

The Hotsheet

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2005 Family Law Section Mid-Year Conference

*Come play in the sand and
surf.
Watch the sun set in the
Pacific.
Enjoy the camaraderie of
your peers.
Play a little golf in our fun
tournament.
Feel the wind in your face
on a leisurely bike trip or
horseback ride.
And learn all the latest
about the practice of family
law.
You can have it all at the*

**2005 WSBA Family Law
Mid-year
June 24, 25, & 26, 2005
Shilo Inn
Ocean Shores, Washington**

Pregnancy and Divorce

SHB 1171 was signed into law on April 14, 2005. The bill adds this language to RCW 26.09.030:

"In considering a petition for dissolution of marriage, a court shall not use a party's pregnancy as the sole basis for denying or delaying the entry of a decree of dissolution of marriage. Granting a decree of dissolution of marriage when a party is preg-

nant does not affect further proceedings under the uniform parentage act, chapter 26.26 RCW."

Conflicts of Interest Involving Attorneys as GALs and Pro Tem Commissioners

Under current law, attorneys cannot act as guardians ad litem and commissioners *pro tem* in the same county. (There are some exceptions to this.) This bill would eliminate that restriction so long as an attorney does not act as a judge *pro tem* or commissioner *pro tem* in cases in which the attorney has ever acted as an attorney or GAL for any of the parties or child of any of the parties, and an attorney does not act as a GAL in a case if the attorney has ever been a judge *pro tem* or commissioner *pro tem* on a case that involved any of the parties.

The bill passed the House but did not make it through Senate.

Alternate Service in Modifications and other Cases

SB 5053 passed this ses-

sion and now authorize service by publication in parentage actions, modifications of parenting plans, non-parental custody actions, and actions for legal separation or invalidity of marriage. Prior law did not explicitly authorize such service except for actions for "divorce".

Third Party Visitation

Several bills related to non-parental visitation were introduced this session but none is expected to pass.

On April 7, 2005, the Washington Supreme Court decided *In re Parentage of C.A.M.A.*, slip number 75262-1. That case held Washington's third party custody statute to be unconstitutional in its entirety. State legislators are likely to create a work group to look into legislation for next session on this issue. The Family Law Section will be active participant in this process.

Shared Parenting

SB 5350 would have created a presumption that each parent has the child for a minimum of one third of

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the year. The bill did not pass; however, this issue comes up often and a similar bill is likely to be introduced in next year's session.

Service Members' Civil Relief Act

The federal service members' civil relief act does not apply to reservists or national guardsmen who are called up to active duty unless the President exercises the War Powers Act, which has not been done. **SB 6028** would create such protections to national guardsmen and reservists from the time they are called up until 180 days after the end of their active duty.

The bill would allow a service member to waive his or her rights under the state SCRA, as allowed under the federal law. The bill includes in language to address the possible misuse of the law's protections, as is in the federal law. The bill would also include a definition of "judgment" to exclude temporary orders for domestic relations cases under RCW 26, with additional language to specifically allow entry of temporary orders in child support and similar cases.

The bill is expected to become law. An update will be given in a later *Hotsheet* and at the Family Law Midyear meeting and seminar at Ocean Shores.

Children's Testimony

HB 2068 would have added the following language to RCW 26.09.187: "If the child wishes to testify regarding his or her preferences as to his or her residential schedule, the court shall allow the child to testify unless the judge has good cause to believe that it would not be in the best interests of the family to allow the child to do so."

FLEC opposed this bill. It did not pass.

Privatizing Child Support Collection

HB 2119 would have placed the collection of child support in private hands. The bill did not pass.

Gay Marriage

Two joint resolutions to limit marriage to one man and one woman were introduced in the House this session. Neither passed.

Monitoring Children's Communications

HB 1178 would have specifically authorized parents to monitor their minor children's phone conversations and mail. This would include listening in on phone calls. **SB 5081** would have expected parents listening to their children's phone calls from RCW 9.73.080, the statute that makes monitoring such calls a misdemeanor. Neither bill passed.

Family Law Listserv

One of the benefits provided by your section is the popular listserv. There you can post questions or otherwise find useful information. Check our web site for instructions on joining the listserv.

Legislation Web Site

You may obtain up to date information on bills in the Washington State Legislature through the state government web site. The address for this site is

<http://www.leg.wa.gov>

WSBA Web Site Section Membership Renewal

Your Family Law Section membership can be renewed from the WSBA website page at www.wsba.org/familylaw. Prospective new members can join from the same web site.

"If there were no bad people there would be no good lawyers."
- Charles Dickens

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