

1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(17) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.36.010.

Passed the Senate March 11, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 31

[Senate Bill No. 2220]

CLAIMS AGAINST COUNTIES—ISSUANCE OF WARRANTS

AN ACT Relating to county warrants; and amending section 36.22.050, chapter 4, Laws of 1963 as amended by section 1, chapter 87, Laws of 1969 ex. sess. and RCW 36.22.050.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 36.22.050, chapter 4, Laws of 1963 as amended by section 1, chapter 87, Laws of 1969 ex. sess. and RCW 36.22.050 are each amended to read as follows:

For claims allowed by the county commissioners, and also for cost bills and other lawful claims duly approved by the competent tribunal designated by law for their allowance, he shall draw a warrant on the county treasurer, made payable to the claimant or his order, bearing date from the time of and regularly numbered in the order of their issue (~~but no warrant shall be issued within less than ten days after the date of its allowance~~). If there is not sufficient cash in the county treasury to cover such claims or cost bills, or if a claimant requests, the auditor may issue a number of smaller warrants, the total principal amounts of which shall equal the amount of said claim or cost bill.

Passed the Senate February 11, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 32

[Engrossed Senate Bill No. 2233]

DISSOLUTION OF MARRIAGE, ETC.—PROCEEDINGS

AN ACT Relating to domestic relations; amending section 1, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.010; amending section 4, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.040; amending section 6, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.060; and amending section 28, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.280.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.010 are each amended to read as follows:

(1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage, legal separation or a declaration concerning the validity of a marriage shall be entitled "In re the marriage of -----and-----." Such proceeding may be filed in the superior court of the county where the petitioner resides.

(3) In cases where there has been no prior proceeding in this state involving the marital status of the parties or custody or support obligations, a separate custody or support proceeding shall be entitled "In re the (custody) (support) of -----"

(4) The initial pleading in all proceedings for dissolution of marriage under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

Sec. 2. Section 4, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.040 are each amended to read as follows:

(1) While both parties to an alleged marriage are living, and at least one party is resident in this state or a member of the armed service and stationed in the state, a petition to have the marriage declared invalid may be ~~((brought))~~ sought by:

(a) Either or both parties, or the guardian of an incompetent spouse, for any cause specified in subsection (4) of this section; or

(b) Either or both parties, the legal spouse, or a child of either party when it is alleged that the marriage is bigamous.

(2) If the validity of a marriage is denied or questioned at any time, either or both parties to the marriage may petition the court for a judicial determination of the validity of such marriage. ~~((The petitioner in such action shall be the person or entity denying or questioning the validity of the marriage.))~~

(3) In a proceeding to declare the invalidity of a marriage, the court shall proceed in the manner and shall have the jurisdiction, including the authority to provide for maintenance, custody, visitation, support, and division of the property of the parties, provided by this chapter.

(4) After hearing the evidence concerning the validity of a marriage, if both parties to the alleged marriage are still living, the court:

(a) If it finds the marriage to be valid, shall enter a decree of validity;

(b) If it finds that:

(i) The marriage should not have been contracted because of age of one or both of the parties, lack of required parental or court approval, a prior undissolved marriage of one or both of the parties, reasons of consanguinity, or because a party lacked capacity to consent to the marriage, either because of mental incapacity or because of the influence of alcohol or other incapacitating substances, or

because a party was induced to enter into the marriage by force or duress, or by fraud involving the essentials of marriage, and that the parties have not ratified their marriage by voluntarily cohabiting after attaining the age of consent, or after attaining capacity to consent, or after cessation of the force or duress or discovery of the fraud, shall declare the marriage invalid as of the date it was purportedly contracted;

(ii) The marriage should not have been contracted because of any reason other than those above, shall upon motion of a party, order any action which may be appropriate to complete or to correct the record and enter a decree declaring such marriage to be valid for all purposes from the date upon which it was purportedly contracted;

(c) If it finds that a marriage contracted in a jurisdiction other than this state, was void or voidable under the law of the place where the marriage was contracted, and in the absence of proof that such marriage was subsequently validated by the laws of the place of contract or of a subsequent domicile of the parties, shall declare the marriage invalid as of the date of the marriage.

(5) Any child of the parties born or conceived during the existence of a marriage of record is legitimate and remains legitimate notwithstanding the entry of a declaration of invalidity of the marriage.

Sec. 3. Section 6, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.060 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child;

(c) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(d) Removing a child from the jurisdiction of the court.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances.

(5) A temporary order ((σ)), temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed.

Sec. 4. Section 28, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.280 are each amended to read as follows:

Hereafter every action or proceeding to change, modify, or enforce any final order, judgment, or decree heretofore or hereafter entered in any dissolution or legal separation or declaration concerning the validity of a marriage, whether under this chapter or prior law, in relation to the care, custody, control, or support((; ~~or maintenance~~)) of the minor children of the marriage may be brought in the county where said minor children are then residing, or in the court in which said final order, judgment, or decree was entered, or in the county where the parent or other person who has the care, custody, or control of the said children is then residing.

Passed the Senate March 11, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 33

[Engrossed Senate Bill No. 2250]

CITIES, 400,000 OR OVER—CLASSIFICATION

AN ACT Relating to cities and towns; amending section 39, chapter 299, Laws of 1961 and RCW 3.46.050; amending section 100, chapter 299, Laws of 1961 as last amended by section 6, chapter 149, Laws of 1974 ex. sess. and RCW 3.28.010 [3.58.010]; amending section 35.20.010, chapter 7, Laws of 1965 and RCW 35.20.010; amending section 35.20.900, chapter 7, Laws of 1965 and RCW 35.20.900; amending section 13, chapter 274, Laws of 1947 as last amended by section 2, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.120; creating new sections; adding a new section to chapter 35.21 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 35.21 RCW a new section to read as follows:

On and after the effective date of this 1975 amendatory act, every law and rule or regulation of the state or any agency thereof which immediately prior to the effective date of this 1975 amendatory act related to cities of five hundred thousand population or over shall be deemed to be applicable to cities of four hundred thousand population or over.

Sec. 2. Section 39, chapter 299, Laws of 1961 and RCW 3.46.050 are each amended to read as follows: