

The Hotsheet

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2006 Family Law Midyear Reminder

The 2006 Family Law Midyear meeting will take place at the Marcus Whitman Hotel and Conference Center in Walla Walla from June 23 to June 25. Be sure to get your hotel reservations early. Hotels in Walla Walla include the Marcus Whitman, 509-525-2200, the Best Western, 509-525-4700, La Quinta Inn, 509-525-2922, and the Holiday Inn Express, 509-525-6200. You can find more by Googling Walla Walla accommodations. If you call the Marcus Whitman, be sure to identify yourself as attending the WSBA Family Law Section seminar.

Last year the midyear filled up and we had to turn people away. Get your reservations in early once the official announcements arrive!

Bill Information

This year's legislative session has ended. Most of the family law-related bills failed to pass, but a few made it through the process. As of this writing, few have been signed by the governor but vetoes are very unlikely.

The following are some of the bills of interest to our Section. A much more thorough review will be provided at the June mid-year seminar.

SB 6270 - Shared parenting. This bill would have created a

presumption that children would reside a minimum of one third of the time with each parent. Other changes would have been made in RCW 26.09.187 as well. As the session wound down, there was discussion about changing the last subsection of RCW 26.09.187, which discourages (or as some interpret it, prohibits) equal residential time.

This bill failed to pass, but the issue will undoubtedly return to the legislature in future sessions.

SB 6635 - Changing provisions relating to adoption. The concern this bill meant to address was to overcome barriers to the adoption of foster children. As originally written, the bill would have prohibited "entities" involved in adoption services from being for profit. This would include attorneys. As modified and then passed, the bill requires a study of adoption processes, including costs. Fees of adoptions of children out of foster care are to be reviewed. A review is to be presented to the legislature by January 2007.

SB 6670 - Changing court filing fee provisions. Several court fees were added or modified in this bill. For our purposes, the fee for filing a counter-petition in a modification action was clarified so that the person filing the counter-petition pays the regular modification fee, without

the surcharges which are charged to the initial filer. That is, the fee for the counter-petition is \$36 without the facilitator surcharge or other surcharges.

The bill passed.

HB 2848 - Protecting confidentiality of domestic violence information. This bill creates a privilege for communications between a victim of domestic violence and a domestic violence advocate. "Domestic violence advocate" is defined to be an employee or supervised volunteer of a community based DV program or human services program that provides information and services for DV victims, and who is not employed by or under the direct supervision of law enforcement, the prosecutors' offices, or CPS.

The bill passed.

HB 3048 - Changing the effective date of UIFSA. Washington adopted the Uniform Interstate Family Support Act in 1994. The act was amended in 2002, with the amendments to take effect six months after Congress mandates states to adopt the new version of UIFSA. Congress has not yet done so. This has caused confusion because there are now two UIFSA statutes on the books, one currently effective and the other to become effective in the future. This bill changes the effective date of the 2001 amendments to January 1,

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2007. The concern was that by adopting the amendments without Congress first acting, Washington would be out of compliance with federal law, jeopardizing federal funding. However, several states have enacted these amendments and have obtained waivers from the federal government, which Washington expects to happen here. The confusion will then be eliminated as we will have only one UIFSA statute on the books.

The bill passed.

HB 2979 - Addressing cultural upbringing in parenting plans. This bill would have added cultural upbringing to religious upbringing, education and health care as items that must be addressed in the decision-making portion of parenting plans. "Any allocation of decision-making authority regarding cultural upbringing shall reflect the inherent value of sustaining the child's connection to his or her cultural heritage, through education or by other means." The bill went through some amendments but ultimately failed to pass.

HB 2788 - Creating a putative father registry. Under the terms of this bill, a man would be able to register in a "putative father registry" either before or up to 120 days after the birth of a child. If he did so, he would be entitled to notice of actions concerning the child, including termination proceedings and adoptions. If he did not do so, his rights to the child could be terminated without notice up until the child was one year of age.

the bill failed to pass.

HB 2462 - Establishing work groups to periodically review and update the child support schedule. Federal law requires child support schedules to be reviewed every four years. It has been several years since Washington's support schedule was

fully reviewed. FLEC's own Kathleen Schmidt was a member of a work group that worked on this issue for the past year. Kathleen and another FLEC member, Chuck Szurszewski, did a presentation on child support at last year's Family Law Midyear Seminar in Ocean Shores. This bill would establish a method for constituting similar work groups every four years to make sure our support schedule is up to date. Under the terms of the bill, the family law section must be represented on the work groups.

Although this bill seemed to have clear sailing, it fell victim to the short legislative session. It did not pass.

Concerning visitation rights for grandparents and other non-parents - As has been the case for the past several sessions, bills relating to non-parental visitation came before the legislature. These again failed to pass. This is another issue that can be expected to come up again next year.

HB 2893 - Restrictions on granting a sex offender visitation under a parenting plan. This bill concerns visitation when one of the parents resides with a person who has been found to be a sex offender. Under the current RCW 26.09.191, there is a rebuttable presumption that a parent who resides with a sex offender places the child at risk of abuse or harm if that parent exercises residential time with a child in the presence of such sex offender, and a court is directed to restrain contact with that parent unless such contact takes place outside the presence of the sex offender, unless the presumption is overcome. The presumption can be overcome, this allowing some contact with the sex offender, under certain stringent conditions. This bill would require both parents' permission for such contact to occur

under any circumstances. The bill did not pass.

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.

WSBA Web Site Section Membership Renewal

Your Family Law Section membership can be renewed from the WSBA website page at <http://www.wsba.org/lawyers/groups/familylaw/default1.htm> Prospective new members can join from the same web site.

The cost is \$30.00 per year. For that, you receive our newsletter, the *Hotsheet*, access to our web site, and other benefits. The web site includes briefs, articles, and other useful information, including the popular and amazing QuickCites, created and maintained by former FLEC member Doug Becker.

Legislative Web Site

To obtain full versions of bills being considered by the legislature, go to

<http://apps.leg.wa.gov/billinfo/>

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.

"Laws gain their authority from actual possession and custom: it is perilous to go back to their origins; laws, like our rivers, get greater and nobler as they roll along: follow them back upstream to their sources and all you find is a tiny spring, hardly recognizable; as time goes by it swells with pride and grows in strength."

-Michel de Montaigne