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Report on Proposed Changes in the Divorce Law of Washington

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Another thing I wish somebody would get active on and the committee recommends is that perhaps we should have a new statute in the State of Washington similar to the California act or British Columbia act on notary publics. The committee as a whole feels that it is unfair, an intrusion upon the public to permit every public stenographer and every bank clerk and every shoemaker and garageman to be a notary public, because we and the public are being taken advantage of.

Another thing that I want to call your attention to is this: That in addition to the American Bar Association meeting here next summer, as you know by statute, the judges of all the different circuits have to meet annually. We were given to understand that Judge Garret, former member of the local bar of Spokane and Walla Walla, has prevailed upon the federal judges to hold their meeting here next summer a week previous to the American Bar Association. We would appreciate your giving our program a little consideration, we want your help, we need your assistance and we will appreciate your criticism. If you have bills that you want to go before the legislative committee don't want until next summer, draft the bill now and send it in. I assure you the committee will give it its consideration and you will know and be advised just what action has been taken.

Now, the first one is a debatable problem. It may be a little bit radical to you folks, it requires consideration, and Miss Anne Thompson of the Seattle Bar, who is entitled to a lot of credit, has done a great deal of hard work and a lot of briefing, and had the assistance of a fine subcommittee, is going to open on the divorce question.

Report on Proposed Changes in the Divorce Law of Washington, by Anne Thompson

The following recommendations which we feel if the Bar will think over carefully during the next year that then by the time the next legislature meets the Bar itself, from whom the impetus must come, will be able to present to the legislature some bill on divorce which will be the result of the practical experience of working in that field and not the result of some of the remarks which we hear as matters of lectures.

Now, these are not necessarily in chronological order, nor are they necessarily in the stage of their importance according to the way we lined them up.

First, the residence statute would remain one year, but the residence

statute would clearly provide that plaintiffs seeking annulment of void marriages need only be *bona fide* residents of the county in which they reside at the time of filing the complaint. That is not too important, but it has never been clear whether or not that was true.

Another recommendation to the Superior Court Judges' Association would be that the courts use the power which the committee feels they now have to provide that working mothers be assessed the obligation of contributing to support of the minor child, if the minor children are boarded out and not living in the home of either the divorced parents.

Now, we go to the grounds for divorces themselves as they are presently listed. I have already spoken about the fact that the first ground, where the consent was obtained by force or fraud will have added to it the provision for want of legal age or lack of sufficient understanding.

Then our five year separate and apart statute would be reworded to clearly provide that a divorce might be had after five years separate and apart without regard to fault in the separation.

A new ground would be added in that connection which would provide that the party not at fault in the separation might apply for and be granted a divorce two years after living separate and apart.

The provision which is now in the statute as a ground for divorce regarding insanity requires, if you recall, confinement, adjudication by a court of record of five years existence of the chronic mania. The committee recommends that that statute be reworded to provide that a divorce may be granted in cases of incurable chronic mania or dementia, established by competent medical testimony to have existed for at least two years prior to the time of the filing of the complaint.

The committee was unanimous in its decision that the interlocutory order and the interlocutory period as we now have it should be abolished. They were likewise unanimous that the cooling off period, if we may call it that, the post period for reconciliation should be prior to the time that the parties go to court, prior to the time that they have any sort of decree. They were unanimous that there should be one decree only in divorces, that that should be a final judgment. The recommendation is that no divorce be heard and final judgment entered until after the complaint shall have been on file for 90 days. Ninety days is the period which the majority of the committee desires. The minority of the committee desires a six months' period. In other words, no divorce

case could be heard and final judgment entered until after the complaint shall have been on file for six months. You, as lawyers, I know, are acquainted with what the committee is driving at, what they are trying to correct by making that recommendation. They are trying to correct the problem of the marriage which occurs prior to the final decree, which, being a void marriage, results in confusing property rights, and anyone who has seen a volume of divorces realizes that the problem of the illegitimate children who have been born because no final decree was entered in a prior divorce is a large one. You would be amazed at the number of annulment cases in King County, for instance, which by the fact that they declare the marriage void of record, by the same token make the children illegitimate.

“The Problem of Delinquent Juveniles”
by Joseph A. Barto

Early in 1945 a juvenile confined in the King County jail was beaten by other juveniles who were in detention with him. As a result of this beating he died.

The occurrence was given great publicity by the press. One radical paper advocated the immediate recall of Judge Long and the sheriff of the county. An inquest was held by the coroner and an investigation was launched. A survey of the county and city jails was made and somebody was paid a fee of \$1,500.00 for this investigation, although I believe that a bright ten-year-old boy could have determined at a glance the unfitness of the city jail as a detention place for juveniles.

The chain of occurrences culminated in Joint Senate Resolution No. 4 of the 1945 legislature, which created an interim committee, provided for hearings, and provided that the committee could seek advice, employ assistance, and make a study of juvenile delinquency. Twenty-five thousand dollars were appropriated for the use of the interim committee.

In the fall of 1946 the interim committee called a meeting at the Washington Athletic Club in Seattle. The meeting was attended by delegates from about thirty different religious, social, political, and labor groups and representatives from the Medical Society and law enforcement agencies of the state. I attended the meeting as a delegate of the Washington State Bar Association. The committee organized and Judge George B. Simpson of our Supreme Court was elected chairman. The delegates were handed copies of the interim committee's