judicial evaluation or decision
14 regarding an adoption.

15 NEW SECTION. Sec. 4. A new section is added to chapter 26.44
16 RCW to read as follows:

17 The vaccination status of a parent or child may not be admitted
18 as evidence or considered as a factor in any administrative or
19 judicial decision under this chapter.

20 NEW SECTION. Sec. 5. If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

24 NEW SECTION. Sec. 6. This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of
26 the state government and its existing public institutions, and takes
27 effect immediately.

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