
SENATE BILL 6023

State of Washington

66th Legislature

2019 Regular Session

By Senators Zeiger, Wellman, Padden, Short, and Mullet

1 AN ACT Relating to parenting plans; amending RCW 26.09.002,
2 26.09.015, 26.09.187, 26.09.197, 26.09.260, and 2.56.180; and
3 reenacting and amending RCW 26.09.004.

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

5 **Sec. 1.** RCW 26.09.002 and 2007 c 496 s 101 are each amended to
6 read as follows:

7 Parents have the responsibility to make decisions and perform
8 other parental functions necessary for the care and growth of their
9 minor children. In any proceeding between parents under this chapter,
10 the best interests of the child shall be the standard by which the
11 court determines and allocates the parties' parental
12 responsibilities. The state recognizes the fundamental importance of
13 the parent-child relationship to the welfare of the child, and that
14 the relationship between the child and each parent (~~should be~~
15 ~~fostered~~) shall be protected unless inconsistent with the child's
16 best interests. Residential time and financial support are equally
17 important components of parenting arrangements. The best interests of
18 the child are served by a parenting arrangement that best maintains a
19 child's emotional growth, health and stability, and physical care.
20 Further, the best interest of the child is ordinarily served when
21 residential time is shared equally and when the existing pattern of

1 interaction between a parent and child is altered only to the extent
2 necessitated by the changed relationship of the parents, to
3 facilitate equal residential time or as required to protect the child
4 from physical, mental, or emotional harm.

5 **Sec. 2.** RCW 26.09.004 and 2009 c 502 s 1 are each reenacted and
6 amended to read as follows:

7 The definitions in this section apply throughout this chapter.

8 (1) "Military duties potentially impacting parenting functions"
9 means those obligations imposed, voluntarily or involuntarily, on a
10 parent serving in the armed forces that may interfere with that
11 parent's abilities to perform his or her parenting functions under a
12 temporary or permanent parenting plan. Military duties potentially
13 impacting parenting functions include, but are not limited to:

14 (a) "Deployment," which means the temporary transfer of a service
15 member serving in an active-duty status to another location in
16 support of a military operation, to include any tour of duty
17 classified by the member's branch of the armed forces as "remote" or
18 "unaccompanied";

19 (b) "Activation" or "mobilization," which means the call-up of a
20 national guard or reserve service member to extended active-duty
21 status. For purposes of this definition, "mobilization" does not
22 include national guard or reserve annual training, inactive duty
23 days, or drill weekends; or

24 (c) "Temporary duty," which means the transfer of a service
25 member from one military base or the service member's home to a
26 different location, usually another base, for a limited period of
27 time to accomplish training or to assist in the performance of a
28 noncombat mission.

29 (2) "Parenting functions" means those aspects of the parent-child
30 relationship in which the parent makes decisions and performs
31 functions necessary for the care and growth of the child. Parenting
32 functions include:

33 (a) Maintaining a loving, stable, consistent, and nurturing
34 relationship with the child;

35 (b) Attending to the daily needs of the child, such as feeding,
36 clothing, physical care and grooming, supervision, health care, and
37 day care, and engaging in other activities which are appropriate to
38 the developmental level of the child and that are within the social
39 and economic circumstances of the particular family;

1 (c) Attending to adequate education for the child, including
2 remedial or other education essential to the best interests of the
3 child;

4 (d) Assisting the child in developing and maintaining appropriate
5 interpersonal relationships;

6 (e) Exercising appropriate judgment regarding the child's
7 welfare, consistent with the child's developmental level and the
8 family's social and economic circumstances; and

9 (f) Providing for the financial support of the child.

10 (3) "Permanent parenting plan" means a plan for parenting the
11 child, including allocation of parenting functions, which plan is
12 incorporated in any final decree or decree of modification in an
13 action for dissolution of marriage or domestic partnership,
14 declaration of invalidity, or legal separation.

15 (4) "Substantial change in circumstances" includes, but is not
16 limited to, a significant change or changes in the family unit,
17 employment or permanent residential location of either party, a
18 stated preference by a child that is mature enough to make a
19 reasonable and independent preference, and other circumstances that
20 serve the best interest of the child as described in RCW 26.09.002.

21 (5) "Temporary parenting plan" means a plan for parenting of the
22 child pending final resolution of any action for dissolution of
23 marriage or domestic partnership, declaration of invalidity, or legal
24 separation which is incorporated in a temporary order.

25 **Sec. 3.** RCW 26.09.015 and 2008 c 6 s 1044 are each amended to
26 read as follows:

27 (1) In any proceeding under this chapter, the matter may be set
28 for mediation of the contested issues before or concurrent with the
29 setting of the matter for hearing. The purpose of the mediation
30 proceeding shall be to reduce acrimony which may exist between the
31 parties and to develop an agreement assuring the child's close and
32 continuing contact with both parents after the marriage or the
33 domestic partnership is dissolved. The mediator shall use his or her
34 best efforts to effect a settlement of the dispute.

35 (2)(a) Each superior court may make available a mediator. The
36 court shall use the most cost-effective mediation services that are
37 readily available unless there is good cause to access alternative
38 providers. The mediator may be a member of the professional staff of
39 a family court or mental health services agency, or may be any other

1 person or agency designated by the court. In order to provide
2 mediation services, the court is not required to institute a family
3 court.

4 (b) In any proceeding involving issues relating to residential
5 time or other matters governed by a parenting plan, the matter may be
6 set for mediation of the contested issues before or concurrent with
7 the setting of the matter for hearing. Counties may, and to the
8 extent state funding is provided therefor counties shall, provide
9 both predecree and postdecree mediation at reduced or waived fee to
10 the parties within one year of the filing of the dissolution
11 petition.

12 (3) Each superior court shall create and provide a mediation form
13 that allows the parties to indicate the issue or issues on which
14 mediation is being requested, the available times the parties are
15 able to participate in mediation, and any issue or issues for which a
16 party denies a request for mediation. A copy of the mediation form
17 must be submitted to the court with the results of any mediation or
18 upon filing a request for a court hearing.

19 (4)(a) Mediation proceedings under this chapter shall be governed
20 in all respects by chapter 7.07 RCW, except as follows:

21 (i) Mediation communications in postdecree mediations mandated by
22 a parenting plan are admissible in subsequent proceedings for the
23 limited purpose of proving:

24 (A) Abuse, neglect, abandonment, exploitation, or unlawful
25 harassment as defined in RCW 9A.46.020(1), of a child;

26 (B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1),
27 of a family or household member as defined in RCW 26.50.010(~~(+2)~~);
28 or

29 (C) That a parent used or frustrated the dispute resolution
30 process without good reason for purposes of RCW 26.09.184(4)(d).

31 (ii) If a postdecree mediation-arbitration proceeding is required
32 pursuant to a parenting plan and the same person acts as both
33 mediator and arbitrator, mediation communications in the mediation
34 phase of such a proceeding may be admitted during the arbitration
35 phase, and shall be admissible in the judicial review of such a
36 proceeding under RCW 26.09.184(4)(e) to the extent necessary for such
37 review to be effective.

38 (b) None of the exceptions under (a)(i) and (ii) of this
39 subsection shall subject a mediator to compulsory process to testify
40 except by court order for good cause shown, taking into consideration

1 the need for the mediator's testimony and the interest in the
2 mediator maintaining an appearance of impartiality. If a mediation
3 communication is not privileged under (a)(i) of this subsection or
4 that portion of (a)(ii) of this subsection pertaining to judicial
5 review, only the portion of the communication necessary for the
6 application of the exception may be admitted, and such admission of
7 evidence shall not render any other mediation communication
8 discoverable or admissible except as may be provided in chapter 7.07
9 RCW.

10 ~~((4))~~ (5) The mediator shall assess the needs and interests of
11 the child or children involved in the controversy and may interview
12 the child or children if the mediator deems such interview
13 appropriate or necessary.

14 ~~((5))~~ (6) Any agreement reached by the parties as a result of
15 mediation shall be reported to the court and to counsel for the
16 parties by the mediator on the day set for mediation or any time
17 thereafter designated by the court.

18 **Sec. 4.** RCW 26.09.187 and 2007 c 496 s 603 are each amended to
19 read as follows:

20 (1) DISPUTE RESOLUTION PROCESS. The court shall not order a
21 dispute resolution process, except court action, when it finds that
22 any limiting factor under RCW 26.09.191 applies, or when it finds
23 that either parent is unable to afford the cost of the proposed
24 dispute resolution process. If a dispute resolution process is not
25 precluded or limited, then in designating such a process the court
26 shall consider all relevant factors, including:

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

29 (b) The parents' wishes or agreements and, if the parents have
30 entered into agreements, whether the agreements were made knowingly
31 and voluntarily; ~~(and)~~

32 (c) Differences in the parents' financial circumstances that may
33 affect their ability to participate fully in a given dispute
34 resolution process; and

35 (d) Whether there are any issues for which mediation should not
36 be required based on a party's unwillingness to engage in mediation
37 on the issue or issues.

38 (2) ALLOCATION OF DECISION-MAKING AUTHORITY.

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

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

7 (ii) The agreement is knowing and voluntary.

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

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

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

13 (iii) One parent is opposed to mutual decision making, and such
14 opposition is reasonable based on the criteria in (c) of this
15 subsection; or

16 (iv) One parent knowingly and voluntarily agrees to concede
17 decision-making authority to the other parent. The court shall verify
18 that any voluntary concession of decision-making authority is of that
19 parent's own volition.

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

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

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

26 (iii) Whether ~~((the parents have))~~ each parent has a demonstrated
27 ability, interest, and desire to cooperate with ~~((one another))~~ the
28 other parent in decision making in each of the areas in RCW
29 26.09.184(5) (a); and

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

32 (d) The court shall not presume that a parent, solely because of
33 his or her sex or gender, is more or less qualified than the other
34 parent to make decisions regarding the child's care, education,
35 health care, and religious upbringing.

36 (e) The court shall enter written findings stating its reasons,
37 including any facts and evidence considered to be true, supporting
38 any finding that sole decision making is in the best interest of the
39 child.

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 court shall not presume that a parent, solely
6 because of his or her sex or gender, is more or less qualified than
7 the other parent to engage in parenting functions or be provided with
8 more or less residential time with the child. The child's residential
9 schedule shall be consistent with RCW 26.09.191. Where the
10 limitations of RCW 26.09.191 are not dispositive of the child's
11 residential schedule, the court shall consider the following factors:

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

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

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

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

21 (v) The child's need for a frequent, continuing, and meaningful
22 relationship with both parents and the ability and willingness of
23 each parent to actively perform parent functions for the needs of the
24 child;

25 (vi) The child's relationship with siblings and with other
26 significant adults, as well as the child's involvement with his or
27 her physical surroundings, school, or other significant activities;

28 (~~(vi)~~) (vii) The wishes of the parents and the wishes of a
29 child who is sufficiently mature to express reasoned and independent
30 preferences as to his or her residential schedule; and

31 (~~(vii)~~) (viii) Each parent's employment schedule, and shall
32 make accommodations consistent with those schedules. A parent's
33 employment schedule is not, by itself, a basis for limiting a
34 parent's residential time with a child if the parent has other
35 responsible persons approved by the court who can provide
36 transportation or care for the child during schedule conflicts.

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

38 (b) (~~Where the limitations of RCW 26.09.191 are not dispositive,~~
39 ~~the court may order that a child frequently alternate his or her~~
40 ~~residence between the households of the parents for brief and~~

1 ~~substantially equal intervals of time if such provision is in the~~
2 ~~best interests of the child. In determining whether such an~~
3 ~~arrangement is in the best interests of the child, the court may~~
4 ~~consider the parties geographic proximity to the extent necessary to~~
5 ~~ensure the ability to share performance of the parenting functions.~~

6 (e-)) There is a presumption that it is in the best interests of
7 the child to establish an equal residential schedule that provides
8 each parent with equal time and contact with the child unless:

9 (i) Factors present under RCW 26.09.191 require restrictions on
10 the child's residential schedule; or

11 (ii) The parents have agreed on a parenting plan that allocates a
12 greater share of residential time with one parent.

13 (c) A parent alleging that equal residential time and contact
14 would not be in the best interest of the child has the burden of
15 proof, which must be established by clear and convincing evidence.

16 (d) For parenting plans that involve a school-aged child, the
17 court shall establish a residential schedule that provides
18 consistency for the child through the school week.

19 (e) For any child, residential provisions may contain any
20 reasonable terms or conditions that facilitate the orderly and
21 meaningful exercise of residential time by a parent, including but
22 not limited to requirements of reasonable notice when residential
23 time will not occur.

24 (f) If the court does not enter a parenting plan providing for an
25 equal residential schedule that provides each parent with equal time
26 and contact with the child, the court shall enter written findings
27 stating the reason or reasons, including the facts and evidence
28 considered to be true that support the finding that an equal
29 residential schedule is not in the best interest of the child.

30 (4) PERJURY. Any party who knowingly provides false information
31 in their declarations or testimony regarding issues under the
32 parenting plan is subject to prosecution for false swearing or
33 perjury under chapter 9A.72 RCW.

34 **Sec. 5.** RCW 26.09.197 and 2007 c 496 s 604 are each amended to
35 read as follows:

36 (1) After considering the affidavit required by RCW 26.09.194(1)
37 and other relevant evidence presented, the court shall make a
38 temporary parenting plan that is in the best interest of the child.

1 In making this determination, the court shall give particular
2 consideration to:

3 ~~((1))~~ (a) The presumption that it is in the best interest of the
4 child to establish an equal residential schedule that provides each
5 parent with equal time and contact with the child;

6 (b) The relative strength, nature, and stability of the child's
7 relationship with each parent; and

8 ~~((2))~~ (c) Which parenting arrangements will cause the least
9 disruption to the child's emotional stability while the action is
10 pending.

11 (2) The court shall also consider the factors used to determine
12 residential provisions in the permanent parenting plan. The court
13 shall enter written findings stating its reasons, including the facts
14 and evidence considered to be true supporting any finding that the
15 temporary parenting plan is in the best interest of the child. The
16 court shall verify that any temporary parenting plan that is
17 knowingly and voluntarily agreed upon by both parties is made of
18 their own volition.

19 **Sec. 6.** RCW 26.09.260 and 2009 c 502 s 3 are each amended to
20 read as follows:

21 (1) Except as otherwise provided in this subsection (1) or in
22 subsections (4), (5), (6), (8), and (10) of this section, the court
23 shall not modify a prior custody decree or a parenting plan unless it
24 finds, upon the basis of facts that have arisen since the prior
25 decree or plan or that were unknown to the court at the time of the
26 prior decree or plan, that a substantial change (~~has occurred~~) in
27 (~~the~~) circumstances (~~of~~), as defined in RCW 26.09.004, has
28 occurred with the child or (~~the nonmoving~~) either party and that
29 the modification is in the best interest of the child and is
30 necessary to serve the best interests of the child as described in
31 RCW 26.09.002. The effect of a parent's military duties or employment
32 potentially impacting parenting functions or temporarily limiting
33 their residential time shall not, by itself, be a substantial change
34 of circumstances justifying a permanent modification of a prior
35 decree or plan.

36 (2) In applying these standards, the court shall retain the
37 residential schedule established by the decree or parenting plan
38 unless:

39 (a) The parents agree to the modification;

1 (b) The child has been integrated into the family of the
2 petitioner with the consent of the other parent in substantial
3 deviation from the parenting plan;

4 (c) The child's present environment is detrimental to the child's
5 physical, mental, or emotional health and the harm likely to be
6 caused by a change of environment is outweighed by the advantage of a
7 change to the child; ((~~or~~))

8 (d) The court finds that the nonmoving parent has demonstrated an
9 inability or unwillingness to allow the child frequent and meaningful
10 contact with the other parent based on the nonmoving parent's
11 violation, without good cause, of one or more provisions of the
12 residential schedule of the parenting plan; or

13 (e) The court has found the nonmoving parent in contempt of court
14 at least twice within three years because the parent failed to comply
15 with the residential time provisions in the court-ordered parenting
16 plan, or the parent has been convicted of custodial interference in
17 the first or second degree under RCW 9A.40.060 or 9A.40.070.

18 (3) A conviction of custodial interference in the first or second
19 degree under RCW 9A.40.060 or 9A.40.070 shall constitute a
20 substantial change of circumstances for the purposes of this section.

21 (4) The court may reduce or restrict contact between the child
22 and the parent with whom the child does not reside a majority of the
23 time if it finds that the reduction or restriction would serve and
24 protect the best interests of the child using the criteria in RCW
25 26.09.191.

26 (5) The court may order adjustments to the residential aspects of
27 a parenting plan upon a showing of a substantial change in
28 circumstances of either parent or of the child, and without
29 consideration of the factors set forth in subsection (2) of this
30 section, if the proposed modification is only a minor modification in
31 the residential schedule that does not change the residence the child
32 is scheduled to reside in the majority of the time and:

33 (a) Does not exceed twenty-four full days in a calendar year; or

34 (b) Is based on a change of residence of the parent with whom the
35 child does not reside the majority of the time or an involuntary
36 change in work schedule by a parent which makes the residential
37 schedule in the parenting plan impractical to follow; or

38 (c) Does not result in a schedule that exceeds ninety overnights
39 per year in total, if the court finds that, at the time the petition
40 for modification is filed, the decree of dissolution or parenting

1 plan does not provide reasonable time with the parent with whom the
2 child does not reside a majority of the time, and further, the court
3 finds that it is in the best interests of the child to increase
4 residential time with the parent in excess of the residential time
5 period in (a) of this subsection. However, any motion under this
6 subsection (5)(c) is subject to the factors established in subsection
7 (2) of this section if the party bringing the petition has previously
8 been granted a modification under this same subsection within twenty-
9 four months of the current motion. Relief granted under this section
10 shall not be the sole basis for adjusting or modifying child support.

11 (6) The court may order adjustments to the residential aspects of
12 a parenting plan pursuant to a proceeding to permit or restrain a
13 relocation of the child. The person objecting to the relocation of
14 the child or the relocating person's proposed revised residential
15 schedule may file a petition to modify the parenting plan, including
16 a change of the residence in which the child resides the majority of
17 the time, without a showing of adequate cause other than the proposed
18 relocation itself. A hearing to determine adequate cause for
19 modification shall not be required so long as the request for
20 relocation of the child is being pursued. In making a determination
21 of a modification pursuant to relocation of the child, the court
22 shall first determine whether to permit or restrain the relocation of
23 the child using the procedures and standards provided in RCW
24 26.09.405 through 26.09.560. Following that determination, the court
25 shall determine what modification pursuant to relocation should be
26 made, if any, to the parenting plan or custody order or visitation
27 order.

28 (7) A parent with whom the child does not reside a majority of
29 the time and whose residential time with the child is subject to
30 limitations pursuant to RCW 26.09.191 (2) or (3) may not seek
31 expansion of residential time under subsection (5)(c) of this section
32 unless that parent demonstrates a substantial change in circumstances
33 specifically related to the basis for the limitation.

34 (8)(a) If a parent with whom the child does not reside a majority
35 of the time voluntarily fails to exercise residential time for an
36 extended period, that is, one year or longer, the court upon proper
37 motion may make adjustments to the parenting plan in keeping with the
38 best interests of the minor child.

39 (b) For the purposes of determining whether the parent has failed
40 to exercise residential time for one year or longer, the court may

1 not count any time periods during which the parent did not exercise
2 residential time due to the effect of the parent's military duties
3 potentially impacting parenting functions.

4 (9) A parent with whom the child does not reside a majority of
5 the time who is required by the existing parenting plan to complete
6 evaluations, treatment, parenting, or other classes may not seek
7 expansion of residential time under subsection (5)(c) of this section
8 unless that parent has fully complied with such requirements.

9 (10) The court may order adjustments to any of the nonresidential
10 aspects of a parenting plan upon a showing of a substantial change of
11 circumstances of either parent or of a child, and the adjustment is
12 in the best interest of the child. Adjustments ordered under this
13 section may be made without consideration of the factors set forth in
14 subsection (2) of this section.

15 (11) If the parent with whom the child resides a majority of the
16 time receives temporary duty, deployment, activation, or mobilization
17 orders from the military that involve moving a substantial distance
18 away from the parent's residence or otherwise would have a material
19 effect on the parent's ability to exercise parenting functions and
20 primary placement responsibilities, then:

21 (a) Any temporary custody order for the child during the parent's
22 absence shall end no later than ten days after the returning parent
23 provides notice to the temporary custodian, but shall not impair the
24 discretion of the court to conduct an expedited or emergency hearing
25 for resolution of the child's residential placement upon return of
26 the parent and within ten days of the filing of a motion alleging an
27 immediate danger of irreparable harm to the child. If a motion
28 alleging immediate danger has not been filed, the motion for an order
29 restoring the previous residential schedule shall be granted; and

30 (b) The temporary duty, activation, mobilization, or deployment
31 and the temporary disruption to the child's schedule shall not be a
32 factor in a determination of change of circumstances if a motion is
33 filed to transfer residential placement from the parent who is a
34 military service member.

35 (12) If a parent receives military temporary duty, deployment,
36 activation, or mobilization orders that involve moving a substantial
37 distance away from the military parent's residence or otherwise have
38 a material effect on the military parent's ability to exercise
39 residential time or visitation rights, at the request of the military
40 parent, the court may delegate the military parent's residential time

1 or visitation rights, or a portion thereof, to a child's family
2 member, including a stepparent, or another person other than a
3 parent, with a close and substantial relationship to the minor child
4 for the duration of the military parent's absence, if delegating
5 residential time or visitation rights is in the child's best
6 interest. The court may not permit the delegation of residential time
7 or visitation rights to a person who would be subject to limitations
8 on residential time under RCW 26.09.191. The parties shall attempt to
9 resolve disputes regarding delegation of residential time or
10 visitation rights through the dispute resolution process specified in
11 their parenting plan, unless excused by the court for good cause
12 shown. Such a court-ordered temporary delegation of a military
13 parent's residential time or visitation rights does not create
14 separate rights to residential time or visitation for a person other
15 than a parent.

16 (13) If the court finds that a motion to modify a prior decree or
17 parenting plan has been brought in bad faith, the court shall assess
18 the attorney's fees and court costs of the nonmoving parent against
19 the moving party.

20 (14) A parent may petition for review and modification of a
21 parenting plan entered prior to the effective date of this section
22 based on the revised standards governing the establishment of
23 parenting plans provided under this act. A petition for rehearing and
24 modification of a parenting plan under this section must be filed by
25 July 31, 2020, and must set forth the specific provisions of this act
26 that warrant a review and modification of the parenting plan.

27 **Sec. 7.** RCW 2.56.180 and 2007 c 496 s 202 are each amended to
28 read as follows:

29 (1) The administrative office of the courts shall create a
30 handbook explaining the sections of Washington law pertaining to the
31 rights and responsibilities of marital partners to each other and to
32 any children during a marriage and a dissolution of marriage. The
33 handbook may also be provided in videotape or other electronic form
34 and must be made available and easily accessible on the
35 administrative office of the courts' web site.

36 (2) The handbook created under subsection (1) of this section
37 shall be provided by the county auditor when an individual applies
38 for a marriage license under RCW 26.04.140.

1 (3) In a dissolution or legal separation action filed under this
2 chapter, the petitioner's counsel shall provide to the petitioner a
3 copy of the handbook created under subsection (1) of this section
4 ((shall also be provided to the petitioner when)) at the time he or
5 she files ((a)) the petition ((for dissolution, and to the
6 respondent, unless the respondent did not file a response, notice of
7 appearance, or any other paper in the case or did not appear in
8 court)) and provide a copy of the handbook to be served along with
9 the petition and summons upon the respondent. If the petitioner is
10 unrepresented by counsel at the time the petition is filed, the court
11 shall provide the petitioner with a copy of the handbook and direct
12 that a copy of the handbook be served along with the petition and
13 summons upon the respondent. The administrative office of the courts
14 shall on an annual basis reimburse the counties for each copy of the
15 handbook that is distributed by the court directly to family law
16 parties under this section, provided that the county submits
17 documentation of the number of handbooks distributed on an annual
18 basis.

19 (4) The information contained in the handbook created under
20 subsection (1) of this section shall be reviewed and updated
21 annually. The handbook must contain the following information:

22 (a) Information on prenuptial agreements as contracts and as a
23 means of structuring financial arrangements and other aspects of the
24 marital relationship;

25 (b) Information on shared parental responsibility for children,
26 including establishing a residential schedule for the child in the
27 event of the dissolution of the marriage, and guidelines on what is
28 included in the parenting plan in order to maximize to the highest
29 degree the amount of time the child may spend with each parent;

30 (c) Information on notice requirements and standards for parental
31 relocation;

32 (d) Information on child support for minor children;

33 (e) Information on property rights, including equitable
34 distribution of assets and premarital and postmarital property
35 rights;

36 (f) Information on spousal maintenance;

37 (g) Information on domestic violence, child abuse, and neglect,
38 including penalties;

39 (h) Information on the court process for dissolution;

40 (i) Information on the effects of dissolution on children;

1 (j) Information on community resources that are available to
2 separating or divorcing persons and their children.

--- **END** ---