
SUBSTITUTE SENATE BILL 5858

State of Washington

68th Legislature

2024 Regular Session

By Senate Law & Justice (originally sponsored by Senator Fortunato)

READ FIRST TIME 01/26/24.

1 AN ACT Relating to the just and equitable distribution of real
2 property and liabilities in the dissolution of marriage or domestic
3 partnerships; and amending RCW 26.09.080.

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

5 **Sec. 1.** RCW 26.09.080 and 2008 c 6 s 1011 are each amended to
6 read as follows:

7 In a proceeding for dissolution of the marriage or domestic
8 partnership, legal separation, declaration of invalidity, or in a
9 proceeding for disposition of property following dissolution of the
10 marriage or the domestic partnership by a court which lacked personal
11 jurisdiction over the absent spouse or absent domestic partner or
12 lacked jurisdiction to dispose of the property, the court shall,
13 without regard to misconduct, make such disposition of the property
14 and the liabilities of the parties, either community or separate, as
15 shall appear just and equitable after considering all relevant
16 factors including, but not limited to:

- 17 (1) The nature and extent of the community property;
18 (2) The nature and extent of the separate property;
19 (3) The duration of the marriage or domestic partnership; and
20 (4) The economic circumstances of each spouse or domestic partner
21 at the time the division of property is to become effective,

1 including the desirability of awarding the family home or the right
2 to live therein for reasonable periods to a spouse or domestic
3 partner with whom the children reside the majority of the time.

4 (a) When considering the just and equitable distribution of real
5 property and liabilities, a court should consider the division of
6 costs associated with the disposition of real property, such as
7 taxes, broker and agent fees, repairs, and other costs related to
8 preparing a property for sale.

9 (b) When considering the disposition of the family home, a court
10 should consider the potential for homelessness of a spouse and
11 children and the provision of housing if such a case is likely to
12 occur.

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