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Report of Committee on Divorce Laws

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13. In cases where a defendant pleads guilty before a justice of the peace or a municipal or police judge, sworn testimony, unless required by the court itself, should not be a prerequisite to passing sentence.

14. There should be established procedure whereby justices of the peace, municipal judges, and police judges would have available trained personnel to establish a probationary system whereby proper contact and follow ups could be had in suspended or deferred sentences.

15. Justices of the peace in cities over 5,000 population and municipal and police judges in cities of the first and second class should have jurisdiction to impose fines not to exceed \$500 and/or six months in jail in criminal cases.

There is attached a brief summary of reports from the questionnaire sent to the prosecuting attorney of each county in the state and a brief summary of reports to date from the bar associations of each state in the Union.

Report of Committee on Divorce Laws, by Roberta Kaiser

In accordance with the recommendations of the Committee on Divorce Law, as submitted to the 1947 State Bar Convention at Bellingham, work is now going forward on the drafting of specific statutory provisions making certain changes in the law. It is contemplated that a bill will be ready for the coming Legislature incorporating the changes recommended by the Committee. It is also possible that certain additional changes may be made after the Committee has had an opportunity to study and confer on the proposed Uniform Divorce Law approved by the American Bar Association Committee.

The correction of the numerous unfortunate and unnecessary legal difficulties arising by reason of our present system of interlocutory period plus final decree is one of the primary purposes of the proposed changes. Section 988 is to be amended to provide that after filing of a complaint no divorce case can be heard or final judgment entered until after the complaint shall have been on file ninety days. Section 988-1 is to be eliminated. This procedure abolishes the interlocutory order and allows for the entry of only one decree which is final except for the right to appeal. It is expected that this will do much to correct the anomalous situation now existing as to property rights during the interlocutory period and the unsatisfactory situation resulting in the illegitimacy of children born of marriages contracted by parties who have not yet received a final decree in a previous divorce.

Section 982, Grounds for Divorce, is being redrafted as follows:

Subsection 1. To be amended by adding, "for want of legal age or a sufficient understanding," making the section read, "When the consent to the marriage of the party applying for the divorce was obtained by force or fraud, and there has been no voluntary cohabitation after discovery of the fraud, or when either party to a marriage shall be incapable of consenting thereto, for want of legal age or a sufficient understanding."

Subsection 8. To be amended by adding thereto, "without regard to fault in the separation." This section is also being changed to provide for divorce after a separation of two years rather than five.

Subsection 9. To be amended to provide for a divorce in case of incurable, chronic mania, or dementia of either spouse, established by competent medical testimony to have existed for at least two years prior to the filing of the complaint. A further section is to be inserted in the statute providing that in cases of insanity the insanity is to be the exclusive grounds for divorce and that an action will not lie for other grounds existing prior to the insanity

In connection with the above-mentioned change in Section 1 of Section 982, Section 983 is to be amended to provide for annulment in cases of void marriages only. The present statute providing for annulment wherever there is doubt as to the facts rendering a marriage void is ambiguous and misleading in the light of our case law

Section 8449 setting forth the grounds for voidable marriages is also to be amended to conform with the amendments to Section 983 to make the only grounds for annulment a void marriage, the only void marriage being one in which one or the other of the contracting parties was legally incapable of entering the contract by reason of still being married to someone else with such marriage remaining undissolved.

It is proposed to amend Section 984, the residence statute, to provide that any party seeking an annulment of a void marriage need not have been a resident of the state for a year but only a bona fide resident of the county in which the annulment suit is filed at the time of such filing.

A new statute is proposed which would provide that children born of void marriages are legitimate children and entitled to all the same rights as though born of valid marriages, and further providing that the court shall have the same powers as to support and custody of

such children as the courts have over the children of a valid marriage pending dissolution.

A new statute is proposed which would provide that property acquired by the parties during the marriage is common property and the court has equitable power to distribute such property between the parties in an annulment proceeding according to the same principles and guides as the court adheres to in distributing property to the parties in a valid marriage.

It is further proposed that Section 995, providing for the powers and duties of the prosecuting attorney in divorce cases, shall be amended to make the prosecuting attorney a party to the proceedings and giving him such power as he may consider expedient to exercise in light of each individual case, or in the larger counties, in respect to the entire default divorce calendar.

The foregoing is based upon the report of the 1947 Committee on Divorce Law as submitted by its chairman, Mrs. Anne Thompson, at the 1947 meeting. In addition to the work of drafting specifically worded sections for submission to the Legislature, in accordance with those findings, the Committee has before it a statute proposed by Judge J. E. Stone of the Cowlitz County Superior Court, providing for the entry of final decree nunc pro tunc under certain circumstances.

The Committee is also planning to devote serious study to the proposed Uniform Divorce Law as approved by the American Bar Association before presenting its recommendations in final form.

Report of Committee on Unauthorized Practice of Law,
by Jack Freeman

At the first meeting of the Committee appointed by the Board of Governors as the Unauthorized Practice Committee for the year 1948, the members took up the matter of prime importance, that being the prospective action against the realtors of the state for unauthorized practice of the law. It had before it the recommendation of the Board of Governors that a test case be brought in King County against the Washington Association of Realtors and certain individual realtors, but the Committee felt that perhaps prompter action could be obtained in some other county in the state, because of the crowded condition of the docket in King County. The Committee also felt that the services of the attorney previously employed by the Committee would no longer be necessary and that the money used in paying him a retainer should