
SUBSTITUTE HOUSE BILL 1556

State of Washington

54th Legislature

1995 Regular Session

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)

Read first time 03/01/95.

1 AN ACT Relating to visitation; and amending RCW 26.09.240.

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

3 **Sec. 1.** RCW 26.09.240 and 1989 c 375 s 13 are each amended to read
4 as follows:

5 ~~((The court may order visitation rights for a person other than a
6 parent when visitation may serve the best interest of the child whether
7 or not there has been any change of circumstances.~~

8 ~~A person other than a parent may petition the court for visitation
9 rights at any time.~~

10 ~~The court may modify an order granting or denying visitation rights
11 whenever modification would serve the best interests of the child.))~~

12 (1) A person other than a parent may petition the court for
13 visitation with a child at any time or may intervene in a pending
14 dissolution, legal separation, or modification of parenting plan
15 proceeding.

16 (2) A petition for visitation with a child by a person other than
17 a parent must be filed in the county in which the child resides.

18 (3) A petition for visitation or a motion to intervene pursuant to
19 this section shall be dismissed unless the petitioner or intervenor can

1 demonstrate by clear and convincing evidence that a significant
2 relationship exists with the child with whom visitation is sought. If
3 the petition or motion is dismissed for failure to establish the
4 existence of a significant relationship, the petitioner or intervenor
5 shall be ordered to pay reasonable attorney's fees and costs to the
6 parent, parents, other custodian, or representative of the child who
7 responds to this petition or motion.

8 (4) The court may order visitation between the petitioner or
9 intervenor and the child between whom a significant relationship exists
10 upon a finding supported by the evidence that the visitation is in the
11 child's best interests.

12 (5)(a) Visitation with a grandparent shall be presumed to be in the
13 child's best interests when a significant relationship has been shown
14 to exist. This presumption may be rebutted by a preponderance of
15 evidence showing that visitation would endanger the child's physical,
16 mental, or emotional health.

17 (b) If the court finds that reasonable visitation by a grandparent
18 would be in the child's best interest except for hostilities that exist
19 between the grandparent and one or both of the parents or person with
20 whom the child lives, the court may set the matter for mediation under
21 RCW 26.09.015.

22 (6) The court may consider the following factors when making a
23 determination of the child's best interests:

24 (a) The strength of the relationship between the child and the
25 petitioner;

26 (b) The relationship between each of the child's parents or the
27 person with whom the child is residing and the petitioner;

28 (c) The nature and reason for either parent's objection to granting
29 the petitioner visitation;

30 (d) The effect that granting visitation will have on the
31 relationship between the child and the child's parents or the person
32 with whom the child is residing;

33 (e) The residential time sharing arrangements between the parents;

34 (f) The good faith of the petitioner;

35 (g) Any criminal history or history of physical, emotional, or
36 sexual abuse or neglect by the petitioner; and

37 (h) Any other factor relevant to the child's best interest.

38 (7) The restrictions of RCW 26.09.191 that apply to parents shall
39 be applied to a petitioner or intervenor who is not a parent. The

1 nature and extent of visitation, subject to these restrictions, is in
2 the discretion of the court.

3 (8) The court may order an investigation and report concerning the
4 proposed visitation or may appoint a guardian ad litem as provided in
5 RCW 26.09.220.

6 (9) Visitation granted pursuant to this section shall be
7 incorporated into the parenting plan for the child.

8 (10) The court may modify or terminate visitation rights granted
9 pursuant to this section in any subsequent modification action upon a
10 showing that the visitation is no longer in the best interest of the
11 child.

12 (11) A person other than a parent may not petition for visitation
13 under this section unless the child's parent or parents have commenced
14 an action under this chapter.

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