
HOUSE BILL 1042

State of Washington 67th Legislature 2021 Regular Session

By Representatives Thai, Walen, Ortiz-Self, Lekanoff, Gregerson,
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on Civil Rights & Judiciary.

1 AN ACT Relating to revising the international application of the
2 uniform child custody jurisdiction and enforcement act to protect
3 families from facing the death penalty in certain foreign
4 jurisdictions on the basis of religious beliefs, political beliefs,
5 or sexual orientation; amending RCW 26.27.051; creating a new
6 section; and declaring an emergency.

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

8 **Sec. 1.** RCW 26.27.051 and 2001 c 65 s 105 are each amended to
9 read as follows:

10 (1) A court of this state shall treat a foreign country as if it
11 were a state of the United States for the purpose of applying
12 Articles 1 and 2.

13 (2) Except as otherwise provided in subsection (3) or (4) of this
14 section, a child custody determination made in a foreign country
15 under factual circumstances in substantial conformity with the
16 jurisdictional standards of this chapter must be recognized and
17 enforced under Article 3.

18 (3) A court of this state need not apply this chapter if the
19 child custody law of a foreign country violates fundamental
20 principles of human rights.

1 (4) A court of this state need not apply this chapter if the law
2 of a foreign country holds that apostasy or homosexuality are
3 punishable by death, and a parent or child may be at demonstrable
4 risk of being subject to such laws. For the purposes of this
5 subsection, "apostasy" means the abandonment or renunciation of a
6 religious or political belief.

7 NEW SECTION. **Sec. 2.** This act applies to child custody
8 proceedings or proceedings to enforce a child custody determination
9 pending as of the effective date of this section, or commenced on or
10 after the effective date of this section.

11 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of
13 the state government and its existing public institutions, and takes
14 effect immediately.

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JANUARY 2021 LEGISLATIVE ANALYSIS

BILLS NOT RELEVANT TO SECTION

SB 5023	Concerning working connections child care eligibility & unemployment benefits
HB 1061	Concerning youth eligibility for developmental disability services upon exit from child welfare system
SB 5046	Concerning workers comp claim resolution settlement agreements
HB 1087	Clarifying the continuity of employee family & medical leave rights
HB 1108	Maintaining funding and assistance for homeowners in foreclosure
SB 5071	Creation of transition teams to assist persons under civil commitment
SB 5097	Expansion of paid family & medical leave program
SB 5122	Jurisdiction of juvenile court criminal proceedings
SB 5123	Creation of a developmentally appropriate response to youth who commit sexual offenses
SB 5132	Uniform Electronic Wills Act
HB 1140	Concerning juvenile access to attorneys when contacted by law enforcement
HB 1141	Increasing access to the death with dignity act
HB 1151	Bolstering economic recovery
SB 5151	Concerning foster care and child care licensing by DCYF
SB 5155	Concerning prejudgment interest
SB 5185	Concerning capacity to provide informed consent for health care decisions
HB 1186	Concerning juvenile rehabilitation
HB 1192	Making technical corrections and removing obsolete RCW language pursuant to RCW 1.08.025

- HB 1194 Strengthening parent-child visitation during dependency proceedings
- HB 1197 Concerning health care decisions made by a designated person
- HB 1205 Paying for health care for children in custody of DCYF
- HB 1213/SB 5237 Expanding access, affordable child care and early childhood development programs
- HB 1227 Protecting rights of families responding to allegations of abuse or neglect of a child
- HB 1245 Repealing state estate tax
- HB 1278 Suspending certain licensing requirements for child care providers

HB 1042 - Amendment to UCCJEA regarding international application

This bill addresses the expansion of the international application of RCW 26.27.051

This bill is a direct result of the currently pending litigation coming out of Chelan County *Vierra/Al-Haidari* custody battle.

This bill would provide for a Washington court to not have to apply the laws of a foreign country as to a UCCJEA issue if the foreign country's child custody law violates fundamental principles of human rights.

This bill, if passed (as it is currently on the House floor at the moment) would become effective immediately.

HB 1048 - Concerning removal of specific language re: religious practice and child abuse

This bill would amend, *inter alia*, RCW 26.44.020 by removing the specific reference to Christian Science treatment and providing for a “clear and present danger to health, welfare, or safety” test that is non-specific as to the faith in question.

HB 1171 Concerning amendment to child support income withholding to comply with federal child support program requirements

This bill would pull all currently existing legislation regarding the issuance of writs of garnishment for back support out of RCW 6.27 and move it to RCW 26.18

Instead of a writ of garnishment, there would be a wage assignment order. This would result in the streamlining of collection of spousal maintenance and back child support

SB 5255 Concerning making available a sight translator/translation in RCW 26.09
proceedings when needed

This bill would create a new section that would provide a limited English proficient party the ability to request a sight translation of written materials whether the translation is needed due to language barrier or deaf/blind. The interpreter must be appointed pursuant to RCW 2.42