

# The Hotsheet

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## FLEC Members Old and New

Long time FLEC member and outgoing chair Pete Karademos was elected to the Board of Governors, and so is no longer a member of FLEC. He will continue in an active role as FLEC's liaison to the BOG. We won't really miss you, Pete, since you will be with us still, in your new capacity.

Marijean Moschetto and Chuck Szurszewski are also leaving FLEC. Marijean is another long time committee member, former chair, former BOG member, former FLEC liaison to BOG, and baker extraordinaire. She and her famous baked goods will be sorely missed. Chuck was a tireless worker for the committee. He will also be missed.

Joining FLEC this year are Paul Cornelius and Nancy Koptur. Paul works in the Spokane County Prosecutor's Office handling family law matters. If you read the Family Law listserv at all, you are probably familiar with Nancy, as she gives great advice regarding the Division of Child Support. We expect Paul and Nancy to be excellent additions to the committee.

## Hotsheet Fax Poll: Amendment to RCW 26.09.187

Almost every legislative session for several years now, there has been a bill introduced

to create a presumption requiring the court to order that the children are to be with each parent a certain minimum percentage of time. Many courts and attorneys interpret RCW 26.09.187(b) to discourage such arrangements. Rather than a bill requiring a specific percentage of time, the Family Law Executive Committee has discussed a proposal that would amend RCW 26.09187(b). Currently, the statute reads as follows:

(b) The court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time only if the court finds the following:

(i) No limitation exists under RCW [26.09.191](#);

(ii)(A) The parties have agreed to such provisions and the agreement was knowingly and voluntarily entered into; or

(B) The parties have a satisfactory history of cooperation and shared performance of parenting functions; the parties are available to each other, especially in geographic proximity, to the extent

necessary to ensure their ability to share performance of the parenting functions; and

(iii) The provisions are in the best interests of the child.

Under the proposal FLEC is looking into, the language would be amended to the following:

(b) The court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time only if the court finds the following:

(i) No limitation exists under RCW [26.09.191](#);

(ii) The parties are available to each other, especially in geographic proximity, to the extent necessary to ensure their ability to share performance of the parenting functions; and

(iii) The provisions are in the best interests of the child.

The new language would have the effect of eliminating the (perceived) presumption

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Hotsheet Editor:  
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against such parenting arrangements but would not replace it with a positive presumption in favor of what has come to be called shared parenting plans.

FLEC is interested in knowing our members' opinions about such a change. To that end, please take a moment to complete the fax poll on the reverse side of this *Hotsheet*. Please fax your response the editor of *The Hotsheet*, Rick Bartholomew, at 360-456-3632. The responses will be compiled and the results published in a future edition of *The Hotsheet*.

### Prospective Legislation

The legislative session has not yet begun so no bills have yet been introduced. It seems that every year totally unexpected bills appear. We do have some idea of some potential bills, though.

Dispute Resolution Centers around the state are in need of additional funding. A potential bill would authorize counties to add an additional \$10 surcharge to small claims, district court, and superior court filing fees to help fund DRC's.

There is a potential bill that would make parentage files public. An alternate version of the bill would make the files public except for information on alleged fathers who turn out not to be the fathers.

There is likely to be a shared parenting bill, as discussed in the preceding article, although we do not yet know the details of the bill.

Same sex marriage has been in the news lately. It is likely that one or more bills on this subject will be introduced.

Washington's child support schedule continues to need updating. FLEC has formed a sub-committee that is charged with coming up with bill language

implementing the recommendations of the work group that has looked into this issue for the past two years. Such a bill is not likely to be introduced until the 2008 session.

Another bill would clarify and expand which assets are covered in automatic revocations of beneficiary designations in the event of divorce. Current law covers only Washington divorces. The bill would include divorces from other states.

In areas outside the legislative arena, FLEC will be keeping an eye on the proposed legal technician rule (no, it is not dead), and on the new Rules of Professional Conduct, especially as those relate to non-refundable fees, flat fees, and other fee arrangements that affect the practice of family law.

### Lake Cruise at 2007 Midyear Meeting

Pete Karademos is arranging a cruise on Lake Coeur D'Alene as part of the Family Law Midyear.. Buses will take us to the cruise, leaving at about 5:30 p.m. The dinner cruise will last approximately four hours. Cost is \$75.00 per person. Please contact Pete at [p.karademos@comcast.net](mailto:p.karademos@comcast.net) if you are interested.

### 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 [www.wsba.org/familylaw](http://www.wsba.org/familylaw).

#### Fax Poll:

I agree with the proposed language amending RCW 26.09.187(b): Yes \_\_\_ No \_\_\_  
 I agree with the proposed language with modifications (Please state modifications): Yes \_\_\_ No \_\_\_

#### Comments:

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.*

Name (optional): \_\_\_\_\_  
 Please attach separate sheets for additional comments.

Please fax responses as soon as possible to Rick Bartholomew at 360-456-3632 or mail to Rick at 1415 College St. SE Lacey, WA 98503

*"The problem with any unwritten law is that you don't know where to go to erase it."*

-Glaser and Way