



Law and Legal Process

Part 2. Statutes and Restrictions

RCW 26.09

ANN-MARIE CROY, PROGRAM ATTORNEY

RCW 26.09.187

Parenting Plans

- (i) The relative strength, nature, and stability of the child's relationship with each parent;
 - (ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;
 - (iii) Each parent's past and potential for future performance of parenting functions as defined in *RCW [26.09.004\(3\)](#), including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;
 - (iv) The emotional needs and developmental level of the child;
 - (v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;
 - (vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and
 - (vii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.
- Factor (i) shall be given the greatest weight.

RCW 26.09.004

Parenting functions

(2) "Parenting functions" means those aspects of the parent-child relationship in which the parent makes decisions and performs functions necessary for the care and growth of the child. Parenting functions include:

- (a) Maintaining a loving, stable, consistent, and nurturing relationship with the child;
- (b) Attending to the daily needs of the child, such as feeding, clothing, physical care and grooming, supervision, health care, and day care, and engaging in other activities which are appropriate to the developmental level of the child and that are within the social and economic circumstances of the particular family;
- (c) Attending to adequate education for the child, including remedial or other education essential to the best interests of the child;
- (d) Assisting the child in developing and maintaining appropriate interpersonal relationships;
- (e) Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental level and the family's social and economic circumstances; and
- (f) Providing for the financial support of the child.

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I recommend a restriction under RCW 26.09.191 be entered against the mother for substance abuse.

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.191 RESTRICTIONS

Substance abuse

Formal diagnosis of a substance abuse issue;
Multiple collaterals reporting substance abuse;
CPS/police reports/criminal charge related to substance abuse.



Domestic violence

Emotional impairment

Untreated mental health challenge

Evidence:
Formal/informal diagnosis but not following treatment recommendations

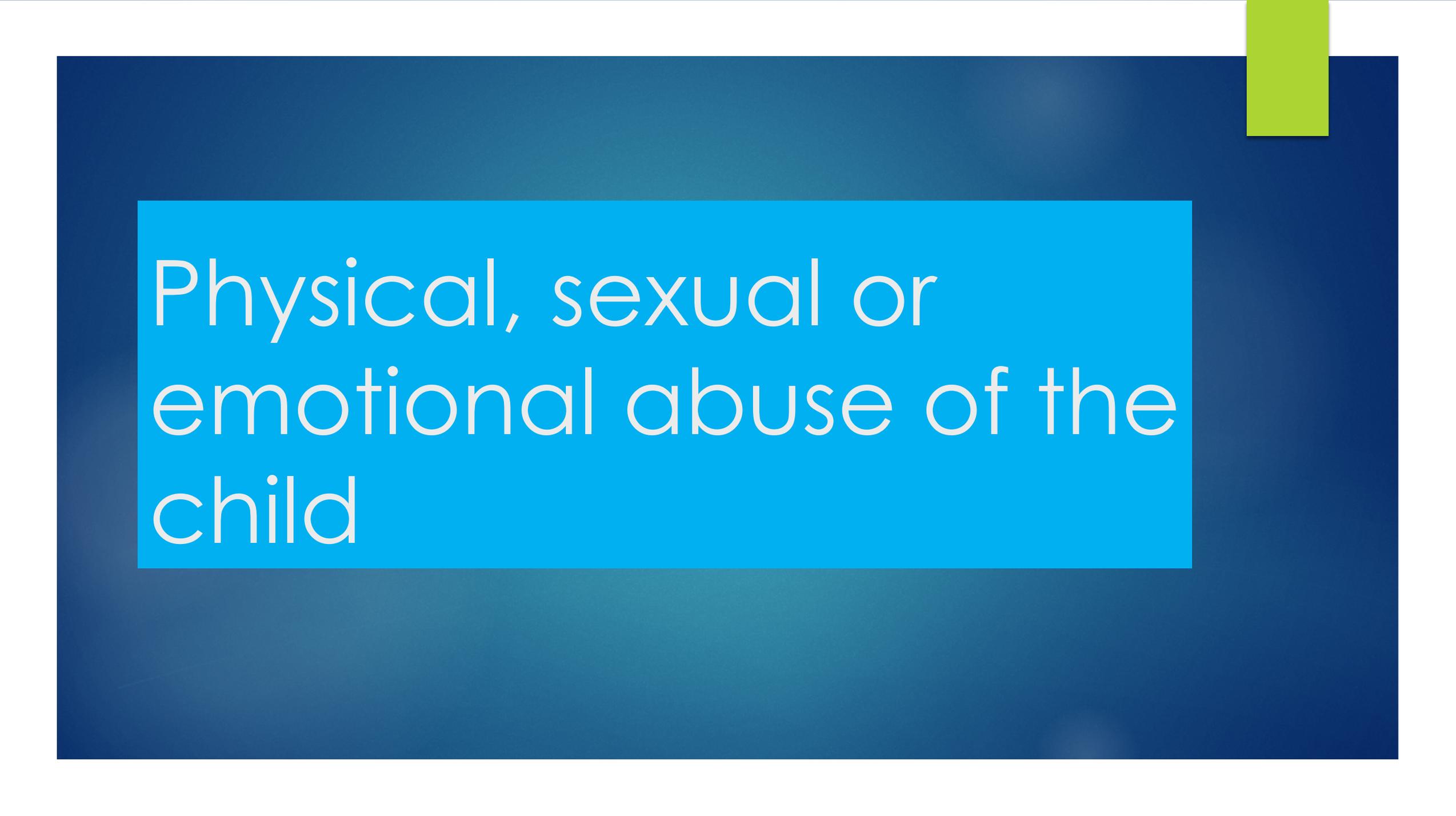
Affects ability to parent

Abusive use of conflict

- ❑ WITHHOLDING
- ❑ REPORTING FALSE CLAIMS TO POLICE/CPS OR FILING NUMEROUS COURT FILINGS
- ❑ SPEAKING NEGATIVELY TO THE CHILD ABOUT THE OTHER PARENT
- ❑ UNCOOPERATIVE

Abandonment





Physical, sexual or
emotional abuse of the
child

Other restrictions

Withholding

Not allowing the child to see the other parent for a prolonged period of time.

Emotional ties

The bond between parent and child has been broken or damaged.

Neglect

Not performing parenting functions.



If you have any questions about
this presentation, please email
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