
HOUSE BILL 1140

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Roberts, Pedersen, Moscoso, Reykdal, Rodne, Appleton, Kagi, Walsh, Warnick, Ryu, Jenkins, Freeman, and Fagan

Read first time 01/16/13. Referred to Committee on Judiciary.

1 AN ACT Relating to sibling visitation after a dependency has been
2 dismissed or concluded; adding a new section to chapter 13.34 RCW; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that strong
6 sibling bonds are very important to children and sometimes those bonds
7 are threatened at no fault of the siblings. The legislature has
8 enacted statutes encouraging courts and placement agencies to consider
9 a child's continued contact with his or her siblings in the context of
10 dependency proceedings. However, after a dependency is dismissed, a
11 child may be permanently placed in a household separate from his or her
12 siblings. Stepchildren who have been living together all their lives
13 are sometimes separated from each other when they are placed with their
14 second biological parents.

15 While recognizing that parents generally have a right to make
16 parenting decisions for their children without interference, the
17 legislature also recognizes that in limited circumstances it may be
18 appropriate for a court to order visitation between siblings when there
19 is a significant existing bond between the siblings. It is not the

1 legislature's intent in this act to create legal obligations or bonds
2 between siblings that do not already exist. It is also not the
3 legislature's intent to impair or alter the court's ability to order
4 visitation between siblings or other relatives under existing statutes.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.34 RCW
6 to read as follows:

7 (1) A sibling of a minor child may petition the court for sibling
8 visitation with the minor child if:

9 (a) The petitioning sibling or the minor child was a dependent
10 child under this chapter and the dependency has been dismissed or
11 concluded;

12 (b) The permanent placement of the dependent child resulted in the
13 child being placed in a separate household from his or her sibling;

14 (c) The permanent placement does not provide for visitation between
15 the siblings; and

16 (d) There exists a significant sibling relationship between the
17 petitioning sibling and the minor child.

18 (2) If the petitioning sibling is a minor, the petition may be
19 brought by a guardian ad litem on behalf of the petitioning sibling.

20 (3)(a) "Significant sibling relationship" means the petitioning
21 sibling and minor child had a beneficial relationship with substantial
22 continuity while residing in the same household together for a
23 substantial period of time before being separated.

24 (b) "Sibling" means full and half siblings by blood or adoption and
25 current and former step siblings. A petitioner is a sibling of a minor
26 child even if one or both of the minor child's parents or one or both
27 of the petitioner's parents have had their parental rights terminated.

28 (4) The petitioning sibling must submit with the petition an
29 affidavit setting forth facts to show:

30 (a) The requirements of subsection (1) of this section have been
31 met;

32 (b) The relationship between the siblings would be substantially
33 reduced or terminated if visitation were not granted; and

34 (c)(i) If the minor child is residing with his or her parent, the
35 minor child would likely suffer harm or the substantial risk of harm if
36 visitation were not granted; or (ii) if the minor child is residing

1 with a custodian who is not the minor child's parent, visitation is in
2 the minor child's best interest.

3 (5) The petitioning sibling must serve notice of the filing to each
4 person having legal custody of, or court-ordered residential time with,
5 the minor child. A person having legal custody or court-ordered
6 residential time with the minor child may submit opposing affidavits.

7 (6) If, based on the petition and affidavits, the court finds that
8 it is more likely than not that visitation will be granted, the court
9 must hold a hearing on the petition.

10 (7) At a hearing under this section, the court must enter an order
11 granting visitation if it finds that the petitioner has shown by clear
12 and convincing evidence that:

13 (a) The requirements of subsection (1) of this section have been
14 met;

15 (b) The relationship between the siblings would be substantially
16 reduced or terminated if visitation were not granted; and

17 (c)(i) If the minor child is residing with his or her parent, the
18 child would likely suffer harm or the substantial risk of harm if
19 sibling visitation were not granted; or (ii) if the minor child is
20 residing with a custodian who is not the child's parent, visitation is
21 in the child's best interest.

22 (8) An order granting visitation does not confer any rights or
23 duties of a parent on the petitioner or, if the petitioning sibling is
24 a minor, on the petitioning sibling's parent or custodian.

25 (9)(a) Except as provided in (b) of this subsection, the court may
26 award reasonable attorneys' fees and costs as it determines is
27 appropriate.

28 (b) If the court dismisses the petition based on the affidavits or
29 denies visitation after a hearing, and the petitioning sibling is over
30 the age of eighteen, the court must award reasonable attorneys' fees
31 and costs to the prevailing party unless there is a compelling reason
32 to do otherwise.

33 (10) This section is intended to provide an additional procedure by
34 which a sibling may request visitation with a minor child. It is not
35 intended to impair or alter the ability a court currently has to order
36 visitation under this chapter or Title 26 RCW.

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