

CHAPTER 219

[Engrossed Senate Bill No. 3442]

FAMILY LAW PROCEEDINGS—REVISIONS

AN ACT Relating to domestic relations; amending section 1, chapter 50, Laws of 1949 and RCW 26.12.010; amending section 9, chapter 50, Laws of 1949 and RCW 26.12.090; amending section 10, chapter 50, Laws of 1949 and RCW 26.12.100; amending section 12, chapter 50, Laws of 1949 and RCW 26.12.120; amending section 17, chapter 50, Laws of 1949 as amended by section 2, chapter 151, Laws of 1971 ex. sess. and RCW 26.12.170; amending section 18, chapter 50, Laws of 1949 and RCW 26.12.180; amending section 19, chapter 50, Laws of 1949 and RCW 26.12.190; amending section 20, chapter 50, Laws of 1949 and RCW 26.12.200; and amending section 21, chapter 50, Laws of 1949 and RCW 26.12.210.

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

Sec. 1. Section 1, chapter 50, Laws of 1949 and RCW 26.12.010 are each amended to read as follows:

Each superior court shall exercise the jurisdiction conferred by this chapter and while sitting in the exercise of such jurisdiction shall be known and referred to as the "family court." A family law proceeding under this chapter is any proceeding under this title or any proceeding in which the family court is requested to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of child custody, visitation, or support, or the distribution of property or obligations.

Sec. 2. Section 9, chapter 50, Laws of 1949 and RCW 26.12.090 are each amended to read as follows:

Whenever any controversy exists between ~~((spouses))~~ parties which may result in the dissolution ~~((or annulment))~~ of the marriage, declaration of invalidity, or the disruption of the household, and there is any minor child of the ~~((spouses))~~ parties or of either of them whose welfare might be affected thereby, the family court shall have jurisdiction over the controversy and over the parties thereto and all persons having any relation to the controversy as provided in this chapter.

Sec. 3. Section 10, chapter 50, Laws of 1949 and RCW 26.12.100 are each amended to read as follows:

Prior to the filing of ~~((any action for divorce, annulment or separate maintenance))~~ a family law proceeding, either ~~((spouse or both spouses))~~ party may file in the family court a petition invoking the jurisdiction of the court for the purpose of preserving the marriage by effecting a reconciliation between the parties or for amicable settlement of the controversy between the ~~((spouses))~~ parties so as to avoid further litigation over the issue involved. In any case where ~~((an action for divorce, annulment or separate maintenance))~~ a family law proceeding shall have been filed, either party

thereto may by petition filed therein have the cause transferred to the family court for proceedings in the same manner as though action had been instituted in the family court in the first instance.

Sec. 4. Section 12, chapter 50, Laws of 1949 and RCW 26.12.120 are each amended to read as follows:

The petition shall:

(1) Briefly allege that a controversy exists between the ((spouses)) parties and request the aid of the family court to effect a reconciliation or an amicable settlement of the controversy;

(2) State the name and age of each minor child whose welfare may be affected by the controversy;

(3) State the name and address of the petitioner or petitioners;

(4) If the petition is presented by one ((spouse)) party only, name the other ((spouse)) party as respondent and state the address of that ((spouse)) party;

(5) Name any other person who has any relation to the controversy and state the address of the person if known to the petitioner; and

(6) State such other information as the court may by rule require.

Sec. 5. Section 17, chapter 50, Laws of 1949 as amended by section 2, chapter 151, Laws of 1971 ex. sess. and RCW 26.12.170 are each amended to read as follows:

The hearing shall be conducted informally as a conference or series of conferences to effect the reconciliation of the ((spouses)) parties or an amicable adjustment or settlement of the issues of the controversy. To facilitate and promote the purposes of this chapter, the court may order or recommend the aid of physicians, psychiatrists, or other specialists or may recommend the aid of the pastor or director of any religious denomination to which the parties may belong. Such aid, however, shall be at the expense of the parties involved and shall not be at the expense of the court or of the county unless the board of county commissioners shall specifically authorize such aid.

If the court has reasonable cause to believe that a child of the parties has suffered abuse or neglect it may file a report with the proper law enforcement agency or the department of social and health services as provided in RCW 26.44.040. Upon receipt of such a report the law enforcement agency or the department of social and health services will conduct an investigation into the cause and extent of the abuse or neglect. The findings of the investigation may be made available to the court if ordered by the court as provided in RCW 42.17.310(3). The findings shall be restricted to the issue of abuse and neglect and shall not be considered custody investigations.

Sec. 6. Section 18, chapter 50, Laws of 1949 and RCW 26.12.180 are each amended to read as follows:

At or after hearing, the court may make such orders in respect to the conduct of the ~~((spouses))~~ parties and the subject matter of the controversy as the court deems necessary to preserve the marriage or to implement ~~((the reconciliation of the spouses, but in no event shall such orders be effective for more than thirty days from the filing of the petition, unless the parties mutually consent to an extension of such time))~~ an amicable settlement of the issues in controversy.

Sec. 7. Section 19, chapter 50, Laws of 1949 and RCW 26.12.190 are each amended to read as follows:

(1) During the period of thirty days after filing a petition for conciliation no ~~((action for divorce, annulment or separate maintenance))~~ family law proceeding shall be filed by either ~~((spouse))~~ party and further proceedings in ~~((an action))~~ a family law proceeding then pending in the superior court shall be stayed and the case transferred to the family court ~~((: PROVIDED;))~~. The family court shall have full power in all pending cases to make, alter, modify and enforce all temporary orders, orders for custody of children, possession of property, attorneys' fees, suit money or costs as may appear just and equitable ~~((:))~~.

(2) If, after the expiration of such thirty day period or the formal conclusion of the proceedings for conciliation, the controversy between the ~~((spouses, in the meantime not having))~~ parties has not been terminated, either ~~((spouse))~~ party may apply for ~~((divorce, annulment of marriage, or separate maintenance))~~ further relief by filing in the clerk's office additional pleadings ~~((complying with the requirements relating to divorce, annulment of marriage, or separate maintenance, respectively;))~~ or by asking that the pending case be set for trial ~~((; and))~~. The family court ~~((shall have))~~ has full jurisdiction to hear, try, and determine ~~((such action for divorce, annulment of marriage, or separate maintenance))~~ family law proceedings under the laws relating thereto, and to retain jurisdiction of the case for further hearings on decrees or orders to be made therein.

(3) The conciliation provisions of this chapter may be used ~~((in regard to post-divorce problems;))~~ concerning support, visitation, contempt, or for modification based on changed conditions ~~((; in the discretion of the family court))~~ or for other problems between the parties related to the family law proceeding.

~~((The family court may retain jurisdiction in any proceedings for a longer period than thirty days upon good cause appearing therefor on its own motion for further conciliation or upon application of either of the spouses, but in no event shall retain jurisdiction more than ninety days without the written consent of both spouses filed with the court.))~~

(4) Except as specifically so provided nothing in this chapter shall be construed to repeal, nullify or change the law and procedure relating to ~~((divorce, annulment or separate maintenance; and))~~ family law proceedings. The family court shall, when application for relief is made under this

chapter, apply ~~((such laws))~~ provisions governing family law proceedings in the same manner as if the action had been brought thereunder in the superior court, save that the conciliation procedures of the family court shall be applied so far as appropriate to arrive at an amicable settlement of all issues in controversy.

Sec. 8. Section 20, chapter 50, Laws of 1949 and RCW 26.12.200 are each amended to read as follows:

~~Whenever ((any action for divorce, annulment of marriage or separate maintenance)) a family law proceeding is filed in the superior court and it appears to the court at any time during the pendency of the action that there is any minor child of ((the spouses or of)) either ((of them)) party whose welfare may be affected by the dissolution ((or annulment)) of the marriage, declaration of invalidity, or the disruption of the household, the case may be transferred to the family court for proceedings for reconciliation of the ((spouses)) parties or amicable settlement of issues in controversy in accordance with the provisions of this chapter.~~

Sec. 9. Section 21, chapter 50, Laws of 1949 and RCW 26.12.210 are each amended to read as follows:

~~Whenever application is made to the family court ((for conciliation proceedings in respect to a controversy between spouses or a contested action for divorce, annulment or separate maintenance)), but there is no minor child whose welfare might be affected by the results of the controversy, ((and it appears to the court upon recommendation of counsel or otherwise that reconciliation of the spouses or amicable adjustment of the controversy can probably be achieved, and that the work of the court in cases involving children will not be seriously impeded by acceptance of the case, the court may accept and dispose of the case in the same manner as similar cases involving the welfare of children are disposed of. In the event of such application and acceptance,)) the court shall have the same jurisdiction over the controversy and the parties thereto or having any relation thereto that it has under this chapter in similar cases involving the welfare of children. The court shall accept jurisdiction under this section only upon a finding by the court that the acceptance of the case will not seriously impede the work of the court in cases involving children.~~

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