

# HOUSE BILL REPORT

## HB 1974

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### As Reported By House Committee On:

Law & Justice

**Title:** An act relating to granting custody of children to grandparents.

**Brief Description:** Granting custody of children to grandparents.

**Sponsors:** Representatives Wolfe, Lambert, Veloria, Dickerson, Cody, Keiser, Sullivan, Blalock, Gardner, Kenney, Cole and Anderson.

### Brief History:

#### Committee Activity:

Law & Justice: 2/25/97, 2/27/97 [DP].

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

**Staff:** Edie Adams (786-7180).

**Background:** A person other than a parent may petition the court for custody of a child only if the child is not in the physical custody of one of the child's parents, or if the petitioner alleges that neither parent is a suitable custodian. The petition must be filed in the county where the child resides. The court may consider the child's wishes and may order an investigation and report concerning the potential custodial arrangements for the child.

The court must make a custody determination based on the best interests of the child. As interpreted by the court, a determination of custody in the best interests of the child requires a showing by the nonparent that the parent is unfit, or that the child's growth and development would be detrimentally affected by placement with an otherwise fit parent.

**Summary of Bill:** A presumption is created that it is in the best interest of the child for the grandparent or grandparents of the child to receive custody if the child is

abandoned and left in the physical custody of the grandparent or grandparents by the parents of the child with no physical contact between the parents and the child for one year or more, or with only casual physical contact between the parents and child for 18 months or more.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill will provide consistency and stability for a child who has been in the physical custody of a grandparent without contact by the parents. The bill only provides for custody of a child. It does not terminate the parental rights of the child's parents. A parent can leave a child with the grandparent and not provide any help to the grandparent. That grandparent needs the authority to make decisions concerning the child's health, education, and other important issues.

**Testimony Against:** None.

**Testified:** Representative Wolfe, prime sponsor; Representative Lambert (pro); Vivian Weers, United Grandparents Rights (pro); and Elizabeth Chambers (pro).