

**INITIATIVE 187**

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 187 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to marriage; amending RCW 26.04.180, 26.09.030, and  
2 26.09.060; adding a new section to chapter 26.04 RCW; and adding a new  
3 section to chapter 26.09 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.04 RCW  
6 to read as follows:

7 (1) A marriage license may not be issued until after (a) completion  
8 of a minimum waiting period of sixty days from the date the application  
9 is received; and (b) each applicant has completed the classes and  
10 submitted the statement required under subsection (2) of this section.

11 (2)(a) Each applicant for a marriage license must complete a  
12 minimum of eight hours of classes in each of the following areas: (i)  
13 The importance of marriage and relationship commitment; (ii) parenting;  
14 and (iii) dispute resolution, and must submit a written statement  
15 signed by the qualified person who conducted the classes stating that  
16 the applicant has completed the classes.

17 (b) For the purposes of this section, "qualified person" means a  
18 minister, licensed counselor, or other professional person working in  
19 family counseling.

1       (3) Any couple that voluntarily elects not to participate in the  
2 marriage classes shall be allowed to marry after the 60 day waiting  
3 period on the following single requirement: that each party shall sign  
4 and have notarized a note of financial agreement in favor of the State  
5 of Washington. The note shall be prepared by the Attorney General and  
6 copies provided to the Auditor in each county. Upon signing, the note  
7 shall be filed with the Auditor and transferred to the Dept. of Revenue  
8 which shall have responsibility for a monthly check of dissolution  
9 proceedings involving the respective parties. The party initiating the  
10 dissolution shall have responsibility of filing a copy of this note  
11 along with the other dissolution paperwork filed at the time of filing  
12 of the dissolution. The moving party failing to file this required  
13 document shall be fined \$100.00 and any other penalty deemed reasonable  
14 by the Court. The note shall contain two sections as follows:

15       (a) The undersigned party in voluntary choice elects not to  
16 exercise their use of the marriage classes as required under this Act,  
17 RCW 26.04, and hereby agrees to repay the State of Washington, in full,  
18 for all financial costs related to any subsequent dissolution  
19 proceeding or any other re-litigation proceeding involving these  
20 specific parties following the dissolution, for each hour or portion  
21 thereof, used for Court time or administrative handling of the case  
22 paperwork including filing, recording or copying of the file for the  
23 use of Courthouse or administrative personnel.

24       (b) The undersigned party, if the party initiating the dissolution  
25 proceeding, further agrees to post \$1,000.00 with the Court Clerk in  
26 the County of the dissolution, with such funds used to reimburse the  
27 State of Washington for the related Court or administrative costs. The  
28 \$1,000 shall be paid at the time of filing the dissolution action along  
29 with payment of the dissolution filing fee.

30       (c) At the conclusion of the dissolution proceeding or at the end  
31 of any additional proceeding related to the parties of this agreement,  
32 the Court shall enter an order of repayment to the paying party if  
33 costs have not exceeded \$1,000.00 or an order of payment to each party  
34 if costs have exceeded \$1,000.00. The Court shall also determine the  
35 amount to be paid by each party with discretion in favor of the party  
36 acting in the best interest of the child. A judgment shall be entered  
37 against any owing party if full payment of outstanding costs are not  
38 fully paid within 60 days following entry of the payment order.

1 (4) Failure of the parties to sign the notarized note of financial  
2 responsibility to be filed with the Auditor at the end of the 60 day  
3 waiting period shall invalidate the marriage license application.

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

6 (1) In any proceeding for dissolution of a marriage in which the  
7 parties have a minor child, an additional sixty-day waiting period  
8 after the filing of the petition and service of summons is established  
9 during which:

10 (a) No temporary order may be entered unless:

11 (i) One party alleges abuse of the party or a minor child by the  
12 other party and presents evidence to the court of such abuse;

13 (ii) Both parties are given the opportunity to appear and respond  
14 to the allegation; and

15 (iii) The court enters an order based on the evidence that  
16 restricts one party's contact with a minor child; and

17 (b) Each party must complete at least eight hours of classes in  
18 parenting and eight hours of classes in dispute resolution and must  
19 file with the court a written statement signed by the qualified person  
20 who conducted the classes stating that the party has completed the  
21 classes.

22 (2) For the purposes of this section, "qualified person" means a  
23 minister, licensed counselor, or other professional person working in  
24 family counseling.

25 (3) If a party fails to complete the classes required under  
26 subsection (1)(b) of this section, an additional sixty-day waiting  
27 period is imposed during which no temporary orders may be entered and  
28 the parties must complete the required classes.

29 **Sec. 3.** RCW 26.04.180 and 1985 c 82 s 4 are each amended to read  
30 as follows:

31 The county auditor may issue the marriage license (~~at the time of~~  
32 ~~application~~) after the completion of the sixty-day waiting period  
33 established under section 1 of this act along with the letter stating  
34 compliance of the required marriage classes or upon filing of the note  
35 of financial agreement in favor of the State of Washington, but shall  
36 issue such license no later than the third full day following the date  
37 of the (~~application~~) completion of the waiting period. A marriage

1 license issued pursuant to the provisions of this chapter may not be  
2 used until three days after the date of (~~application~~) issuance and  
3 shall become void if the marriage is not solemnized within sixty days  
4 of the date of the issuance of the license, and the county auditor  
5 shall notify the applicant in writing of this requirement at the time  
6 of issuance of the license.

7 **Sec. 4.** RCW 26.09.030 and 1996 c 23 s 1 are each amended to read  
8 as follows:

9 When a party who (1) is a resident of this state, or (2) is a  
10 member of the armed forces and is stationed in this state, or (3) is  
11 married to a party who is a resident of this state or who is a member  
12 of the armed forces and is stationed in this state, petitions for a  
13 dissolution of marriage, and alleges that the marriage is irretrievably  
14 broken and when ninety days have elapsed since the petition was filed  
15 and from the date when service of summons was made upon the respondent  
16 or the first publication of summons was made and ninety days have  
17 elapsed since the parties complied with section 2 of this act if they  
18 have a minor child, the court shall proceed as follows:

19 (1) If the other party joins in the petition or does not deny that  
20 the marriage is irretrievably broken, the court shall enter a decree of  
21 dissolution.

22 (2) If the other party alleges that the petitioner was induced to  
23 file the petition by fraud, or coercion, the court shall make a finding  
24 as to that allegation and, if it so finds shall dismiss the petition.

25 (3) If the other party denies that the marriage is irretrievably  
26 broken the court shall consider all relevant factors, including the  
27 circumstances that gave rise to the filing of the petition and the  
28 prospects for reconciliation and shall:

29 (a) Make a finding that the marriage is irretrievably broken and  
30 enter a decree of dissolution of the marriage; or

31 (b) At the request of either party or on its own motion, transfer  
32 the cause to the family court, refer them to another counseling service  
33 of their choice, and request a report back from the counseling service  
34 within sixty days, or continue the matter for not more than sixty days  
35 for hearing. If the cause is returned from the family court or at the  
36 adjourned hearing, the court shall:

37 (i) Find that the parties have agreed to reconciliation and dismiss  
38 the petition; or

1 (ii) Find that the parties have not been reconciled, and that  
2 either party continues to allege that the marriage is irretrievably  
3 broken. When such facts are found, the court shall enter a decree of  
4 dissolution of the marriage.

5 (4) If the petitioner requests the court to decree legal separation  
6 in lieu of dissolution, the court shall enter the decree in that form  
7 unless the other party objects and petitions for a decree of  
8 dissolution or declaration of invalidity.

9 **Sec. 5.** RCW 26.09.060 and 1995 c 246 s 26 are each amended to read  
10 as follows:

11 (1) In a proceeding for:

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

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

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

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

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

32 (c) Going onto the grounds of or entering the home, workplace, or  
33 school of the other party or the day care or school of any child upon  
34 a showing of the necessity therefor;

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

36 (3) Either party may request a domestic violence protection order  
37 under chapter 26.50 RCW or an antiharassment protection order under  
38 chapter 10.14 RCW on a temporary basis. The court may grant any of the

1 relief provided in RCW 26.50.060 except relief pertaining to  
2 residential provisions for the children which provisions shall be  
3 provided for under this chapter, and any of the relief provided in RCW  
4 10.14.080. Ex parte orders issued under this subsection shall be  
5 effective for a fixed period not to exceed fourteen days, or upon court  
6 order, not to exceed twenty-four days if necessary to ensure that all  
7 temporary motions in the case can be heard at the same time.

8 (4) In issuing the order, the court shall consider the provisions  
9 of RCW 9.41.800.

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

15 (6) The court may issue a temporary restraining order or  
16 preliminary injunction and an order for temporary maintenance or  
17 support in such amounts and on such terms as are just and proper in the  
18 circumstances. The court may in its discretion waive the filing of the  
19 bond or the posting of security.

20 (7) Restraining orders issued under this section restraining the  
21 person from molesting or disturbing another party or from going onto  
22 the grounds of or entering the home, workplace, or school of the other  
23 party or the day care or school of any child shall prominently bear on  
24 the front page of the order the legend: VIOLATION OF THIS ORDER WITH  
25 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09  
26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

27 (8) The court shall order that any temporary restraining order  
28 bearing a criminal offense legend, any domestic violence protection  
29 order, or any antiharassment protection order granted under this  
30 section be forwarded by the clerk of the court on or before the next  
31 judicial day to the appropriate law enforcement agency specified in the  
32 order. Upon receipt of the order, the law enforcement agency shall  
33 forthwith enter the order into any computer-based criminal intelligence  
34 information system available in this state used by law enforcement  
35 agencies to list outstanding warrants. Entry into the law enforcement  
36 information system constitutes notice to all law enforcement agencies  
37 of the existence of the order. The order is fully enforceable in any  
38 county in the state.

1 (9) A temporary order, temporary restraining order, or preliminary  
2 injunction:

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

5 (b) May be revoked or modified;

6 (c) Terminates when the final decree is entered, except as provided  
7 under subsection (10) of this section, or when the petition for  
8 dissolution, legal separation, or declaration of invalidity is  
9 dismissed;

10 (d) May be entered in a proceeding for the modification of an  
11 existing decree.

12 (10) Delinquent support payments accrued under an order for  
13 temporary support remain collectible and are not extinguished when a  
14 final decree is entered unless the decree contains specific language to  
15 the contrary. A support debt under a temporary order owed to the state  
16 for public assistance expenditures shall not be extinguished by the  
17 final decree if:

18 (a) The obligor was given notice of the state's interest under  
19 chapter 74.20A RCW; or

20 (b) The temporary order directs the obligor to make support  
21 payments to the office of support enforcement or the Washington state  
22 support registry.

23 (11) Any order issued under this section must be issued in  
24 compliance with section 2 of this act.

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