
HOUSE BILL 1110

State of Washington

64th Legislature

2015 Regular Session

By Representative Reykdal

Prefiled 01/09/15.

1 AN ACT Relating to shared parental responsibility; and amending
2 RCW 26.09.187.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.09.187 and 2007 c 496 s 603 are each amended to
5 read as follows:

6 (1) DISPUTE RESOLUTION PROCESS. The court shall not order a
7 dispute resolution process, except court action, when it finds that
8 any limiting factor under RCW 26.09.191 applies, or when it finds
9 that either parent is unable to afford the cost of the proposed
10 dispute resolution process. If a dispute resolution process is not
11 precluded or limited, then in designating such a process the court
12 shall consider all relevant factors, including:

13 (a) Differences between the parents that would substantially
14 inhibit their effective participation in any designated process;

15 (b) The parents' wishes or agreements and, if the parents have
16 entered into agreements, whether the agreements were made knowingly
17 and voluntarily; and

18 (c) Differences in the parents' financial circumstances that may
19 affect their ability to participate fully in a given dispute
20 resolution process.

21 (2) ALLOCATION OF DECISION-MAKING AUTHORITY.

1 (a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve
2 agreements of the parties allocating decision-making authority, or
3 specifying rules in the areas listed in RCW 26.09.184(5)(a), when it
4 finds that:

5 (i) The agreement is consistent with any limitations on a
6 parent's decision-making authority mandated by RCW 26.09.191; and

7 (ii) The agreement is knowing and voluntary.

8 (b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole
9 decision-making to one parent when it finds that:

10 (i) A limitation on the other parent's decision-making authority
11 is mandated by RCW 26.09.191;

12 (ii) Both parents are opposed to mutual decision making;

13 (iii) One parent is opposed to mutual decision making, and such
14 opposition is reasonable based on the criteria in (c) of this
15 subsection.

16 (c) MUTUAL DECISION-MAKING AUTHORITY. Except as provided in (a)
17 and (b) of this subsection, the court shall consider the following
18 criteria in allocating decision-making authority:

19 (i) The existence of a limitation under RCW 26.09.191;

20 (ii) The history of participation of each parent in decision
21 making in each of the areas in RCW 26.09.184(5)(a);

22 (iii) Whether the parents have a demonstrated ability and desire
23 to cooperate with one another in decision making in each of the areas
24 in RCW 26.09.184(5)(a); and

25 (iv) The parents' geographic proximity to one another, to the
26 extent that it affects their ability to make timely mutual decisions.

27 (3) RESIDENTIAL PROVISIONS.

28 (a) The court shall make residential provisions for each child
29 which encourage each parent to maintain a loving, stable, and
30 nurturing relationship with the child, consistent with the child's
31 developmental level and the family's social and economic
32 circumstances. The child's residential schedule shall be consistent
33 with RCW 26.09.191. Where the limitations of RCW 26.09.191 are not
34 dispositive of the child's residential schedule, the court shall
35 consider the following factors:

36 (i) The relative strength, nature, and stability of the child's
37 relationship with each parent;

38 (ii) The agreements of the parties, provided they were entered
39 into knowingly and voluntarily;

1 (iii) Each parent's past and potential for future performance of
2 parenting functions as defined in RCW 26.09.004(~~(+3+)~~) (2), including
3 whether a parent has taken greater responsibility for performing
4 parenting functions relating to the daily needs of the child;

5 (iv) The emotional needs and developmental level of the child;

6 (v) The child's relationship with siblings and with other
7 significant adults, as well as the child's involvement with his or
8 her physical surroundings, school, or other significant activities;

9 (vi) The wishes of the parents and the wishes of a child who is
10 sufficiently mature to express reasoned and independent preferences
11 as to his or her residential schedule; and

12 (vii) Each parent's employment schedule, and shall make
13 accommodations consistent with those schedules.

14 Factor (i) shall be given the greatest weight.

15 ~~(b) ((Where the limitations of RCW 26.09.191 are not dispositive,
16 the court may order that a child frequently alternate his or her
17 residence between the households of the parents for brief and
18 substantially equal intervals of time if such provision is in the
19 best interests of the child. In determining whether such an
20 arrangement is in the best interests of the child, the court may
21 consider the parties geographic proximity to the extent necessary to
22 ensure the ability to share performance of the parenting functions.))~~

23 (i) There is a presumption that it is in the best interests of the
24 child to establish a shared residential schedule that provides each
25 parent with substantially equal time and contact with the child
26 unless:

27 (A) The limitations of RCW 26.09.191 are dispositive of the
28 child's residential schedule; or

29 (B) The parents have agreed on a parenting plan that allocates
30 primary residential placement to one parent.

31 (ii) A parent alleging that a shared residential schedule that
32 provides each parent with substantially equal time and contact with
33 the child would not be in the best interests of the child has the
34 burden of establishing the allegation by a preponderance of the
35 evidence.

36 (iii) If the court does not enter a parenting plan providing for
37 a shared residential schedule that provides each parent with
38 substantially equal time and contact with the child, the court shall
39 enter written findings stating its reasons, including the facts

1 supporting any finding that a shared residential schedule is not in
2 the best interests of the child.

3 (c) For any child, residential provisions may contain any
4 reasonable terms or conditions that facilitate the orderly and
5 meaningful exercise of residential time by a parent, including but
6 not limited to requirements of reasonable notice when residential
7 time will not occur.

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