

FINAL BILL REPORT

ESHB 1556

C 177 L 96

Synopsis as Enacted

Brief Description: Creating a presumption that visitation by relatives such as grandparents is in a child's best interests.

Sponsors: By House Committee on Law & Justice (originally sponsored by Representatives Wolfe, Boldt, Scott, Romero, B. Thomas, Johnson, Talcott, Delvin, Carrell, Campbell, Van Luven, Cooke, Dickerson, Kessler, Basich, Conway, Smith and Costa).

House Committee on Law & Justice
Senate Committee on Law & Justice

Background: When a married couple with children obtain a divorce, the court may order visitation rights for a person other than a parent when visitation is in the child's best interest. The third party may petition the court for visitation rights at any time. The court may modify an order granting or denying visitation rights whenever modification would be in the child's best interest.

Grandparents or other relatives are not granted special rights or consideration under the statute.

Summary: A person other than a parent may petition the court for visitation. The petition must be dismissed if the petitioner fails to prove by clear and convincing evidence that the petitioner has a significant relationship with the child. If the court dismisses the petition, the court must order the petitioner to pay reasonable attorneys' fees and costs to the parent, parents, or other custodian who contests the petition. Visitation may be granted if the court finds that visitation is in the child's best interests. The court may consider a variety of factors when determining whether a petitioner's visitation is in the child's best interest.

Visitation with a grandparent is presumed to be in the child's best interests when a significant relationship exists between the child and the grandparent. This presumption may be rebutted by the evidence. If the court finds that reasonable visitation would be in the child's best interests except for hostilities that exist between the parent and the grandparent, the court may refer the parties to mediation.

Any visitation granted must be incorporated into the parenting plan.

Votes on Final Passage:

House	93	0	
Senate	48	0	(Senate amended)
House			(Ruled beyond scope)
Senate	41	1	(Senate receded)

Effective: June 6, 1996