

The Hotsheet

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Session in Full Swing

The legislative session is in full swing. Bills are being introduced daily. The following is a sampling of bills of interest to family law attorneys. It is likely that more such bills will be introduced between the time I am writing this and the time you receive it!

Deployed Military Personnel and Parenting Plans

HB 2478 would modify RCW 26.09.260 by adding the following language: "Unless agreed upon by both parties, the nonmoving party's absence, relocation, or failure to comply with a custody decree or parenting plan shall not, by itself, be a substantial change in circumstances justifying a permanent modification of a custody decree or parenting plan if the reason for the absence, relocation, or failure to comply is the party's activation to military service and deployment out-of-state."

SB 6331 would provide for similar rights with differing

language. This bill would require a parenting plan modified when a military person was deployed to automatically revert to the prior parenting plan when the military person returns from the deployment.

No Smoking in Vehicles with Children

HB 2519 would make it a traffic infraction to smoke in a vehicle with a child under the age of 18 years present. The violation would be a secondary one and would not be a permanent part of the driver's record.

Children's Rights in Dependencies

HB 2760 would give children who are eight

years old or older and involved in dependency cases the right to notice of proceedings, the right to be present at proceedings, and the right to be heard personally.

Animals and Domestic Violence

HB 2836 would allow courts in domestic violence cases to enter orders regarding the "custody" of animals and to restrain the respondent from being around the animal or from threatening, attacking, or concealing it.

Sibling Visitation

HB 2990 would give siblings living in separate households the right to petition for visitation with each other. This right would apply regardless of whether there was a dissolution or other domestic case pending or completed. The bill would not apply to children who are the subject of dependency actions or who are otherwise in the custody of the state.

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Domestic Partners

Last year the legislature passed SB 5336, which granted domestic partners very limited rights in certain circumstances. This year, HB 3104 and its companion bill, SB 6716, would greatly expand those rights. These bills would grant domestic partners the same rights as spouses in many areas of the law. For example, most of RCW 26.09 would apply to domestic partners. The bill would include domestic partners in many statutes affecting spouses or their rights. The bill is 199 pages long, much too long to summarize in a *Hotsheet*. I suggest that you review the bill on the legislative web site if you are interested in its details.

Reports of Abuse to Be Given to GAL's

This bill would require DSHS to notify a child's guardian ad litem upon receipt of a report of abuse of the child, if the child is under the court's jurisdiction under Chapter 13.34 RCW, and would require the department to also notify the guardian ad litem of the disposition of the report. This amendment would apply only to GAL's appointed pursuant to RCW 13.34.030, relating to juvenile court. It does not apply to RCW 26.09 cases.

Visitation Rights for Relatives of Dependent Children

SB 6306 would give relatives of dependent children the right to petition for visitation under certain circumstances. The bill would add a new section to RCW 13.34 which would read in part as follows:

“(1) A relative of a dependent child may petition the juvenile court for reasonable visitation with the child if:

(a) The child has been found to be a dependent child under this chapter or through voluntary relinquishment as provided in chapter 26.33 RCW;

(b) The parental rights of both of the child's parents have been terminated;

(c) The child is in the custody of the department or another public or private agency; and

(d) The child has not been adopted and is not in a preadoptive home or other permanent placement at the time the petition for visitation is filed.”

Unified Family Court

HB 2822 authorizes superior courts to apply for funds to help with family court. Itl does not make a unified family court mandatory. To be eligible for the funds, the court's improvement plan must meet criteria established by the administrator for the courts. At a minimum, the court's plan must (a) commit to a chief judge assignment to family and juvenile court for a minimum of two years; (b) implement the one family, one judicial team concept;

and (c) require court commissioners and judges to obtain 30 hours of training related to family law within six months of assuming duties in family and juvenile court.

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.

Prospective new members can join from the same web site.

Bill Information Online

To obtain up-to-date information on bills, go to <http://apps.leg.wa.gov/billinfo/> and enter the bill number or a key word.

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“The ultimate result of shielding men from the effects of folly, is to fill the world with fools.”

Herbert Spencer
