

# SENATE BILL REPORT

## SHB 1171

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As Reported By Senate Committee On:  
Judiciary, March 31, 2005

**Title:** An act relating to dissolution.

**Brief Description:** Limiting the court's discretion concerning denial of dissolution decrees.

**Sponsors:** House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Moeller, Cody, Roberts, Schual-Berke, Appleton, Morrell, Darnelle, Chase, Kenney and Ormsby).

**Brief History:** Passed House: 2/28/05, 89-0.

**Committee Activity:** Judiciary: 3/30/05, 3/31/05 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Johnson, Ranking Minority Member; Carrell, Hargrove, Rasmussen and Thibaudeau.

**Staff:** Aldo Melchiori (786-7439)

**Background:** Washington is a "no-fault" dissolution state, which means that either spouse may ask the court to dissolve the marriage by stating that the marriage is "irretrievably broken." The other party can delay, but not stop, the dissolution by alleging that the marriage is not irretrievably broken. If a spouse joins in a petition for dissolution or does not deny that the marriage is irretrievably broken, the court may enter a decree of dissolution 90 days after the petition for dissolution of marriage has been filed with the court. The decree of dissolution legally terminates the marriage and makes provisions for the parenting of minor children, family support, and the division of property and liabilities.

**Summary of Bill:** The court is prohibited from using a party's pregnancy as the sole basis for denying or delaying entry of a decree of dissolution of marriage. This prohibition does not affect further proceedings under the Uniform Parentage Act.

**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.

**Testimony For:** There is no uniform pattern in the state regarding delays of dissolution proceedings when the wife is pregnant. This does not change any of the provisions governing

paternity disputes. The current husband will be presumed to be the father if the child was conceived during the marriage.

**Testimony Against:** None.

**Who Testified:** PRO: Representative Dickerson, prime sponsor; Sara Ainsworth, Northwest Women's Law Center; Chuck Szurszephski, WSBA Family Law Section.