

The Hotsheet

Volume 9, Issue 4

A WSBA Family Law Section Publication

March 2005

Family Law Executive Committee Members

Marijean Moschetto, Chair
Bellevue
425-641-6000

J. Mark Weiss, Past Chair
Seattle
206-622-6707

Richard Bartholomew
Legislative Coordinator
Olympia
360-866-6640

Sara L. Ainsworth
Seattle
206-682-9552
Newsletter Editor

Janet M. Helson, Treasurer
Seattle
206-464-5933

Lisa Hayden, Secretary
Seattle
206-464-1519

Gail B. Nunn
Everett
425-258-6860

Peter Karademos
Spokane
509-624-5338

Jean A. Cotton
Elma
360-482-6100

Lou M. Baran
Vancouver
360-699-1440

Douglas P. Becker
Seattle
206-624-4900

Steve Hassett
Olympia
360-459-6058

Rodi O'Loane
Everett
425-258-6860

Charles E. Szurszewski
Olympia
360-943-6747

Dayann Liebman
Vancouver
362-696-3525

Kathleen Schmidt
Wenatchee
509-663-8100

Timothy J. Harkins
Spokane
509-325-5466

Hotsheet Editor:
Richard Bartholomew

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**

***WATCH FOR THE
REGISTRATION FORMS
IN THE MAIL AND SIGN
UP EARLY TO RESERVE
YOUR PLACE!***

Proposed Legislation for 2006 Session

If our section is to propose any legislation for next year's legislative session, the final draft of such bills must be submitted to the WSBA by June 1. The Family Law

Executive Committee plans to discuss such ideas at our May 14 meeting. If you have any ideas for such legislation, please contact any FLEC member before the May 14 meeting.

FLEC Elections

Nominations for FLEC positions are always taken at the mid-year meeting that takes place as part of the mid-year seminar. Nominations can be submitted before the meeting by sending them to FLEC member Pete Karademos. Self-nominations are welcome.

Pregnancy and Di- vorce

SHB 1171 has passed the House and is expected to pass the Senate. The bill would add 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 pregnant

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 has passed the House and is in the Senate.

Alternate Service in Modifications and other Cases

HB 1294 and its compan-

(Continued on page 2)

(Continued from page 1)

ion bill, **SB 5053**, would authorize service by publication in parentage actions, modifications of parenting plans, non-parental custody actions, and actions for legal separation or invalidity of marriage. Current law does not explicitly authorize such service except for actions for "divorce".

The bill has passed the House and is expected to pass the Senate. FLEC's own Janet Helson deserves our thanks for a tremendous amount of work on this bill.

Third Party Visitation

Several non-parental visitation bills have been introduced this session but are not expected to pass.

We are awaiting two State Supreme Court decisions in cases involving non-parental visitation to give us some guidelines as to the constitutionally acceptable parameters for such visitation.

Children Testifying in Dissolution Actions

HB 2068 would have added this 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."

This bill did not get out of committee.

Shared Parenting

SB 5350 would have created a presumption that each parent has the child for a minimum of one third of the year. The bill did not pass.

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.

While the concept behind the bill is a sound one, some concerns have been raised. In the family law context, these include whether the bill would allow temporary orders in family law cases, how the time limits would interact with the time limits contained in other statutes, especially the Uniform Parentage Act and the Uniform Custody Jurisdiction and Enforcement Act. For example, the bill indicates that time limits required by other laws are suspended while the reservist or national guardsman is on active duty. Does this suspend the two-year period for a challenge to paternity that is contained in the UPA? Does it suspend the six-month residency rule to determine the home state of a child under

the UCCJEA?

It would be helpful to have these issues clarified when the final version of the bill passes.

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.

"One man's word is no man's word; we should quietly hear both sides."

- Johann Wolfgang von Goethe

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.

This is a publication of a Section of the Washington State Bar Association. All opinions and comments in this publication represent the views of the authors and do not necessarily have the endorsement of the Association or its officers or agents.