
ENGROSSED SUBSTITUTE HOUSE BILL 1620

State of Washington

69th Legislature

2025 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Taylor, Goodman, Reed, and Hill)

READ FIRST TIME 02/11/25.

1 AN ACT Relating to limitations in parenting plans; amending RCW
2 26.09.191, 11.130.215, 26.09.187, 26.09.194, 26.09.260, 26.09.520,
3 and 26.12.177; reenacting and amending RCW 26.51.020; and adding new
4 sections to chapter 26.09 RCW.

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

6 **Sec. 1.** RCW 26.09.191 and 2021 c 215 s 134 are each amended to
7 read as follows:

8 (1) (~~The permanent parenting plan shall not require mutual~~
9 ~~decision-making or designation of a dispute resolution process other~~
10 ~~than court action~~)) PURPOSE. Understanding the effects of domestic
11 violence and child abuse on all members of a family is crucial to
12 discerning the best interest of a child in cases with evidence of
13 such abuse. The determination of a child's best interest in these
14 cases first requires that existing best interest factors be evaluated
15 in light of the domestic violence or child abuse and requires
16 consideration of the additional factors in subsection (4) of this
17 section. This section sets forth the analysis and findings a court
18 shall undertake if domestic violence or child abuse is present or
19 alleged at any time during a case, based on the preponderance of the
20 evidence, in which child custody and parenting time between the
21 parents is at issue.

1 (2) GENERAL CONSIDERATIONS.

2 (a) In entering a permanent parenting plan, the court shall not
3 draw any presumptions from the provisions of the temporary parenting
4 plan.

5 (b) In determining whether any of the conduct described in this
6 section or section 2 of this act has occurred, the court shall apply
7 the rules of evidence and civil procedure except where the parties
8 have opted for an informal family law trial pursuant to state or
9 local court rules.

10 (3) DEFINITIONS. The definitions in this subsection apply
11 throughout this section and section 2 of this act unless the context
12 clearly requires otherwise.

13 (a) "Child" shall also mean "children."

14 (b) "Domestic abuse" means child abuse or domestic violence as
15 defined in RCW 7.105.010.

16 (c) "Knowingly" means knows or reasonably should know.

17 (d) "Limitation" means a provision, requirement, or order placed
18 on an abusive parent.

19 (e) "Parenting functions" has the same meaning as in RCW
20 26.09.004.

21 (f) "Protective actions" are actions taken by a parent in good
22 faith for the purpose of protecting themselves or the parent's child
23 from the risk of harm posed by the other parent. "Protective actions"
24 can include, but are not limited to: (i) Reports or complaints
25 regarding physical, sexual, or mental abuse of a child or child
26 neglect to an individual or entity connected to the provision of care
27 or safety of the child such as law enforcement, medical
28 professionals, therapists, schools, day cares, or child protective
29 services; (ii) seeking court orders changing residential time; or
30 (iii) petitions for protection or restraining orders.

31 (g) "Sex offense against a child" means any of the following
32 offenses involving a child victim: (i) Any sex offense as defined in
33 RCW 9.94A.030; (ii) any offense with a finding of sexual motivation;
34 (iii) any offense in violation of chapter 9A.44 RCW other than RCW
35 9A.44.132; (iv) any offense involving the sexual abuse of a minor,
36 including any offense under chapter 9.68A RCW; or (v) any federal or
37 out-of-state offense comparable to any offense under (g)(i) through
38 (iv) of this subsection.

1 (h) "Social worker" means a person with a master's degree or
2 further advanced degree from a social work educational program
3 accredited and approved as provided in RCW 18.320.010.

4 (i) "Willful abandonment" has occurred when the child's parent
5 has expressed, either by statement or conduct, an intent to forego,
6 for an extended period, parental rights or responsibilities despite
7 an ability to exercise such rights and responsibilities. "Willful
8 abandonment" does not include a parent who has been unable to see the
9 child due to circumstances that include, but are not limited to:
10 Incarceration, deportation, inpatient treatment, medical emergency,
11 fleeing to an emergency shelter or domestic violence shelter, or
12 withholding of the child by the other parent.

13 (4) DOMESTIC ABUSE FACTORS.

14 (a) Before considering the best interest of the child factors as
15 set forth in RCW 26.09.187, the court shall first consider the
16 following factors and make specific written findings regarding each
17 factor:

18 (i) The nature and context of the domestic violence by one parent
19 against the other parent or any family member of the parent who is
20 abusive, considering the dynamics of the primary aggressor;

21 (ii) The nature and context of any abuse experienced by the child
22 from the parent who is abusive;

23 (iii) Relevant and admissible evidence of current or past acts of
24 domestic abuse, whether or not there is a conviction for any offense
25 of domestic abuse, a current or expired order for protection
26 involving the child or parent, or previous court or administrative
27 agency findings on domestic abuse;

28 (iv) Any information about current or future risk of harm to the
29 child or the parent or family member who is abused posed by the
30 abusive parent, including a child's expressions of distress about or
31 resistance to contact with the parent who is abusive. Any distress or
32 resistance expressed by a child may not be presumed to be caused by
33 the abused and protective parent;

34 (v) The effects of domestic violence or child abuse on the
35 child's well-being; and

36 (vi) The historical and present parenting behaviors of each
37 parent.

38 (b) In compliance with the federal keeping children safe from
39 family violence act, Title 34 U.S.C. Sec. 10446, as amended, any
40 neutral professional appointed by a court to express an opinion

1 relating to abuse, trauma, or the behavior of victims and
2 perpetrators of abuse and trauma must demonstrate expertise and
3 substantial direct experience working with victims of domestic
4 violence or child abuse, including child sexual abuse, that is not
5 primarily forensic in nature.

6 (c) Regardless of the outcome of the domestic abuse analysis
7 under this subsection, the court shall consider the best interest of
8 the child factors as outlined in RCW 26.09.187 before making
9 decisions related to custody and parenting time.

10 (5) MATTERS NOT TO BE CONSIDERED AS EVIDENCE AGAINST AN ABUSED
11 PARENT.

12 (a) In determining a child's best interest in a case, the court
13 may not consider as evidence against an abused parent:

14 (i) Actions that are not prohibited by law;

15 (ii) Efforts by a parent who is abused to protect the parent's
16 own safety or the parent's child's safety from the other parent. This
17 evidence may not be considered as evidence of unwillingness to
18 facilitate contact or a positive relationship between the parent who
19 is abusive and the child or to cooperate with the abusive parent. A
20 parent who is abused is exempt from any best interest factor or
21 presumption requiring such willingness; and

22 (iii) Evidence that the parent who is abused suffers from the
23 effects of the abuse by the other parent. This evidence may not be
24 the basis for denying a parent who is abused custody or parenting
25 time including, but not limited to, a discretionary finding in RCW
26 26.09.187.

27 (b) The court may not, primarily in order to improve a deficient
28 relationship with the other parent:

29 (i) Remove the child from a parent who is competent, protective,
30 and not physically or sexually abusive, and with whom the child is
31 bonded; or

32 (ii) Restrict contact between the child and a parent who is
33 competent, protective, and not physically or sexually abusive, and
34 with whom the child is bonded.

35 (c) The court may not remove the child from a competent,
36 protective, and not physically or sexually abusive parent or restrict
37 contact between the child and a competent, protective, and not
38 physically or sexually abusive parent solely on the basis of
39 protective actions taken by a competent, protective, and not
40 physically or sexually abusive parent.

1 (6) MUTUAL ALLEGATIONS OF DOMESTIC ABUSE. If both parents present
2 evidence that the other parent has engaged in acts of domestic abuse,
3 the court shall hold an evidentiary hearing regarding the
4 allegations. If the court makes a finding that both parents have
5 engaged in acts of domestic abuse, the court shall assess and make
6 findings regarding the following factors to assist in determining the
7 parent that poses the lesser risk to the child and is less likely to
8 commit acts of domestic abuse in the future:

9 (a) The nature and effects of the abuse on either parent,
10 including whether either party has engaged in coercive control;

11 (b) Whether any physical act was in response to domestic abuse by
12 the other parent;

13 (c) The impact of the domestic abuse on parenting behaviors and
14 attributes;

15 (d) The effect on the child of the domestic abuse perpetrated by
16 each parent; and

17 (e) The likelihood of future acts of domestic abuse being
18 perpetrated by either parent based on that parent's history.

19 (7) PARENTAL CONDUCT REQUIRING LIMITS ON DISPUTE RESOLUTION, A
20 PARENT'S DECISION MAKING, AND A PARENT'S RESIDENTIAL TIME.

21 (a) Conduct Requiring Limitations. Limitations are required if it
22 is found that a parent has engaged in any of the following conduct:

23 ~~((a) Willful abandonment that continues for an extended period~~
24 ~~of time or substantial refusal to perform parenting functions;~~

25 ~~(b) physical, sexual, or a))~~ (i) Physical abuse of a child;

26 (ii) A pattern of emotional abuse of a child;

27 ~~((or (c) a))~~ (iii) A history of acts of domestic violence as
28 defined in RCW 7.105.010 ((or an));

29 (iv) An assault ((or sexual assault)) that causes grievous bodily
30 harm or the fear of such harm ((or that results in a pregnancy.

31 ~~(2)(a) The))~~ against the child or other parent;

32 (v) Any sexual assault; or

33 (vi) Sexual abuse of a child. Required limitations and
34 considerations for a parent who has been convicted of a sex offense
35 against a child or found to have sexually abused a child in the
36 current case or a prior case are addressed in section 2 of this act.

37 (b) Mandatory Dispute Resolution Limitations. The permanent
38 parenting plan must not designate a dispute resolution process other
39 than court action. There is no rebuttable presumption. The court may
40 not require face-to-face mediation, arbitration, or interventions,

1 including therapeutic interventions, that require the parties to
2 share the same physical or virtual space if there has been a finding
3 of domestic violence.

4 (c) Mandatory Decision-Making Limitations. The permanent
5 parenting plan must not require mutual decision making. There is no
6 rebuttable presumption. Where there has been a finding of domestic
7 violence, including against a primary aggressor parent, sole decision
8 making must be awarded to the other parent and not to the parent
9 against whom a domestic violence finding has been made.

10 (d) Mandatory Residential Time Limitations. There is a rebuttable
11 presumption that the permanent parenting plan cannot require joint
12 residential time with or grant sole residential time to the abusive
13 parent.

14 (e) Allowing Access. If the court grants any type of custody or
15 parenting time to a parent who perpetrated domestic abuse or child
16 abuse, whether after a hearing or by agreement between the parents,
17 the court shall:

18 (i) Grant majority custody to the party who is not abusive. The
19 court may only grant majority custody to the party who is abusive if
20 it is by agreement of the parties and the court deems it safe for the
21 child; and

22 (ii) Make detailed findings regarding how the custody or
23 parenting time ordered by the court adequately protects the child and
24 the parent who is abused from the risk of future harm and addresses
25 the effects of the domestic abuse or child abuse.

26 (8) PARENT RESIDING WITH A PERSON WHOSE CONDUCT MAY REQUIRE
27 RESIDENTIAL TIME LIMITATIONS. A parent's residential time with the
28 child shall be limited if it is found that the parent knowingly
29 resides with a person who has engaged in any of the following
30 conduct: ((i) Willful abandonment that continues for an extended
31 period of time or substantial refusal to perform parenting functions;
32 (ii) physical, sexual, or a))

33 (a) Physical abuse of a child;

34 (b) A pattern of emotional abuse of a child;

35 ((iii) a) (c) A history of acts of domestic violence as defined
36 in RCW 7.105.010 ((or an));

37 (d) An assault ((or sexual assault)) that causes grievous bodily
38 harm or the fear of such harm ((or that results in a pregnancy; or
39 (iv) the parent has been convicted as an adult of a sex offense
40 under:

1 ~~(A) RCW 9A.44.076 if, because of the difference in age between~~
2 ~~the offender and the victim, no rebuttable presumption exists under~~
3 ~~(d) of this subsection;~~

4 ~~(B) RCW 9A.44.079 if, because of the difference in age between~~
5 ~~the offender and the victim, no rebuttable presumption exists under~~
6 ~~(d) of this subsection;~~

7 ~~(C) RCW 9A.44.086 if, because of the difference in age between~~
8 ~~the offender and the victim, no rebuttable presumption exists under~~
9 ~~(d) of this subsection;~~

10 ~~(D) RCW 9A.44.089;~~

11 ~~(E) RCW 9A.44.093;~~

12 ~~(F) RCW 9A.44.096;~~

13 ~~(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age~~
14 ~~between the offender and the victim, no rebuttable presumption exists~~
15 ~~under (d) of this subsection;~~

16 ~~(H) Chapter 9.68A RCW;~~

17 ~~(I) Any predecessor or antecedent statute for the offenses listed~~
18 ~~in (a) (iv) (A) through (H) of this subsection;~~

19 ~~(J) Any statute from any other jurisdiction that describes an~~
20 ~~offense analogous to the offenses listed in (a) (iv) (A) through (H) of~~
21 ~~this subsection.~~

22 ~~This subsection (2) (a) shall not apply when (c) or (d) of this~~
23 ~~subsection applies.~~

24 ~~(b) The parent's residential time with the child shall be limited~~
25 ~~if it is found that the parent resides with a person who has engaged~~
26 ~~in any of the following conduct: (i) Physical, sexual, or a pattern~~
27 ~~of emotional abuse of a child; (ii) a history of acts of domestic~~
28 ~~violence as defined in RCW 7.105.010 or an assault or sexual assault~~
29 ~~that causes grievous bodily harm or the fear of such harm or that~~
30 ~~results in a pregnancy; or (iii) the person has been convicted as an~~
31 ~~adult or as a juvenile has been adjudicated of a sex offense under:~~

32 ~~(A) RCW 9A.44.076 if, because of the difference in age between~~
33 ~~the offender and the victim, no rebuttable presumption exists under~~
34 ~~(e) of this subsection;~~

35 ~~(B) RCW 9A.44.079 if, because of the difference in age between~~
36 ~~the offender and the victim, no rebuttable presumption exists under~~
37 ~~(e) of this subsection;~~

38 ~~(C) RCW 9A.44.086 if, because of the difference in age between~~
39 ~~the offender and the victim, no rebuttable presumption exists under~~
40 ~~(e) of this subsection;~~

1 ~~(D) RCW 9A.44.089;~~
2 ~~(E) RCW 9A.44.093;~~
3 ~~(F) RCW 9A.44.096;~~
4 ~~(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age~~
5 ~~between the offender and the victim, no rebuttable presumption exists~~
6 ~~under (c) of this subsection;~~
7 ~~(H) Chapter 9.68A RCW;~~
8 ~~(I) Any predecessor or antecedent statute for the offenses listed~~
9 ~~in (b) (iii) (A) through (H) of this subsection;~~
10 ~~(J) Any statute from any other jurisdiction that describes an~~
11 ~~offense analogous to the offenses listed in (b) (iii) (A) through (H)~~
12 ~~of this subsection.~~
13 ~~This subsection (2) (b) shall not apply when (c) or (e) of this~~
14 ~~subsection applies.~~
15 ~~(c) If a parent has been found to be a sexual predator under~~
16 ~~chapter 71.09 RCW or under an analogous statute of any other~~
17 ~~jurisdiction, the court shall restrain the parent from contact with a~~
18 ~~child that would otherwise be allowed under this chapter. If a parent~~
19 ~~resides with an adult or a juvenile who has been found to be a sexual~~
20 ~~predator under chapter 71.09 RCW or under an analogous statute of any~~
21 ~~other jurisdiction, the court shall restrain the parent from contact~~
22 ~~with the parent's child except contact that occurs outside that~~
23 ~~person's presence.~~
24 ~~(d) There is a rebuttable presumption that a parent who has been~~
25 ~~convicted as an adult of a sex offense listed in (d) (i) through (ix)~~
26 ~~of this subsection poses a present danger to a child. Unless the~~
27 ~~parent rebuts this presumption, the court shall restrain the parent~~
28 ~~from contact with a child that would otherwise be allowed under this~~
29 ~~chapter:~~
30 ~~(i) RCW 9A.64.020 (1) or (2), provided that the person convicted~~
31 ~~was at least five years older than the other person;~~
32 ~~(ii) RCW 9A.44.073;~~
33 ~~(iii) RCW 9A.44.076, provided that the person convicted was at~~
34 ~~least eight years older than the victim;~~
35 ~~(iv) RCW 9A.44.079, provided that the person convicted was at~~
36 ~~least eight years older than the victim;~~
37 ~~(v) RCW 9A.44.083;~~
38 ~~(vi) RCW 9A.44.086, provided that the person convicted was at~~
39 ~~least eight years older than the victim;~~
40 ~~(vii) RCW 9A.44.100;~~

1 ~~(viii) Any predecessor or antecedent statute for the offenses~~
2 ~~listed in (d)(i) through (vii) of this subsection;~~

3 ~~(ix) Any statute from any other jurisdiction that describes an~~
4 ~~offense analogous to the offenses listed in (d)(i) through (vii) of~~
5 ~~this subsection.~~

6 ~~(e) There is a rebuttable presumption that a parent who resides~~
7 ~~with a person who, as an adult, has been convicted, or as a juvenile~~
8 ~~has been adjudicated, of the sex offenses listed in (e)(i) through~~
9 ~~(ix) of this subsection places a child at risk of abuse or harm when~~
10 ~~that parent exercises residential time in the presence of the~~
11 ~~convicted or adjudicated person. Unless the parent rebuts the~~
12 ~~presumption, the court shall restrain the parent from contact with~~
13 ~~the parent's child except for contact that occurs outside of the~~
14 ~~convicted or adjudicated person's presence:~~

15 ~~(i) RCW 9A.64.020 (1) or (2), provided that the person convicted~~
16 ~~was at least five years older than the other person;~~

17 ~~(ii) RCW 9A.44.073;~~

18 ~~(iii) RCW 9A.44.076, provided that the person convicted was at~~
19 ~~least eight years older than the victim;~~

20 ~~(iv) RCW 9A.44.079, provided that the person convicted was at~~
21 ~~least eight years older than the victim;~~

22 ~~(v) RCW 9A.44.083;~~

23 ~~(vi) RCW 9A.44.086, provided that the person convicted was at~~
24 ~~least eight years older than the victim;~~

25 ~~(vii) RCW 9A.44.100;~~

26 ~~(viii) Any predecessor or antecedent statute for the offenses~~
27 ~~listed in (e)(i) through (vii) of this subsection;~~

28 ~~(ix) Any statute from any other jurisdiction that describes an~~
29 ~~offense analogous to the offenses listed in (e)(i) through (vii) of~~
30 ~~this subsection.~~

31 ~~(f) The presumption established in (d) of this subsection may be~~
32 ~~rebutted only after a written finding that the child was not~~
33 ~~conceived and subsequently born as a result of a sexual assault~~
34 ~~committed by the parent requesting residential time and that:~~

35 ~~(i) If the child was not the victim of the sex offense committed~~
36 ~~by the parent requesting residential time, (A) contact between the~~
37 ~~child and the offending parent is appropriate and poses minimal risk~~
38 ~~to the child, and (B) the offending parent has successfully engaged~~
39 ~~in treatment for sex offenders or is engaged in and making progress~~
40 ~~in such treatment, if any was ordered by a court, and the treatment~~

1 provider believes such contact is appropriate and poses minimal risk
2 to the child; or

3 (ii) If the child was the victim of the sex offense committed by
4 the parent requesting residential time, (A) contact between the child
5 and the offending parent is appropriate and poses minimal risk to the
6 child, (B) if the child is in or has been in therapy for victims of
7 sexual abuse, the child's counselor believes such contact between the
8 child and the offending parent is in the child's best interest, and
9 (C) the offending parent has successfully engaged in treatment for
10 sex offenders or is engaged in and making progress in such treatment,
11 if any was ordered by a court, and the treatment provider believes
12 such contact is appropriate and poses minimal risk to the child.

13 (g) The presumption established in (e) of this subsection may be
14 rebutted only after a written finding that the child was not
15 conceived and subsequently born as a result of a sexual assault
16 committed by the parent requesting residential time and that:

17 (i) If the child was not the victim of the sex offense committed
18 by the person who is residing with the parent requesting residential
19 time, (A) contact between the child and the parent residing with the
20 convicted or adjudicated person is appropriate and that parent is
21 able to protect the child in the presence of the convicted or
22 adjudicated person, and (B) the convicted or adjudicated person has
23 successfully engaged in treatment for sex offenders or is engaged in
24 and making progress in such treatment, if any was ordered by a court,
25 and the treatment provider believes such contact is appropriate and
26 poses minimal risk to the child; or

27 (ii) If the child was the victim of the sex offense committed by
28 the person who is residing with the parent requesting residential
29 time, (A) contact between the child and the parent in the presence of
30 the convicted or adjudicated person is appropriate and poses minimal
31 risk to the child, (B) if the child is in or has been in therapy for
32 victims of sexual abuse, the child's counselor believes such contact
33 between the child and the parent residing with the convicted or
34 adjudicated person in the presence of the convicted or adjudicated
35 person is in the child's best interest, and (C) the convicted or
36 adjudicated person has successfully engaged in treatment for sex
37 offenders or is engaged in and making progress in such treatment, if
38 any was ordered by a court, and the treatment provider believes
39 contact between the parent and child in the presence of the convicted

1 ~~or adjudicated person is appropriate and poses minimal risk to the~~
2 ~~child.~~

3 ~~(h) If the court finds that the parent has met the burden of~~
4 ~~rebutting the presumption under (f) of this subsection, the court may~~
5 ~~allow a parent who has been convicted as an adult of a sex offense~~
6 ~~listed in (d) (i) through (ix) of this subsection to have residential~~
7 ~~time with the child supervised by a neutral and independent adult and~~
8 ~~pursuant to an adequate plan for supervision of such residential~~
9 ~~time. The court shall not approve of a supervisor for contact between~~
10 ~~the child and the parent unless the court finds, based on the~~
11 ~~evidence, that the supervisor is willing and capable of protecting~~
12 ~~the child from harm. The court shall revoke court approval of the~~
13 ~~supervisor upon finding, based on the evidence, that the supervisor~~
14 ~~has failed to protect the child or is no longer willing or capable of~~
15 ~~protecting the child.~~

16 ~~(i) If the court finds that the parent has met the burden of~~
17 ~~rebutting the presumption under (g) of this subsection, the court may~~
18 ~~allow a parent residing with a person who has been adjudicated as a~~
19 ~~juvenile of a sex offense listed in (e) (i) through (ix) of this~~
20 ~~subsection to have residential time with the child in the presence of~~
21 ~~the person adjudicated as a juvenile, supervised by a neutral and~~
22 ~~independent adult and pursuant to an adequate plan for supervision of~~
23 ~~such residential time. The court shall not approve of a supervisor~~
24 ~~for contact between the child and the parent unless the court finds,~~
25 ~~based on the evidence, that the supervisor is willing and capable of~~
26 ~~protecting the child from harm. The court shall revoke court approval~~
27 ~~of the supervisor upon finding, based on the evidence, that the~~
28 ~~supervisor has failed to protect the child or is no longer willing or~~
29 ~~capable of protecting the child.~~

30 ~~(j) If the court finds that the parent has met the burden of~~
31 ~~rebutting the presumption under (g) of this subsection, the court may~~
32 ~~allow a parent residing with a person who, as an adult, has been~~
33 ~~convicted of a sex offense listed in (e) (i) through (ix) of this~~
34 ~~subsection to have residential time with the child in the presence of~~
35 ~~the convicted person supervised by a neutral and independent adult~~
36 ~~and pursuant to an adequate plan for supervision of such residential~~
37 ~~time. The court shall not approve of a supervisor for contact between~~
38 ~~the child and the parent unless the court finds, based on the~~
39 ~~evidence, that the supervisor is willing and capable of protecting~~
40 ~~the child from harm. The court shall revoke court approval of the~~

1 supervisor upon finding, based on the evidence, that the supervisor
2 has failed to protect the child or is no longer willing or capable of
3 protecting the child.

4 ~~(k) A court shall not order unsupervised contact between the~~
5 ~~offending parent and a child of the offending parent who was sexually~~
6 ~~abused by that parent. A court may order unsupervised contact between~~
7 ~~the offending parent and a child who was not sexually abused by the~~
8 ~~parent after the presumption under (d) of this subsection has been~~
9 ~~rebutted and supervised residential time has occurred for at least~~
10 ~~two years with no further arrests or convictions of sex offenses~~
11 ~~involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter~~
12 ~~9.68A RCW and (i) the sex offense of the offending parent was not~~
13 ~~committed against a child of the offending parent, and (ii) the court~~
14 ~~finds that unsupervised contact between the child and the offending~~
15 ~~parent is appropriate and poses minimal risk to the child, after~~
16 ~~consideration of the testimony of a state-certified therapist, mental~~
17 ~~health counselor, or social worker with expertise in treating child~~
18 ~~sexual abuse victims who has supervised at least one period of~~
19 ~~residential time between the parent and the child, and after~~
20 ~~consideration of evidence of the offending parent's compliance with~~
21 ~~community supervision requirements, if any. If the offending parent~~
22 ~~was not ordered by a court to participate in treatment for sex~~
23 ~~offenders, then the parent shall obtain a psychosexual evaluation~~
24 ~~conducted by a certified sex offender treatment provider or a~~
25 ~~certified affiliate sex offender treatment provider indicating that~~
26 ~~the offender has the lowest likelihood of risk to reoffend before the~~
27 ~~court grants unsupervised contact between the parent and a child.~~

28 ~~(l) A court may order unsupervised contact between the parent and~~
29 ~~a child which may occur in the presence of a juvenile adjudicated of~~
30 ~~a sex offense listed in (e) (i) through (ix) of this subsection who~~
31 ~~resides with the parent after the presumption under (e) of this~~
32 ~~subsection has been rebutted and supervised residential time has~~
33 ~~occurred for at least two years during which time the adjudicated~~
34 ~~juvenile has had no further arrests, adjudications, or convictions of~~
35 ~~sex offenses involving children under chapter 9A.44 RCW, RCW~~
36 ~~9A.64.020, or chapter 9.68A RCW, and (i) the court finds that~~
37 ~~unsupervised contact between the child and the parent that may occur~~
38 ~~in the presence of the adjudicated juvenile is appropriate and poses~~
39 ~~minimal risk to the child, after consideration of the testimony of a~~
40 ~~state-certified therapist, mental health counselor, or social worker~~

1 with expertise in treatment of child sexual abuse victims who has
2 supervised at least one period of residential time between the parent
3 and the child in the presence of the adjudicated juvenile, and after
4 consideration of evidence of the adjudicated juvenile's compliance
5 with community supervision or parole requirements, if any. If the
6 adjudicated juvenile was not ordered by a court to participate in
7 treatment for sex offenders, then the adjudicated juvenile shall
8 obtain a psychosexual evaluation conducted by a certified sex
9 offender treatment provider or a certified affiliate sex offender
10 treatment provider indicating that the adjudicated juvenile has the
11 lowest likelihood of risk to reoffend before the court grants
12 unsupervised contact between the parent and a child which may occur
13 in the presence of the adjudicated juvenile who is residing with the
14 parent.

15 (m) (i) The limitations imposed by the court under (a) or (b) of
16 this subsection shall be reasonably calculated to protect the child
17 from the physical, sexual, or emotional abuse or harm that could
18 result if the child has contact with the parent requesting
19 residential time. The limitations shall also be reasonably calculated
20 to provide for the safety of the parent who may be at risk of
21 physical, sexual, or emotional abuse or harm that could result if the
22 parent has contact with the parent requesting residential time. The
23 limitations the court may impose include, but are not limited to:
24 Supervised contact between the child and the parent or completion of
25 relevant counseling or treatment. If the court expressly finds based
26 on the evidence that limitations on the residential time with the
27 child will not adequately protect the child from the harm or abuse
28 that could result if the child has contact with the parent requesting
29 residential time, the court shall restrain the parent requesting
30 residential time from all contact with the child.

31 (ii) The court shall not enter an order under (a) of this
32 subsection allowing a parent to have contact with a child if the
33 parent has been found by clear and convincing evidence in a civil
34 action or by a preponderance of the evidence in a dependency action
35 to have sexually abused the child, except upon recommendation by an
36 evaluator or therapist for the child that the child is ready for
37 contact with the parent and will not be harmed by the contact. The
38 court shall not enter an order allowing a parent to have contact with
39 the child in the offender's presence if the parent resides with a
40 person who has been found by clear and convincing evidence in a civil

1 ~~action or by a preponderance of the evidence in a dependency action~~
2 ~~to have sexually abused a child, unless the court finds that the~~
3 ~~parent accepts that the person engaged in the harmful conduct and the~~
4 ~~parent is willing to and capable of protecting the child from harm~~
5 ~~from the person.~~

6 ~~(iii) The court shall not enter an order under (a) of this~~
7 ~~subsection allowing a parent to have contact with a child if the~~
8 ~~parent has been found by clear and convincing evidence pursuant to~~
9 ~~RCW 26.26A.465 to have committed sexual assault, as defined in RCW~~
10 ~~26.26A.465, against the child's parent, and that the child was born~~
11 ~~within three hundred twenty days of the sexual assault.~~

12 ~~(iv) If the court limits residential time under (a) or (b) of~~
13 ~~this subsection to require supervised contact between the child and~~
14 ~~the parent, the court shall not approve of a supervisor for contact~~
15 ~~between a child and a parent who has engaged in physical, sexual, or~~
16 ~~a pattern of emotional abuse of the child unless the court finds~~
17 ~~based upon the evidence that the supervisor accepts that the harmful~~
18 ~~conduct occurred and is willing to and capable of protecting the~~
19 ~~child from harm. The court shall revoke court approval of the~~
20 ~~supervisor upon finding, based on the evidence, that the supervisor~~
21 ~~has failed to protect the child or is no longer willing to or capable~~
22 ~~of protecting the child.~~

23 ~~(n) If the court expressly finds based on the evidence that~~
24 ~~contact between the parent and the child will not cause physical,~~
25 ~~sexual, or emotional abuse or harm to the child and that the~~
26 ~~probability that the parent's or other person's harmful or abusive~~
27 ~~conduct will recur is so remote that it would not be in the child's~~
28 ~~best interests to apply the limitations of (a), (b), and (m)(i) and~~
29 ~~(iv) of this subsection, or if the court expressly finds that the~~
30 ~~parent's conduct did not have an impact on the child, then the court~~
31 ~~need not apply the limitations of (a), (b), and (m)(i) and (iv) of~~
32 ~~this subsection. The weight given to the existence of a protection~~
33 ~~order issued under chapter 7.105 RCW or former chapter 26.50 RCW as~~
34 ~~to domestic violence is within the discretion of the court. This~~
35 ~~subsection shall not apply when (c), (d), (e), (f), (g), (h), (i),~~
36 ~~(j), (k), (l), and (m)(ii) of this subsection apply.~~

37 ~~(3) A parent's involvement or conduct may have an adverse effect~~
38 ~~on the child's best interests, and the court may preclude or limit~~
39 ~~any provisions of the parenting plan, if any of the following factors~~
40 ~~exist:~~

1 ~~(a) A parent's neglect or substantial nonperformance of parenting~~
2 ~~functions;~~

3 ~~(b) A long-term emotional or physical impairment which interferes~~
4 ~~with the parent's performance of parenting functions as defined in~~
5 ~~RCW 26.09.004;~~

6 ~~(c) A long-term impairment resulting from drug, alcohol, or other~~
7 ~~substance abuse that interferes with the performance of parenting~~
8 ~~functions;~~

9 ~~(d) The absence or substantial impairment of emotional ties~~
10 ~~between the parent and the child;~~

11 ~~(e) The abusive use of conflict by the parent which creates the~~
12 ~~danger of serious damage to the child's psychological development.~~
13 ~~Abusive use of conflict includes, but is not limited to, abusive~~
14 ~~litigation as defined in RCW 26.51.020. If the court finds a parent~~
15 ~~has engaged in abusive litigation, the court may impose any~~
16 ~~restrictions or remedies set forth in chapter 26.51 RCW in addition~~
17 ~~to including a finding in the parenting plan. Litigation that is~~
18 ~~aggressive or improper but that does not meet the definition of~~
19 ~~abusive litigation shall not constitute a basis for a finding under~~
20 ~~this section. A report made in good faith to law enforcement, a~~
21 ~~medical professional, or child protective services of sexual,~~
22 ~~physical, or mental abuse of a child shall not constitute a basis for~~
23 ~~a finding of abusive use of conflict;~~

24 ~~(f) A parent has withheld from the other parent access to the~~
25 ~~child for a protracted period without good cause; or~~

26 ~~(g) Such other factors or conduct as the court expressly finds~~
27 ~~adverse to the best interests of the child.~~

28 ~~(4) In cases involving allegations of limiting factors under~~
29 ~~subsection (2) (a) (ii) and (iii) of this section, both parties shall~~
30 ~~be screened to determine the appropriateness of a comprehensive~~
31 ~~assessment regarding the impact of the limiting factor on the child~~
32 ~~and the parties.~~

33 ~~(5) In entering a permanent parenting plan, the court shall not~~
34 ~~draw any presumptions from the provisions of the temporary parenting~~
35 ~~plan.~~

36 ~~(6) In determining whether any of the conduct described in this~~
37 ~~section has occurred, the court shall apply the civil rules of~~
38 ~~evidence, proof, and procedure.~~

39 ~~(7) For the purposes of this section:~~

1 ~~(a) "A parent's child" means that parent's natural child, adopted~~
2 ~~child, or stepchild; and~~

3 ~~(b) "Social worker" means a person with a master's or further~~
4 ~~advanced degree from a social work educational program accredited and~~
5 ~~approved as provided in RCW 18.320.010)) against a family or~~
6 ~~household member;~~

7 (e) Any sexual assault; or

8 (f) Sexual abuse of a child. Required limitations and
9 considerations on a parent who resides with someone convicted of a
10 sex offense against a child or found to have sexually abused a child
11 in the current case or a prior case are addressed in section 2 of
12 this act.

13 (9) LIMITATIONS A COURT MAY IMPOSE ON A PARENT'S RESIDENTIAL TIME
14 WHEN THERE IS A FINDING OF DOMESTIC ABUSE.

15 (a) After having assessed the nature, context, and effects of the
16 domestic abuse, the court shall address the identified effects of the
17 domestic abuse or child abuse on the child, including the child's
18 present and future safety, and its effects on the parenting of the
19 parent who is abused.

20 (b) The limitations that may be imposed by the court under this
21 section must be reasonably calculated to protect a child from the
22 physical, sexual, or emotional abuse or harm that could result if a
23 child has contact with the parent requesting residential time. The
24 limitations shall also be reasonably calculated to provide for the
25 safety of the parent who may be at risk of physical, sexual, or
26 emotional abuse or harm that could result if the parent has contact
27 with the other parent.

28 (c) The limitations the court may impose include, but are not
29 limited to:

30 (i) Supervised Visitation. A court may, in its discretion, order
31 supervised contact between a child and the parent.

32 (A) If the court requires supervised visitation, there is a
33 presumption that the supervision shall be provided by a professional
34 supervisor. This presumption is overcome if the court finds: (I)
35 There is a lay person who has demonstrated through sworn testimony
36 and evidence of past interactions with children that they are capable
37 and committed to protecting the child from physical or emotional
38 abuse or harm; and (II) the parent is unable to access professional
39 supervision due to (1) geographic isolation or other factors that
40 would make professionally supervised visitation inaccessible or (2)

1 financial indigency that has been demonstrated by a general rule 34
2 waiver or other evidence that the parent's current income and
3 necessary expenses do not allow for the cost of professional
4 supervision.

5 (B) For all supervision, the court shall include clear written
6 guidelines and prohibitions to be followed by the supervised party.
7 No visits shall take place until the supervised parent and
8 supervisor, or designated representative of a professional
9 supervision program, have signed an acknowledgment confirming that
10 they have read the court orders and the guidelines and prohibitions
11 regarding visitation and agree to follow them. The court shall only
12 permit supervision by an individual or program that is committed to
13 protecting the child from any physical or emotional abuse or harm and
14 is willing and capable of intervening in behaviors inconsistent with
15 the court orders and guidelines.

16 (C) A parent may seek an emergency ex parte order temporarily
17 suspending residential time until review by the court if: (I) The
18 supervised parent repeatedly violates the court order or guidelines;
19 (II) the supervised parent threatens the supervisor or child with
20 physical harm, commits an act of domestic violence, or materially
21 violates any treatment condition associated with any restrictions
22 under this section (a missed counseling appointment does not
23 constitute a violation); (III) the supervisor is unable or unwilling
24 to protect the child and/or the protected parent; or (IV) the
25 supervisor is no longer willing to provide service to the supervised
26 parent. The court suspending residential time shall set a review
27 hearing to take place within 14 days of entering the ex parte order.

28 (ii) Evaluation Or Treatment.

29 (A) Where appropriate, the court may condition residential time
30 on successful completion of a program of intervention for parents who
31 abuse their partners or children, including programs focused on the
32 impact of domestic violence on children and ways to promote safe,
33 positive parenting, or other state-certified domestic violence
34 perpetrator treatment programs approved under RCW 43.20A.735.

35 (B) The court shall determine whether a parent has successfully
36 completed a program described in (c)(ii)(A) of this subsection based
37 on information provided by the program director regarding the
38 participation of the abusive parent in the program and with
39 collateral input provided from the other parent. Any evaluation

1 report that does not include collateral input must provide details as
2 to why and the attempts made to obtain collateral input.

3 (C) The court may refer, but may not order, a parent who is
4 abused to receive services relating to the impact of current or past
5 domestic violence on the parent who is abused and the child.

6 (D) A parent's residential time may be conditioned on the
7 parent's completion of an evaluation or treatment ordered by the
8 court.

9 (iii) No Contact. If, based on the evidence, the court expressly
10 finds that limitations on the residential time with a child will not
11 adequately protect a child from the harm or abuse that could result
12 if a child has contact with the parent requesting residential time,
13 the court shall restrain the parent requesting residential time from
14 all contact with a child.

15 (10) DETERMINATION NOT TO IMPOSE LIMITATIONS ON RESIDENTIAL TIME.
16 This subsection does not apply to findings of sexual abuse which are
17 governed by section 2 of this act.

18 (a) Determining Whether The Presumption Is Rebutted. If the court
19 grants any type of residential time to a parent who perpetrated
20 domestic violence or child abuse, whether after a hearing or by
21 agreement between the parents, the court shall make detailed written
22 findings regarding how the custody or parenting time ordered by the
23 court adequately protects the child and the parent who is abused from
24 the risk of future harm and addresses the effects of the domestic
25 violence or child abuse.

26 (i) In determining whether the parent who has engaged in abuse
27 has rebutted a statutory presumption against residential time, the
28 court shall consider and make express written findings on all of the
29 following factors:

30 (A) The nature and context of the domestic violence involving the
31 parents, parenting behaviors and attributes, and the effects of the
32 abuse on the child's well-being;

33 (B) Any current risk posed by the parent to the well-being of the
34 child or other parent;

35 (C) Whether the parent who engaged in domestic abuse has
36 demonstrated that they can and will prioritize the child's well-
37 being;

38 (D) Whether the parent has adhered to and is likely to adhere to
39 court orders;

1 (E) Whether the parent who is abusive has genuinely acknowledged
2 past harm and is committed to avoiding harm in the future and has
3 made the necessary changes; and

4 (F) A parent's compliance with any previously court-ordered
5 treatment. A parent's compliance with the requirements for
6 participation in a treatment program does not, by itself, constitute
7 evidence that the parent has made the requisite changes.

8 (ii) Regardless of whether the domestic violence presumption
9 against residential time is rebutted, the court shall consider the
10 best interest of the child factors as outlined in RCW 26.09.187
11 before making decisions related to custody and parenting time.

12 (b) Requirement For Specific Findings On The Record. If a court
13 grants parenting time to a parent who engaged in domestic abuse, the
14 court shall make specific written findings on the record that detail:

15 (i) The factors in (a) of this subsection that rebut the domestic
16 violence presumption and therefore allow for the custody or parenting
17 time;

18 (ii) That such factors are not based on a criterion in subsection
19 (5) of this section;

20 (iii) How the order will promote the child's well-being; and

21 (iv) How the order will protect the other parent from harm posed
22 by the parent who is abusive.

23 (c) Once The Presumption Has Been Rebutted.

24 (i) After the court has considered the specific factors related
25 to domestic violence as outlined in subsection (4) of this section
26 and determined that it is in the child's best interest for the
27 abusive parent to have parenting time or visitation, a court shall
28 order appropriate residential time provisions to promote the safety
29 and well-being of the child and the parent who is abused, as set
30 forth in this section.

31 (ii) The court shall set out in the initial order not only the
32 protective provisions and duration, but also the necessary behavioral
33 changes that would support a modification of the order.

34 (iii) Whether or not residential time is allowed, the court may,
35 at the request of a party or on its own, order that specific
36 information be kept confidential.

37 (iv) The court shall determine and order specific protective
38 measures needed for contact, exchange, and parenting time or
39 visitation.

1 (v) The court should impose, to the extent possible, measures
2 that will provide the safest conditions that promote the safety and
3 well-being of the child and abused parent for the parent who is
4 abusive to have the residential time ordered by the court.

5 (vi) Where appropriate, the court may order that exchanges of
6 children between the parents be supervised, without supervision of
7 the parenting time or visitation. There is a presumption that the
8 supervision of the exchange must be provided by a professional
9 supervisor. This presumption is overcome if the court finds that:

10 (A) There is a layperson who has demonstrated through sworn
11 testimony and evidence of past interactions with children that they
12 are capable of and committed to protecting the child from physical or
13 emotional abuse or harm during the exchange; and

14 (B) The parent is unable to access professional exchange
15 supervision due to (I) geographic isolation or other factors that
16 would make professionally supervised exchange inaccessible or (II)
17 financial indigency that has been demonstrated by a general rule 34
18 waiver or other evidence that the parent's current income and
19 necessary expenses do not allow for the cost of professional exchange
20 supervision.

21 (vii) Where necessary to protect the safety and well-being of the
22 child and the parent who is abused, the court may order supervised
23 parenting time or visitation in compliance with subsection (9) of
24 this section.

25 (viii) A court order for supervised visitation or supervised
26 exchange should include specific protective measures for arrival and
27 departure at the visitation or exchange location.

28 (ix) Whether or not the court has imposed a required level of
29 supervision for residential time or exchange, the court shall order
30 conditions necessary to promote and enhance the safety and well-being
31 of the child and the parent who is abused. The court should ensure
32 such conditions are met and continue to be met for the duration of
33 the court order. Prohibitions and requirements that may be imposed
34 upon the parent who is abusive as a condition of residential time
35 include, but are not limited to:

36 (A) Prohibiting possession or consumption of alcohol or
37 controlled substances during the residential time and for 24 hours
38 preceding the parenting time or visitation;

1 (B) Requiring surrender of all firearms and ammunition for a
2 period of time determined by the court for the safety of the child
3 and the parent who is abused;

4 (C) Assessing any fees associated with the use of the court-
5 ordered supervised visitation against the parent who is abusive,
6 unless the fees pose a barrier to accessing the services or are an
7 undue hardship. The court shall not assess fees related to
8 supervision against the parent who is abused;

9 (D) Prohibiting overnight parenting time or visitation;

10 (E) Limiting communication with the child or the parent who is
11 abused by specifying the frequency and methods of communication and
12 the permissible reasons for such communication;

13 (F) Requiring location settings or devices be used during the
14 residential time with the parent who is abusive; or

15 (G) Any other condition that is deemed necessary to provide for
16 the safety and well-being of the child or the parent who is abused,
17 or other family or household member.

18 NEW SECTION. Sec. 2. A new section is added to chapter 26.09
19 RCW to read as follows:

20 This section governs limitations on residential provisions,
21 decision-making authority, and dispute resolution when a parent, or a
22 person the parent resides with, has been convicted of a sex offense
23 against a child or found to have sexually abused a child.

24 (1) SEXUALLY VIOLENT PREDATORS. If a parent has been found to be
25 a sexually violent predator under chapter 71.09 RCW or under an
26 analogous statute of any other jurisdiction, the court shall restrain
27 the parent from contact with a child that would otherwise be allowed
28 under this chapter. If a parent resides with an adult or a juvenile
29 who has been found to be a sexually violent predator under chapter
30 71.09 RCW or under an analogous statute of any other jurisdiction,
31 the court shall restrain the parent from contact with the parent's
32 child except contact that occurs outside the predator's presence.

33 (2) CHILD SEXUAL ABUSE BY PARENT.

34 (a) A parent who has been convicted as an adult of a sex offense
35 against any child in this or another jurisdiction poses a present
36 danger to a child. The court shall restrain the parent from all
37 contact with the parent's child that would otherwise be allowed under
38 this chapter.

1 (b) The court shall not enter an order allowing a parent to have
2 contact with the parent's child if the parent has been found by a
3 preponderance of the evidence in a dependency or family law action,
4 including in the current case, to have sexually abused any child of
5 the parents.

6 (3) PARENT RESIDING WITH A PERSON FOUND TO HAVE SEXUALLY ABUSED A
7 CHILD.

8 (a) There is a rebuttable presumption that a parent who knowingly
9 resides with a person who, as an adult, has been convicted of a sex
10 offense against a child, or as a juvenile has been adjudicated of a
11 sex offense against a child at least eight years younger, in this or
12 another jurisdiction, places a child at risk of abuse or harm when
13 that parent exercises residential time in the presence of the
14 convicted or adjudicated person. Unless the parent rebuts the
15 presumption, the court shall restrain the parent from contact with
16 the parent's child except for contact that occurs outside of the
17 convicted or adjudicated person's presence.

18 (b) The court shall not enter an order allowing a parent to have
19 contact with the child in the offender's presence if the parent
20 resides with a person who has been found by a preponderance of the
21 evidence in a dependency or family law action, including in the
22 current case, to have sexually abused a child, unless the court finds
23 that the parent accepts that the person engaged in the harmful
24 conduct and the parent is willing to and capable of protecting the
25 child from harm from the person and a neutral professional appointed
26 by the court expresses an opinion relating to abuse, trauma, or the
27 behavior of victims and perpetrators of abuse and trauma. The
28 professional must demonstrate expertise and substantial direct
29 experience working with victims of domestic violence or child abuse,
30 including child sexual abuse, that is not primarily forensic in
31 nature.

32 (4) REBUTTING THE PRESUMPTION OF NO CONTACT WHEN A PARENT RESIDES
33 WITH OFFENDING PERSON.

34 (a) The presumption established in subsection (3)(a) of this
35 section may be rebutted only after express written findings based on
36 clear and convincing evidence that if the child was not the victim of
37 the sex offense committed by the person who is residing with the
38 parent requesting residential time, (i) contact between the child and
39 the parent residing with the convicted or adjudicated person is
40 appropriate and that parent is able to protect the child in the

1 presence of the convicted or adjudicated person, and (ii) the
2 convicted or adjudicated person has provided documentation that they
3 have successfully completed treatment for sex offenders or are
4 engaged in and making progress in such treatment, if any was ordered
5 by a court.

6 (b) Contact If Presumption Rebutted.

7 (i) If the court finds that the parent has met the burden of
8 rebutting the presumption under (a) of this subsection, the court may
9 allow a parent residing with a person who has been convicted of a sex
10 offense against a child or adjudicated of a juvenile sex offense with
11 a child at least eight years younger to have residential time with
12 the child in the presence of that person, supervised by a neutral and
13 independent adult and pursuant to an adequate plan for supervision of
14 such residential time. The supervisor may be the parent if the court
15 finds, based on the evidence, that the parent is willing and capable
16 of protecting the child from harm. The court shall revoke court
17 approval of the supervisor, including the parent, upon finding, based
18 on the evidence, that the supervisor has failed to protect the child
19 or is no longer willing or capable of protecting the child;

20 (ii) A court shall not order unsupervised contact between the
21 offending parent and a child of the offending parent who was sexually
22 abused by that parent.

23 (5) RESTRICTED DECISION MAKING AND DISPUTE RESOLUTION. The
24 parenting plan shall not require mutual decision making or
25 designation of a dispute resolution process other than court action
26 if it is found that a parent has been convicted as an adult of a sex
27 offense against any child in this or any other jurisdiction, has been
28 found to be a sexually violent predator under chapter 71.09 RCW or
29 under an analogous statute of any other jurisdiction, or has been
30 found by a preponderance of the evidence in a dependency or family
31 law action, including in the current case, to have sexually abused
32 any child of the parents.

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

35 The legislature respectfully requests that the administrative
36 office of the courts develop online continuing education curricula
37 for judicial officers providing guidance on best practices for
38 adjudicating contested parenting plans in the best interests of the
39 child.

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

3 Subject to the availability of amounts appropriated for this
4 specific purpose, the legislature respectfully requests that the
5 administrative office of the courts develop evidence-based training
6 curricula for the purpose of instructing judicial officers, including
7 persons serving as judicial officers pro tempore, regarding the
8 elements of trauma-informed resolution in complicated family law
9 proceedings involving contested parenting plans. The training
10 curricula should incorporate the lethality risk assessment tool and
11 the adverse childhood experiences score. Once developed, the training
12 should be included as a component of training for judicial officers
13 offered by the Washington judicial college. All newly elected or
14 appointed judicial officers should complete the training within 12
15 months of their election or appointment. Judicial officers should
16 complete continuing education regarding this subject matter every
17 three years.

18 **Sec. 5.** RCW 11.130.215 and 2022 c 243 s 8 are each amended to
19 read as follows:

20 (1) After a hearing under RCW 11.130.195, the court may appoint a
21 guardian for a minor, if appointment is proper under RCW 11.130.185,
22 dismiss the proceeding, or take other appropriate action consistent
23 with this chapter or law of this state other than this chapter.

24 (2) In appointing a guardian under subsection (1) of this
25 section, the following rules apply:

26 (a) The court shall appoint a person nominated as guardian by a
27 parent of the minor in a probated will or other record unless the
28 court finds the appointment is contrary to the best interest of the
29 minor. Any "other record" must be a declaration or other sworn
30 document and may include a power of attorney or other sworn statement
31 as to the care, custody, or control of the minor child.

32 (b) If multiple parents have nominated different persons to serve
33 as guardian, the court shall appoint the nominee whose appointment is
34 in the best interest of the minor, unless the court finds that
35 appointment of none of the nominees is in the best interest of the
36 minor.

37 (c) If a guardian is not appointed under (a) or (b) of this
38 subsection, the court shall appoint the person nominated by the minor
39 if the minor is twelve years of age or older unless the court finds

1 that appointment is contrary to the best interest of the minor. In
2 that case, the court shall appoint as guardian a person whose
3 appointment is in the best interest of the minor.

4 (3) In the interest of maintaining or encouraging involvement by
5 a minor's parent in the minor's life, developing self-reliance of the
6 minor, or for other good cause, the court, at the time of appointment
7 of a guardian for the minor or later, on its own or on motion of the
8 minor or other interested person, may create a limited guardianship
9 by limiting the powers otherwise granted by this article to the
10 guardian. Following the same procedure, the court may grant
11 additional powers or withdraw powers previously granted.

12 (4) The court, as part of an order appointing a guardian for a
13 minor, shall state rights retained by any parent of the minor, which
14 shall preserve the parent-child relationship through an order for
15 parent-child visitation and other contact, unless the court finds the
16 relationship should be limited or restricted under RCW 26.09.191 or
17 section 2 of this act; and which may include decision making
18 regarding the minor's health care, education, or other matter, or
19 access to a record regarding the minor.

20 (5) An order granting a guardianship for a minor must state that
21 each parent of the minor is entitled to notice that:

22 (a) The guardian has delegated custody of the minor subject to
23 guardianship;

24 (b) The court has modified or limited the powers of the guardian;
25 or

26 (c) The court has removed the guardian.

27 (6) An order granting a guardianship for a minor must identify
28 any person in addition to a parent of the minor which is entitled to
29 notice of the events listed in subsection (5) of this section.

30 (7) An order granting guardianship for a minor must direct the
31 clerk of the court to issue letters of office to the guardian
32 containing an expiration date which should be the minor's eighteenth
33 birthday.

34 **Sec. 6.** RCW 26.09.187 and 2007 c 496 s 603 are each amended to
35 read as follows:

36 (1) DISPUTE RESOLUTION PROCESS. The court shall not order a
37 dispute resolution process, except court action, when it finds that
38 any limiting factor under RCW 26.09.191 or section 2 of this act
39 applies, or when it finds that either parent is unable to afford the

1 cost of the proposed dispute resolution process. If a dispute
2 resolution process is not precluded or limited, then in designating
3 such a process the court shall consider all relevant factors,
4 including:

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

7 (b) The parents' wishes or agreements and, if the parents have
8 entered into agreements, whether the agreements were made knowingly
9 and voluntarily; and

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

13 (2) ALLOCATION OF DECISION-MAKING AUTHORITY.

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

18 (i) The agreement is consistent with any limitations on a
19 parent's decision-making authority mandated by RCW 26.09.191 and
20 section 2 of this act; and

21 (ii) The agreement is knowing and voluntary.

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

24 (i) A limitation on the other parent's decision-making authority
25 is mandated by RCW 26.09.191 or section 2 of this act. The parent who
26 has been abused must be awarded sole decision making;

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

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

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

34 (i) The existence of a limitation under RCW 26.09.191 or section
35 2 of this act;

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

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

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

3 (3) RESIDENTIAL PROVISIONS.

4 (a) The court shall make residential provisions for each child
5 which encourage each parent to maintain a loving, stable, and
6 nurturing relationship with the child, consistent with the child's
7 developmental level and the family's social and economic
8 circumstances. The child's residential schedule shall be consistent
9 with RCW 26.09.191 and section 2 of this act. (~~Where the limitations~~
10 ~~of RCW 26.09.191 are not dispositive of the child's residential~~
11 ~~schedule, the court shall consider the following factors))~~

12 (b) When there is a history of domestic violence, after having
13 assessed the nature, context, and effects of the domestic abuse per
14 RCW 26.09.191, the court shall address the identified effects of the
15 domestic abuse or child abuse on the child, including the child's
16 present and future safety, and its effects on the parenting of the
17 parent who is abused.

18 (c) Provisions to promote the safety, recovery, and resilience of
19 the child and the parent who is abused could include, but are not
20 limited to:

21 (i) Ensuring that the parenting plan accommodates the child's
22 interests, activities, cultural traditions, and support systems;

23 (ii) Connecting the child and the parent who is abused to
24 available community-based resources;

25 (iii) Requiring the parent who is abusive to pay for any
26 associated costs of services needed to respond to the domestic abuse,
27 unless the costs pose an undue hardship. The court shall not assess
28 costs against the parent who is abused;

29 (iv) If available, requiring the abusive parent to attend a
30 program aimed at raising awareness of the harm domestic abuse caused
31 to the child and the family, addressing safe and healthy parenting,
32 and requiring the abusive parent to make a commitment to not repeat
33 the abuse; and

34 (v) Any other provision that promotes the safety, resiliency, and
35 well-being of the child and the safety of the parent who is abused.

36 (d) In addition to the factors in this section, the court shall
37 consider and make findings regarding how domestic abuse affects all
38 other best interest of the child factors under (e) of this
39 subsection.

1 (e) In addition to the best interest factors outlined in this
2 section, when domestic abuse has been found pursuant to RCW
3 26.09.191, the court shall consider the following best interest of
4 the child factors in all cases:

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

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

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

13 (iv) (~~The emotional needs and~~) Whether a parent's involvement
14 or conduct has had an adverse impact on the child's best interests
15 because of:

16 (A) Willful abandonment or a parent's substantial nonperformance
17 of parenting functions. Willful abandonment has occurred when the
18 child's parent has expressed, either by statement or conduct, an
19 intent to forego, for an extended period, parental rights or
20 responsibilities despite an ability to exercise such rights and
21 responsibilities. Willful abandonment does not include a parent who
22 has been unable to see the child due to circumstances that include,
23 but are not limited to: Incarceration, deportation, inpatient
24 treatment, medical emergency, fleeing to an emergency shelter or
25 domestic violence shelter, or withholding of the child by the other
26 parent;

27 (B) A serious mental illness as defined by the Americans with
28 disabilities act, or physical impairment that interferes with the
29 parent's performance of parenting functions. However, a parent's
30 disability may not serve as the sole basis for limiting residential
31 time, and a parent's mental health condition arising from being
32 abused shall not be a basis for limiting residential time;

33 (C) A long-term impairment resulting from drug, alcohol, or other
34 substance abuse that interferes with the performance of parenting
35 functions;

36 (D) The absence or substantial impairment of emotional ties
37 between the parent and the child within the parent's control;

38 (E) Withholding of access to the child by a parent for a
39 protracted period. Withholding does not include protective actions as
40 defined in RCW 26.09.191 taken by a parent in good faith for the

1 legitimate and lawful purpose of protecting the parent or the
2 parent's child from the risk of harm posed by the other parent; or

3 (F) Such other factors or conduct as the court expressly finds
4 adverse to the best interests of the child. If the court finds that
5 conduct under this subsection (3)(e)(iv) has had an adverse impact on
6 the child's best interests, the court may craft parenting plan
7 provisions to support the parent and the child in addressing the
8 conduct;

9 (v) The child's emotional and social needs, adjustment to changes
10 in daily life, and developmental level of the child;

11 ~~((v))~~ (vi) The child's relationship with siblings and with
12 other significant adults, as well as the child's involvement with his
13 or her physical surroundings, school, or other significant
14 activities;

15 ~~((vi))~~ (vii) The wishes of the parents and the wishes of a
16 child who is sufficiently mature to express reasoned and independent
17 preferences as to his or her residential schedule; and

18 ~~((vii))~~ (viii) Each parent's employment schedule, and shall
19 make accommodations consistent with those schedules.

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

21 ~~((b))~~ (f) Where the limitations of RCW 26.09.191 or section 2
22 of this act are not dispositive, the court may order that a child
23 frequently alternate his or her residence between the households of
24 the parents for brief and substantially equal intervals of time if
25 such provision is in the best interests of the child. In determining
26 whether such an arrangement is in the best interests of the child,
27 the court may consider the parties geographic proximity to the extent
28 necessary to ensure the ability to share performance of the parenting
29 functions.

30 ~~((e))~~ (g) For any child, residential provisions may contain any
31 reasonable terms or conditions that facilitate the orderly and
32 meaningful exercise of residential time by a parent, including but
33 not limited to requirements of reasonable notice when residential
34 time will not occur.

35 (h) The best interests of the child are ordinarily served when
36 the existing pattern of interaction between a parent and child is
37 altered only to the extent necessitated by the changed relationship
38 of the parents or as required to protect the child from harm.

1 **Sec. 7.** RCW 26.09.194 and 2008 c 6 s 1045 are each amended to
2 read as follows:

3 (1) A parent seeking a temporary order relating to parenting
4 shall file and serve a proposed temporary parenting plan by motion.
5 The other parent, if contesting the proposed temporary parenting
6 plan, shall file and serve a responsive proposed parenting plan.
7 Either parent may move to have a proposed temporary parenting plan
8 entered as part of a temporary order. The parents may enter an agreed
9 temporary parenting plan at any time as part of a temporary order.
10 The proposed temporary parenting plan may be supported by relevant
11 evidence and shall be accompanied by an affidavit or declaration
12 which shall state at a minimum the following:

13 (a) The name, address, and length of residence with the person or
14 persons with whom the child has lived for the preceding twelve
15 months;

16 (b) The performance by each parent during the last twelve months
17 of the parenting functions relating to the daily needs of the child;

18 (c) The parents' work and child-care schedules for the preceding
19 twelve months;

20 (d) The parents' current work and child-care schedules; and

21 (e) Any of the circumstances set forth in RCW 26.09.191 or
22 section 2 of this act that are likely to pose a serious risk to the
23 child and that warrant limitation on the award to a parent of
24 temporary residence or time with the child pending entry of a
25 permanent parenting plan.

26 (2) At the hearing, the court shall enter a temporary parenting
27 order incorporating a temporary parenting plan which includes:

28 (a) A schedule for the child's time with each parent when
29 appropriate;

30 (b) Designation of a temporary residence for the child;

31 (c) Allocation of decision-making authority, if any. Absent
32 allocation of decision-making authority consistent with RCW
33 26.09.187(2), neither party shall make any decision for the child
34 other than those relating to day-to-day or emergency care of the
35 child, which shall be made by the party who is present with the
36 child;

37 (d) Provisions for temporary support for the child; and

38 (e) Restraining orders, if applicable, under RCW 26.09.060.

1 (3) A parent may make a motion for an order to show cause and the
2 court may enter a temporary order, including a temporary parenting
3 plan, upon a showing of necessity.

4 (4) A parent may move for amendment of a temporary parenting
5 plan, and the court may order amendment to the temporary parenting
6 plan, if the amendment conforms to the limitations of RCW 26.09.191
7 and section 2 of this act and is in the best interest of the child.

8 (5) If a proceeding for dissolution of marriage or dissolution of
9 domestic partnership, legal separation, or declaration of invalidity
10 is dismissed, any temporary order or temporary parenting plan is
11 vacated.

12 **Sec. 8.** RCW 26.09.260 and 2009 c 502 s 3 are each amended to
13 read as follows:

14 (1) Except as otherwise provided in subsections (4), (5), (6),
15 (8), and (10) of this section, the court shall not modify a prior
16 custody decree or a parenting plan unless it finds, upon the basis of
17 facts that have arisen since the prior decree or plan or that were
18 unknown to the court at the time of the prior decree or plan, that a
19 substantial change has occurred in the circumstances of the child or
20 the nonmoving party and that the modification is in the best interest
21 of the child and is necessary to serve the best interests of the
22 child. The effect of a parent's military duties potentially impacting
23 parenting functions shall not, by itself, be a substantial change of
24 circumstances justifying a permanent modification of a prior decree
25 or plan.

26 (2) In applying these standards, the court shall retain the
27 residential schedule established by the decree or parenting plan
28 unless:

29 (a) The parents agree to the modification;

30 (b) The child has been integrated into the family of the
31 petitioner with the consent of the other parent in substantial
32 deviation from the parenting plan;

33 (c) The child's present environment is detrimental to the child's
34 physical, mental, or emotional health and the harm likely to be
35 caused by a change of environment is outweighed by the advantage of a
36 change to the child; or

37 (d) The court has found the nonmoving parent in contempt of court
38 at least twice within three years because the parent failed to comply
39 with the residential time provisions in the court-ordered parenting

1 plan, or the parent has been convicted of custodial interference in
2 the first or second degree under RCW 9A.40.060 or 9A.40.070.

3 (3) A conviction of custodial interference in the first or second
4 degree under RCW 9A.40.060 or 9A.40.070 shall constitute a
5 substantial change of circumstances for the purposes of this section.

6 (4) The court may reduce or restrict contact between the child
7 and the parent with whom the child does not reside a majority of the
8 time if it finds that the reduction or restriction would serve and
9 protect the best interests of the child using the criteria in RCW
10 26.09.191 and section 2 of this act.

11 (5) The court may order adjustments to the residential aspects of
12 a parenting plan upon a showing of a substantial change in
13 circumstances of either parent or of the child, and without
14 consideration of the factors set forth in subsection (2) of this
15 section, if the proposed modification is only a minor modification in
16 the residential schedule that does not change the residence the child
17 is scheduled to reside in the majority of the time and:

18 (a) Does not exceed twenty-four full days in a calendar year; or

19 (b) Is based on a change of residence of the parent with whom the
20 child does not reside the majority of the time or an involuntary
21 change in work schedule by a parent which makes the residential
22 schedule in the parenting plan impractical to follow; or

23 (c) Does not result in a schedule that exceeds ninety overnights
24 per year in total, if the court finds that, at the time the petition
25 for modification is filed, the decree of dissolution or parenting
26 plan does not provide reasonable time with the parent with whom the
27 child does not reside a majority of the time, and further, the court
28 finds that it is in the best interests of the child to increase
29 residential time with the parent in excess of the residential time
30 period in (a) of this subsection. However, any motion under this
31 subsection (5)(c) is subject to the factors established in subsection
32 (2) of this section if the party bringing the petition has previously
33 been granted a modification under this same subsection within twenty-
34 four months of the current motion. Relief granted under this section
35 shall not be the sole basis for adjusting or modifying child support.

36 (6) The court may order adjustments to the residential aspects of
37 a parenting plan pursuant to a proceeding to permit or restrain a
38 relocation of the child. The person objecting to the relocation of
39 the child or the relocating person's proposed revised residential
40 schedule may file a petition to modify the parenting plan, including

1 a change of the residence in which the child resides the majority of
2 the time, without a showing of adequate cause other than the proposed
3 relocation itself. A hearing to determine adequate cause for
4 modification shall not be required so long as the request for
5 relocation of the child is being pursued. In making a determination
6 of a modification pursuant to relocation of the child, the court
7 shall first determine whether to permit or restrain the relocation of
8 the child using the procedures and standards provided in RCW
9 26.09.405 through 26.09.560. Following that determination, the court
10 shall determine what modification pursuant to relocation should be
11 made, if any, to the parenting plan or custody order or visitation
12 order.

13 (7) A parent with whom the child does not reside a majority of
14 the time and whose residential time with the child is subject to
15 limitations pursuant to RCW 26.09.191 (~~((2) or (3))~~) or section 2 of
16 this act may not seek expansion of residential time under subsection
17 (5)(c) of this section unless that parent demonstrates a substantial
18 change in circumstances specifically related to the basis for the
19 limitation.

20 (8)(a) If a parent with whom the child does not reside a majority
21 of the time voluntarily fails to exercise residential time for an
22 extended period, that is, one year or longer, the court upon proper
23 motion may make adjustments to the parenting plan in keeping with the
24 best interests of the minor child.

25 (b) For the purposes of determining whether the parent has failed
26 to exercise residential time for one year or longer, the court may
27 not count any time periods during which the parent did not exercise
28 residential time due to the effect of the parent's military duties
29 potentially impacting parenting functions.

30 (9) A parent with whom the child does not reside a majority of
31 the time who is required by the existing parenting plan to complete
32 evaluations, treatment, parenting, or other classes may not seek
33 expansion of residential time under subsection (5)(c) of this section
34 unless that parent has fully complied with such requirements.

35 (10) The court may order adjustments to any of the nonresidential
36 aspects of a parenting plan upon a showing of a substantial change of
37 circumstances of either parent or of a child, and the adjustment is
38 in the best interest of the child. Adjustments ordered under this
39 section may be made without consideration of the factors set forth in
40 subsection (2) of this section.

1 (11) If the parent with whom the child resides a majority of the
2 time receives temporary duty, deployment, activation, or mobilization
3 orders from the military that involve moving a substantial distance
4 away from the parent's residence or otherwise would have a material
5 effect on the parent's ability to exercise parenting functions and
6 primary placement responsibilities, then:

7 (a) Any temporary custody order for the child during the parent's
8 absence shall end no later than ten days after the returning parent
9 provides notice to the temporary custodian, but shall not impair the
10 discretion of the court to conduct an expedited or emergency hearing
11 for resolution of the child's residential placement upon return of
12 the parent and within ten days of the filing of a motion alleging an
13 immediate danger of irreparable harm to the child. If a motion
14 alleging immediate danger has not been filed, the motion for an order
15 restoring the previous residential schedule shall be granted; and

16 (b) The temporary duty, activation, mobilization, or deployment
17 and the temporary disruption to the child's schedule shall not be a
18 factor in a determination of change of circumstances if a motion is
19 filed to transfer residential placement from the parent who is a
20 military service member.

21 (12) If a parent receives military temporary duty, deployment,
22 activation, or mobilization orders that involve moving a substantial
23 distance away from the military parent's residence or otherwise have
24 a material effect on the military parent's ability to exercise
25 residential time or visitation rights, at the request of the military
26 parent, the court may delegate the military parent's residential time
27 or visitation rights, or a portion thereof, to a child's family
28 member, including a stepparent, or another person other than a
29 parent, with a close and substantial relationship to the minor child
30 for the duration of the military parent's absence, if delegating
31 residential time or visitation rights is in the child's best
32 interest. The court may not permit the delegation of residential time
33 or visitation rights to a person who would be subject to limitations
34 on residential time under RCW 26.09.191 or section 2 of this act. The
35 parties shall attempt to resolve disputes regarding delegation of
36 residential time or visitation rights through the dispute resolution
37 process specified in their parenting plan, unless excused by the
38 court for good cause shown. Such a court-ordered temporary delegation
39 of a military parent's residential time or visitation rights does not

1 create separate rights to residential time or visitation for a person
2 other than a parent.

3 (13) If the court finds that a motion to modify a prior decree or
4 parenting plan has been brought in bad faith, the court shall assess
5 the attorney's fees and court costs of the nonmoving parent against
6 the moving party.

7 **Sec. 9.** RCW 26.09.520 and 2019 c 79 s 3 are each amended to read
8 as follows:

9 The person proposing to relocate with the child shall provide his
10 or her reasons for the intended relocation. There is a rebuttable
11 presumption that the intended relocation of the child will be
12 permitted. A person entitled to object to the intended relocation of
13 the child may rebut the presumption by demonstrating that the
14 detrimental effect of the relocation outweighs the benefit of the
15 change to the child and the relocating person, based upon the
16 following factors. The factors listed in this section are not
17 weighted. No inference is to be drawn from the order in which the
18 following factors are listed:

19 (1) The relative strength, nature, quality, extent of
20 involvement, and stability of the child's relationship with each
21 parent, siblings, and other significant persons in the child's life;

22 (2) Prior agreements of the parties;

23 (3) Whether disrupting the contact between the child and the
24 person seeking relocation would be more detrimental to the child than
25 disrupting contact between the child and the person objecting to the
26 relocation;

27 (4) Whether either parent or a person entitled to residential
28 time with the child is subject to limitations under RCW 26.09.191 or
29 section 2 of this act;

30 (5) The reasons of each person for seeking or opposing the
31 relocation and the good faith of each of the parties in requesting or
32 opposing the relocation;

33 (6) The age, developmental stage, and needs of the child, and the
34 likely impact the relocation or its prevention will have on the
35 child's physical, educational, and emotional development, taking into
36 consideration any special needs of the child;

37 (7) The quality of life, resources, and opportunities available
38 to the child and to the relocating party in the current and proposed
39 geographic locations;

1 (8) The availability of alternative arrangements to foster and
2 continue the child's relationship with and access to the other
3 parent;

4 (9) The alternatives to relocation and whether it is feasible and
5 desirable for the other party to relocate also;

6 (10) The financial impact and logistics of the relocation or its
7 prevention; and

8 (11) For a temporary order, the amount of time before a final
9 decision can be made at trial.

10 **Sec. 10.** RCW 26.12.177 and 2011 c 292 s 7 are each amended to
11 read as follows:

12 (1) All guardians ad litem appointed under this title must comply
13 with the training requirements established under RCW 2.56.030(15),
14 prior to their appointment in cases under Title 26 RCW, except that
15 volunteer guardians ad litem or court-appointed special advocates may
16 comply with alternative training requirements approved by the
17 administrative office of the courts that meet or exceed the statewide
18 requirements. In cases involving allegations of limiting factors
19 under RCW 26.09.191 or section 2 of this act, the guardians ad litem
20 appointed under this title must have additional relevant training
21 under RCW 2.56.030(15) when it is available.

22 (2)(a) Each guardian ad litem program for compensated guardians
23 ad litem shall establish a rotational registry system for the
24 appointment of guardians ad litem under this title. If a judicial
25 district does not have a program the court shall establish the
26 rotational registry system. Guardians ad litem under this title shall
27 be selected from the registry except in exceptional circumstances as
28 determined and documented by the court. The parties may make a joint
29 recommendation for the appointment of a guardian ad litem from the
30 registry.

31 (b) In judicial districts with a population over one hundred
32 thousand, a list of three names shall be selected from the registry
33 and given to the parties along with the background information record
34 as specified in RCW 26.12.175(3), including their hourly rate for
35 services. Each party may, within three judicial days, strike one name
36 from the list. If more than one name remains on the list, the court
37 shall make the appointment from the names on the list. In the event
38 all three names are stricken the person whose name appears next on
39 the registry shall be appointed.

1 (c) If a party reasonably believes that the appointed guardian ad
2 litem is inappropriate or unqualified, charges an hourly rate higher
3 than what is reasonable for the particular proceeding, or has a
4 conflict of interest, the party may, within three judicial days from
5 the appointment, move for substitution of the appointed guardian ad
6 litem by filing a motion with the court.

7 (d) Under this section, within either registry referred to in (a)
8 of this subsection, a subregistry may be created that consists of
9 guardians ad litem under contract with the department of social and
10 health services' division of child support. Guardians ad litem on
11 such a subregistry shall be selected and appointed in state-initiated
12 paternity cases only.

13 (e) The superior court shall remove any person from the guardian
14 ad litem registry who has been found to have misrepresented his or
15 her qualifications.

16 (3) The rotational registry system shall not apply to court-
17 appointed special advocate programs.

18 **Sec. 11.** RCW 26.51.020 and 2021 c 215 s 143 and 2021 c 65 s 103
19 are each reenacted and amended to read as follows:

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) "Abusive litigation" means litigation where the following
23 apply:

24 (a)(i) The opposing parties have a current or former intimate
25 partner relationship;

26 (ii) The party who is filing, initiating, advancing, or
27 continuing the litigation has been found by a court to have committed
28 domestic violence against the other party pursuant to: (A) An order
29 entered under chapter 7.105 RCW or former chapter 26.50 RCW; (B) a
30 parenting plan with restrictions based on RCW
31 26.09.191(~~((2)(a)(iii))~~) (7)(a)(iii) or (iv); or (C) a restraining
32 order entered under chapter 26.09, 26.26A, or 26.26B RCW, provided
33 that the issuing court made a specific finding that the restraining
34 order was necessary due to domestic violence; and

35 (iii) The litigation is being initiated, advanced, or continued
36 primarily for the purpose of harassing, intimidating, or maintaining
37 contact with the other party; and

38 (b) At least one of the following factors apply:

1 (i) Claims, allegations, and other legal contentions made in the
2 litigation are not warranted by existing law or by a reasonable
3 argument for the extension, modification, or reversal of existing
4 law, or the establishment of new law;

5 (ii) Allegations and other factual contentions made in the
6 litigation are without the existence of evidentiary support; or

7 (iii) An issue or issues that are the basis of the litigation
8 have previously been filed in one or more other courts or
9 jurisdictions and the actions have been litigated and disposed of
10 unfavorably to the party filing, initiating, advancing, or continuing
11 the litigation.

12 (2) "Intimate partner" is defined in RCW 7.105.010.

13 (3) "Litigation" means any kind of legal action or proceeding
14 including, but not limited to: (a) Filing a summons, complaint,
15 demand, or petition; (b) serving a summons, complaint, demand, or
16 petition, regardless of whether it has been filed; (c) filing a
17 motion, notice of court date, note for motion docket, or order to
18 appear; (d) serving a motion, notice of court date, note for motion
19 docket, or order to appear, regardless of whether it has been filed
20 or scheduled; (e) filing a subpoena, subpoena duces tecum, request
21 for interrogatories, request for production, notice of deposition, or
22 other discovery request; or (f) serving a subpoena, subpoena duces
23 tecum, request for interrogatories, request for production, notice of
24 deposition, or other discovery request.

25 (4) "Perpetrator of abusive litigation" means a person who files,
26 initiates, advances, or continues litigation in violation of an order
27 restricting abusive litigation.

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