
SENATE BILL 5614

State of Washington

63rd Legislature

2013 Regular Session

By Senators Benton, Carrell, Hargrove, Padden, Delvin, Dammeier, Shin, Harper, and Hewitt

Read first time 02/05/13. Referred to Committee on Law & Justice.

1 AN ACT Relating to family second chances; amending RCW 2.56.180 and
2 26.09.030; adding a new section to chapter 26.09 RCW; and creating new
3 sections.

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

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the
6 family second chances act.

7 NEW SECTION. **Sec. 2.** Divorce causes poverty, juvenile
8 delinquency, and lower scholastic achievement among children of our
9 state. Even a modest reduction of divorce in our state could be
10 beneficial to children. Empowering couples with education on
11 nonadversarial approaches to divorce, reconciliation information and
12 resources, and increasing the waiting period for a dissolution can be
13 beneficial to families of our state.

14 **Sec. 3.** RCW 2.56.180 and 2007 c 496 s 202 are each amended to read
15 as follows:

16 (1) The administrative office of the courts shall create a handbook
17 explaining the sections of Washington law pertaining to the rights and

1 responsibilities of marital partners to each other and to any children
2 during a marriage and a dissolution of marriage. The handbook must be
3 provided to each county auditor and each superior court. The handbook
4 must be provided on the office's web site and may also be provided in
5 videotape or other electronic form.

6 (2) The handbook created under subsection (1) of this section shall
7 be provided by the county auditor when an individual applies for a
8 marriage license under RCW 26.04.140.

9 (3)(a) The handbook created under subsection (1) of this section
10 shall also be provided to the petitioner when he or she files a
11 petition for dissolution, and to the respondent, unless the respondent
12 did not file a response, notice of appearance, or any other paper in
13 the case or did not appear in court. Pursuant to section 5 of this
14 act, the administrative office of the courts must develop a method to
15 allow parties to a dissolution proceeding to acknowledge that they have
16 read and understood the handbook, and have the acknowledgment be
17 reflected in the court record. Parties must be able to acknowledge
18 that they have read and understood the handbook either on the office's
19 web site or in writing.

20 (b) The administrative office of the courts shall on an annual
21 basis reimburse the counties for each copy of the handbook that is
22 distributed directly to family law parties under this section, provided
23 that the county submits documentation of the number of handbooks
24 distributed on an annual basis.

25 (4) The information contained in the handbook created under
26 subsection (1) of this section shall be reviewed and updated annually.
27 The handbook must contain the following information:

28 (a) Information on prenuptial agreements as contracts and as a
29 means of structuring financial arrangements and other aspects of the
30 marital relationship;

31 (b) Information on shared parental responsibility for children,
32 including establishing a residential schedule for the child in the
33 event of the dissolution of the marriage;

34 (c) Information on notice requirements and standards for parental
35 relocation;

36 (d) Information on child support for minor children;

37 (e) Information on property rights, including equitable
38 distribution of assets and premarital and postmarital property rights;

- 1 (f) Information on spousal maintenance;
- 2 (g) Information on domestic violence, child abuse, and neglect,
3 including penalties;
- 4 (h) Information on the court process for dissolution;
- 5 (i) Information on the effects of dissolution on children;
- 6 (j) Information on community resources that are available to
7 separating or divorcing persons and their children;
- 8 (k) Information on the option of reconciliation, including research
9 on the interest in reconciliation among couples considering marriage
10 dissolution, the potential benefits of avoiding marriage dissolution,
11 resources to assist with reconciliation for interested couples, and
12 information on the circumstances in which the risk of domestic violence
13 should exclude consideration of reconciliation; and
- 14 (l) Information on nonadversarial approaches to dissolution.
- 15 (5) The language used in the handbook must be gender neutral.

16 **Sec. 4.** RCW 26.09.030 and 2008 c 6 s 1006 are each amended to read
17 as follows:

18 (1) When a party who ~~((+1))~~ (a) is a resident of this state, or
19 ~~((+2))~~ (b) is a member of the armed forces and is stationed in this
20 state, or ~~((+3))~~ (c) is married or in a domestic partnership to a
21 party who is a resident of this state or who is a member of the armed
22 forces and is stationed in this state, petitions for a dissolution of
23 marriage or dissolution of domestic partnership, and alleges that the
24 marriage or domestic partnership is irretrievably broken and when
25 ~~((ninety days have))~~ one year has elapsed since the petition was filed
26 and from the date when service of summons was made upon the respondent
27 or the first publication of summons was made, the court shall proceed
28 as follows:

29 ~~((+a))~~ (i) If the other party joins in the petition or does not
30 deny that the marriage or domestic partnership is irretrievably broken,
31 the court shall enter a decree of dissolution.

32 ~~((+b))~~ (ii) If the other party alleges that the petitioner was
33 induced to file the petition by fraud, or coercion, the court shall
34 make a finding as to that allegation and, if it so finds shall dismiss
35 the petition.

36 ~~((+c))~~ (iii) If the other party denies that the marriage or

1 domestic partnership is irretrievably broken the court shall consider
2 all relevant factors, including the circumstances that gave rise to the
3 filing of the petition and the prospects for reconciliation and shall:

4 ~~((+i))~~ (A) Make a finding that the marriage or domestic
5 partnership is irretrievably broken and enter a decree of dissolution
6 of the marriage or domestic partnership; or

7 ~~((+ii))~~ (B) At the request of either party or on its own motion,
8 transfer the cause to the family court, refer them to another
9 counseling service of their choice, and request a report back from the
10 counseling service within sixty days, or continue the matter for not
11 more than sixty days for hearing. If the cause is returned from the
12 family court or at the adjourned hearing, the court shall:

13 ~~((+A))~~ (I) Find that the parties have agreed to reconciliation and
14 dismiss the petition; or

15 ~~((+B))~~ (II) Find that the parties have not been reconciled, and
16 that either party continues to allege that the marriage or domestic
17 partnership is irretrievably broken. When such facts are found, the
18 court shall enter a decree of dissolution of the marriage or domestic
19 partnership.

20 ~~((+d))~~ (iv) If the petitioner requests the court to decree legal
21 separation in lieu of dissolution, the court shall enter the decree in
22 that form unless the other party objects and petitions for a decree of
23 dissolution or declaration of invalidity.

24 ~~((+e))~~ (v) In considering a petition for dissolution of marriage
25 or domestic partnership, a court shall not use a party's pregnancy as
26 the sole basis for denying or delaying the entry of a decree of
27 dissolution of marriage or domestic partnership. Granting a decree of
28 dissolution of marriage or domestic partnership when a party is
29 pregnant does not affect further proceedings under the uniform
30 parentage act, chapter 26.26 RCW.

31 (2) The one-year period described in subsection (1) of this section
32 may be waived by the court when:

33 (a) Either party was convicted during the marriage of a violent or
34 sexual felony against the other party or a minor child; or

35 (b) A court made a final, nonpreliminary civil protection order
36 against either party, based on a final determination that he or she
37 committed or threatened physical violence against the other party or a

1 minor child of the divorce petitioner, where the respondent had advance
2 notice and an opportunity to participate in an evidentiary hearing.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 26.09 RCW
4 to read as follows:

5 Parties to a dissolution proceeding must provide acknowledgment to
6 the office of the administrator of the courts that they read and
7 understood the family law handbook described in RCW 2.56.180 within
8 ninety days of the filing of the petition for dissolution.

--- END ---