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HOUSE BILL 2252

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State of Washington                      57th Legislature                      2001 Regular Session

By Representatives Lantz, Skinner, Tokuda, Darneille and Lovick

Read first time . Referred to Committee on .

1            AN ACT Relating to third-party visitation; amending RCW 26.09.240  
2 and 26.10.160; adding a new section to chapter 26.10 RCW; creating a  
3 new section; and declaring an emergency.

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

5            NEW SECTION.    **Sec. 1.**    (1) In *Troxel v. Granville*, No. 99-138,  
6 decided June 5, 2000, the United States supreme court recognized that  
7 the right of parents in the care and custody of their children is a  
8 fundamental liberty interest.    The court also acknowledged that  
9 demographic changes in the past century have created complex family  
10 structures, and third-party visitation statutes reflect the changing  
11 realities of the American family.

12            (2) Legislatures and courts across the country recognize that  
13 families are composed of individuals who share an emotional attachment  
14 and intimacy developed over time, and that such emotional bonds do not  
15 necessarily require biological or marital relationships.    By acting in  
16 a caregiver or other significant emotionally involved role over a  
17 period of time, a third party may develop a substantial relationship  
18 with a child.    In some cases, arbitrarily depriving the child of that  
19 relationship can cause psychological or emotional harm to the child.

1 The legislature seeks to prevent the harm to children caused by the  
2 disruption of such significant bonds.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.10 RCW  
4 to read as follows:

5 (1) A person who is not a parent of the child may petition the  
6 court for visitation with the child if the petitioner can demonstrate  
7 that:

8 (a) There is a substantial relationship between the petitioner and  
9 the child;

10 (b) The petitioner has been unreasonably denied visitation with the  
11 child by a parent, custodian, or other person with primary decision-  
12 making authority over the child; and

13 (c) There has been a significant change in circumstances with  
14 either the child, the petitioner, or the parent, custodian, or other  
15 person having primary decision-making authority over the child that  
16 threatens the substantial relationship between the child and the  
17 petitioner. The change in circumstances could include, but is not  
18 limited to, a dissolution, legal separation, informal physical  
19 separation, death of a parent, or other significant change in the  
20 family structure.

21 (2)(a) If the court dismisses a petition for visitation brought  
22 under this section because the petitioner failed to demonstrate the  
23 requirements in subsection (1) of this section, the court must order  
24 the petitioner to pay reasonable attorneys' fees and costs to the party  
25 responding to the petition. Nothing in this subsection precludes a  
26 court from ordering attorneys' fees and costs under RCW 26.10.080.

27 (b) Petitions that are not dismissed by the court must be submitted  
28 to mandatory mediation before proceeding to trial. Upon petition of  
29 any party that mediation is not appropriate, the court may order or the  
30 mediator may determine that the case is not appropriate for mediation.  
31 Mediation shall be pursuant to mediation procedures established by  
32 court rules for third-party visitation cases.

33 (3)(a) Except as provided in (b) of this subsection, a petition for  
34 visitation brought under this section must be filed in the county in  
35 which the child resides.

36 (b) If a dissolution, legal separation, modification of parenting  
37 plan, or other custody proceeding is pending involving the child, the

1 petition for visitation under this section shall be filed in the county  
2 in which the proceeding is pending.

3 (4) The court may order visitation between the petitioner and the  
4 child if the petitioner shows and the court finds that:

5 (a) Denial of court-ordered visitation would result in a likelihood  
6 of harm to the child's physical, psychological, or emotional well-  
7 being;

8 (b) The likelihood of harm is beyond the normal short-term distress  
9 a child suffers due to a change in circumstances;

10 (c) Continuation of the substantial relationship between the child  
11 and the petitioner would likely have long-term benefits to the child;  
12 and

13 (d) Visitation would not substantially interfere with the  
14 relationship between the child and the parent, custodian, or other  
15 person with primary decision-making authority over the child.

16 (5) In determining the nature and extent of visitation, the court  
17 must consider the wishes of a child who is sufficiently mature to  
18 express reasoned and independent preferences as to visitation issues.

19 (6) The restrictions of RCW 26.10.160 that apply to parents shall  
20 apply to the petitioner under this section.

21 **Sec. 3.** RCW 26.09.240 and 1996 c 177 s 1 are each amended to read  
22 as follows:

23 (1) Under section 1 of this act, a person other than a parent may  
24 petition the court for visitation with a child ((at any time)) or may  
25 intervene in a pending dissolution, legal separation, or modification  
26 of parenting plan proceeding. ((A person other than a parent may not  
27 petition for visitation under this section unless the child's parent or  
28 parents have commenced an action under this chapter.

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

31 ~~(3) A petition for visitation or a motion to intervene pursuant to~~  
32 ~~this section shall be dismissed unless the petitioner or intervenor can~~  
33 ~~demonstrate by clear and convincing evidence that a significant~~  
34 ~~relationship exists with the child with whom visitation is sought. If~~  
35 ~~the petition or motion is dismissed for failure to establish the~~  
36 ~~existence of a significant relationship, the petitioner or intervenor~~  
37 ~~shall be ordered to pay reasonable attorney's fees and costs to the~~

1 parent, parents, other custodian, or representative of the child who  
2 responds to this petition or motion.

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

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

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

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

19 (a) The strength of the relationship between the child and the  
20 petitioner;

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

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

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

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

29 (f) The good faith of the petitioner;

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

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

33 (7) The restrictions of RCW 26.09.191 that apply to parents shall  
34 be applied to a petitioner or intervenor who is not a parent. The  
35 nature and extent of visitation, subject to these restrictions, is in  
36 the discretion of the court.

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

1       ~~(9) Visitation granted pursuant to this section shall be~~  
2 ~~incorporated into the parenting plan for the child.~~

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

7       **Sec. 4.** RCW 26.10.160 and 1996 c 303 s 2 are each amended to read  
8 as follows:

9       (1) A parent not granted custody of the child is entitled to  
10 reasonable visitation rights except as provided in subsection (2) of  
11 this section.

12       (2)(a) Visitation with the child shall be limited if it is found  
13 that the parent seeking visitation has engaged in any of the following  
14 conduct: (i) Willful abandonment that continues for an extended period  
15 of time or substantial refusal to perform parenting functions; (ii)  
16 physical, sexual, or a pattern of emotional abuse of a child; (iii) a  
17 history of acts of domestic violence as defined in RCW 26.50.010(1) or  
18 an assault or sexual assault which causes grievous bodily harm or the  
19 fear of such harm; or (iv) the parent has been convicted as an adult of  
20 a sex offense under:

21       (A) RCW 9A.44.076 if, because of the difference in age between the  
22 offender and the victim, no rebuttable presumption exists under (d) of  
23 this subsection;

24       (B) RCW 9A.44.079 if, because of the difference in age between the  
25 offender and the victim, no rebuttable presumption exists under (d) of  
26 this subsection;

27       (C) RCW 9A.44.086 if, because of the difference in age between the  
28 offender and the victim, no rebuttable presumption exists under (d) of  
29 this subsection;

30       (D) RCW 9A.44.089;

31       (E) RCW 9A.44.093;

32       (F) RCW 9A.44.096;

33       (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
34 between the offender and the victim, no rebuttable presumption exists  
35 under (d) of this subsection;

36       (H) Chapter 9.68A RCW;

37       (I) Any predecessor or antecedent statute for the offenses listed  
38 in (a)(iv)(A) through (H) of this subsection;

1 (J) Any statute from any other jurisdiction that describes an  
2 offense analogous to the offenses listed in (a)(iv)(A) through (H) of  
3 this subsection.

4 This subsection (2)(a) shall not apply when (c) or (d) of this  
5 subsection applies.

6 (b) The parent's visitation with the child shall be limited if it  
7 is found that the parent resides with a person who has engaged in any  
8 of the following conduct: (i) Physical, sexual, or a pattern of  
9 emotional abuse of a child; (ii) a history of acts of domestic violence  
10 as defined in RCW 26.50.010(1) or an assault or sexual assault that  
11 causes grievous bodily harm or the fear of such harm; or (iii) the  
12 person has been convicted as an adult or as a juvenile has been  
13 adjudicated of a sex offense under:

14 (A) RCW 9A.44.076 if, because of the difference in age between the  
15 offender and the victim, no rebuttable presumption exists under (e) of  
16 this subsection;

17 (B) RCW 9A.44.079 if, because of the difference in age between the  
18 offender and the victim, no rebuttable presumption exists under (e) of  
19 this subsection;

20 (C) RCW 9A.44.086 if, because of the difference in age between the  
21 offender and the victim, no rebuttable presumption exists under (e) of  
22 this subsection;

23 (D) RCW 9A.44.089;

24 (E) RCW 9A.44.093;

25 (F) RCW 9A.44.096;

26 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
27 between the offender and the victim, no rebuttable presumption exists  
28 under (e) of this subsection;

29 (H) Chapter 9.68A RCW;

30 (I) Any predecessor or antecedent statute for the offenses listed  
31 in (b)(iii)(A) through (H) of this subsection;

32 (J) Any statute from any other jurisdiction that describes an  
33 offense analogous to the offenses listed in (b)(iii)(A) through (H) of  
34 this subsection.

35 This subsection (2)(b) shall not apply when (c) or (e) of this  
36 subsection applies.

37 (c) If a parent has been found to be a sexual predator under  
38 chapter 71.09 RCW or under an analogous statute of any other  
39 jurisdiction, the court shall restrain the parent from contact with a

1 child that would otherwise be allowed under this chapter. If a parent  
2 resides with an adult or a juvenile who has been found to be a sexual  
3 predator under chapter 71.09 RCW or under an analogous statute of any  
4 other jurisdiction, the court shall restrain the parent from contact  
5 with the parent's child except contact that occurs outside that  
6 person's presence.

7 (d) There is a rebuttable presumption that a parent who has been  
8 convicted as an adult of a sex offense listed in (d)(i) through (ix) of  
9 this subsection poses a present danger to a child. Unless the parent  
10 rebuts this presumption, the court shall restrain the parent from  
11 contact with a child that would otherwise be allowed under this  
12 chapter:

13 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
14 was at least five years older than the other person;

15 (ii) RCW 9A.44.073;

16 (iii) RCW 9A.44.076, provided that the person convicted was at  
17 least eight years older than the victim;

18 (iv) RCW 9A.44.079, provided that the person convicted was at least  
19 eight years older than the victim;

20 (v) RCW 9A.44.083;

21 (vi) RCW 9A.44.086, provided that the person convicted was at least  
22 eight years older than the victim;

23 (vii) RCW 9A.44.100;

24 (viii) Any predecessor or antecedent statute for the offenses  
25 listed in (d)(i) through (vii) of this subsection;

26 (ix) Any statute from any other jurisdiction that describes an  
27 offense analogous to the offenses listed in (d)(i) through (vii) of  
28 this subsection.

29 (e) There is a rebuttable presumption that a parent who resides  
30 with a person who, as an adult, has been convicted, or as a juvenile  
31 has been adjudicated, of the sex offenses listed in (e)(i) through (ix)  
32 of this subsection places a child at risk of abuse or harm when that  
33 parent exercises visitation in the presence of the convicted or  
34 adjudicated person. Unless the parent rebuts the presumption, the  
35 court shall restrain the parent from contact with the parent's child  
36 except for contact that occurs outside of the convicted or adjudicated  
37 person's presence:

38 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
39 was at least five years older than the other person;

1 (ii) RCW 9A.44.073;

2 (iii) RCW 9A.44.076, provided that the person convicted was at  
3 least eight years older than the victim;

4 (iv) RCW 9A.44.079, provided that the person convicted was at least  
5 eight years older than the victim;

6 (v) RCW 9A.44.083;

7 (vi) RCW 9A.44.086, provided that the person convicted was at least  
8 eight years older than the victim;

9 (vii) RCW 9A.44.100;

10 (viii) Any predecessor or antecedent statute for the offenses  
11 listed in (e)(i) through (vii) of this subsection;

12 (ix) Any statute from any other jurisdiction that describes an  
13 offense analogous to the offenses listed in (e)(i) through (vii) of  
14 this subsection.

15 (f) The presumption established in (d) of this subsection may be  
16 rebutted only after a written finding that:

17 (i) If the child was not the victim of the sex offense committed by  
18 the parent requesting visitation, (A) contact between the child and the  
19 offending parent is appropriate and poses minimal risk to the child,  
20 and (B) the offending parent has successfully engaged in treatment for  
21 sex offenders or is engaged in and making progress in such treatment,  
22 if any was ordered by a court, and the treatment provider believes such  
23 contact is appropriate and poses minimal risk to the child; or

24 (ii) If the child was the victim of the sex offense committed by  
25 the parent requesting visitation, (A) contact between the child and the  
26 offending parent is appropriate and poses minimal risk to the child,  
27 (B) if the child is in or has been in therapy for victims of sexual  
28 abuse, the child's counselor believes such contact between the child  
29 and the offending parent is in the child's best interest, and (C) the  
30 offending parent has successfully engaged in treatment for sex  
31 offenders or is engaged in and making progress in such treatment, if  
32 any was ordered by a court, and the treatment provider believes such  
33 contact is appropriate and poses minimal risk to the child.

34 (g) The presumption established in (e) of this subsection may be  
35 rebutted only after a written finding that:

36 (i) If the child was not the victim of the sex offense committed by  
37 the person who is residing with the parent requesting visitation, (A)  
38 contact between the child and the parent residing with the convicted or  
39 adjudicated person is appropriate and that parent is able to protect



1 the child in the presence of the convicted or adjudicated person, and  
2 (B) the convicted or adjudicated person has successfully engaged in  
3 treatment for sex offenders or is engaged in and making progress in  
4 such treatment, if any was ordered by a court, and the treatment  
5 provider believes such contact is appropriate and poses minimal risk to  
6 the child; or

7 (ii) If the child was the victim of the sex offense committed by  
8 the person who is residing with the parent requesting visitation, (A)  
9 contact between the child and the parent in the presence of the  
10 convicted or adjudicated person is appropriate and poses minimal risk  
11 to the child, (B) if the child is in or has been in therapy for victims  
12 of sexual abuse, the child's counselor believes such contact between  
13 the child and the parent residing with the convicted or adjudicated  
14 person in the presence of the convicted or adjudicated person is in the  
15 child's best interest, and (C) the convicted or adjudicated person has  
16 successfully engaged in treatment for sex offenders or is engaged in  
17 and making progress in such treatment, if any was ordered by a court,  
18 and the treatment provider believes contact between the parent and  
19 child in the presence of the convicted or adjudicated person is  
20 appropriate and poses minimal risk to the child.

21 (h) If the court finds that the parent has met the burden of  
22 rebutting the presumption under (f) of this subsection, the court may  
23 allow a parent who has been convicted as an adult of a sex offense  
24 listed in (d)(i) through (ix) of this subsection to have visitation  
25 with the child supervised by a neutral and independent adult and  
26 pursuant to an adequate plan for supervision of such visitation. The  
27 court shall not approve of a supervisor for contact between the child  
28 and the parent unless the court finds, based on the evidence, that the  
29 supervisor is willing and capable of protecting the child from harm.  
30 The court shall revoke court approval of the supervisor upon finding,  
31 based on the evidence, that the supervisor has failed to protect the  
32 child or is no longer willing or capable of protecting the child.

33 (i) If the court finds that the parent has met the burden of  
34 rebutting the presumption under (g) of this subsection, the court may  
35 allow a parent residing with a person who has been adjudicated as a  
36 juvenile of a sex offense listed in (e)(i) through (ix) of this  
37 subsection to have visitation with the child in the presence of the  
38 person adjudicated as a juvenile, supervised by a neutral and  
39 independent adult and pursuant to an adequate plan for supervision of

1 such visitation. The court shall not approve of a supervisor for  
2 contact between the child and the parent unless the court finds, based  
3 on the evidence, that the supervisor is willing and capable of  
4 protecting the child from harm. The court shall revoke court approval  
5 of the supervisor upon finding, based on the evidence, that the  
6 supervisor has failed to protect the child or is no longer willing or  
7 capable of protecting the child.

8 (j) If the court finds that the parent has met the burden of  
9 rebutting the presumption under (g) of this subsection, the court may  
10 allow a parent residing with a person who, as an adult, has been  
11 convicted of a sex offense listed in (e)(i) through (ix) of this  
12 subsection to have visitation with the child in the presence of the  
13 convicted person supervised by a neutral and independent adult and  
14 pursuant to an adequate plan for supervision of such visitation. The  
15 court shall not approve of a supervisor for contact between the child  
16 and the parent unless the court finds, based on the evidence, that the  
17 supervisor is willing and capable of protecting the child from harm.  
18 The court shall revoke court approval of the supervisor upon finding,  
19 based on the evidence, that the supervisor has failed to protect the  
20 child or is no longer willing or capable of protecting the child.

21 (k) A court shall not order unsupervised contact between the  
22 offending parent and a child of the offending parent who was sexually  
23 abused by that parent. A court may order unsupervised contact between  
24 the offending parent and a child who was not sexually abused by the  
25 parent after the presumption under (d) of this subsection has been  
26 rebutted and supervised visitation has occurred for at least two years  
27 with no further arrests or convictions of sex offenses involving  
28 children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW  
29 and (i) the sex offense of the offending parent was not committed  
30 against a child of the offending parent, and (ii) the court finds that  
31 unsupervised contact between the child and the offending parent is  
32 appropriate and poses minimal risk to the child, after consideration of  
33 the testimony of a state-certified therapist, mental health counselor,  
34 or social worker with expertise in treating child sexual abuse victims  
35 who has supervised at least one period of visitation between the parent  
36 and the child, and after consideration of evidence of the offending  
37 parent's compliance with community supervision requirements, if any.  
38 If the offending parent was not ordered by a court to participate in  
39 treatment for sex offenders, then the parent shall obtain a

1 psychosexual evaluation conducted by a state-certified sex offender  
2 treatment provider indicating that the offender has the lowest  
3 likelihood of risk to reoffend before the court grants unsupervised  
4 contact between the parent and a child.

5 (l) A court may order unsupervised contact between the parent and  
6 a child which may occur in the presence of a juvenile adjudicated of a  
7 sex offense listed in (e)(i) through (ix) of this subsection who  
8 resides with the parent after the presumption under (e) of this  
9 subsection has been rebutted and supervised visitation has occurred for  
10 at least two years during which time the adjudicated juvenile has had  
11 no further arrests, adjudications, or convictions of sex offenses  
12 involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter  
13 9.68A RCW, and (i) the court finds that unsupervised contact between  
14 the child and the parent that may occur in the presence of the  
15 adjudicated juvenile is appropriate and poses minimal risk to the  
16 child, after consideration of the testimony of a state-certified  
17 therapist, mental health counselor, or social worker with expertise in  
18 treatment of child sexual abuse victims who has supervised at least one  
19 period of visitation between the parent and the child in the presence  
20 of the adjudicated juvenile, and after consideration of evidence of the  
21 adjudicated juvenile's compliance with community supervision or parole  
22 requirements, if any. If the adjudicated juvenile was not ordered by  
23 a court to participate in treatment for sex offenders, then the  
24 adjudicated juvenile shall obtain a psychosexual evaluation conducted  
25 by a state-certified sex offender treatment provider indicating that  
26 the adjudicated juvenile has the lowest likelihood of risk to reoffend  
27 before the court grants unsupervised contact between the parent and a  
28 child which may occur in the presence of the adjudicated juvenile who  
29 is residing with the parent.

30 (m)(i) The limitations imposed by the court under (a) or (b) of  
31 this subsection shall be reasonably calculated to protect the child  
32 from the physical, sexual, or emotional abuse or harm that could result  
33 if the child has contact with the parent requesting visitation. If the  
34 court expressly finds based on the evidence that limitations on  
35 visitation with the child will not adequately protect the child from  
36 the harm or abuse that could result if the child has contact with the  
37 parent requesting visitation, the court shall restrain the person  
38 seeking visitation from all contact with the child.

1 (ii) The court shall not enter an order under (a) of this  
2 subsection allowing a parent to have contact with a child if the parent  
3 has been found by clear and convincing evidence in a civil action or by  
4 a preponderance of the evidence in a dependency action to have sexually  
5 abused the child, except upon recommendation by an evaluator or  
6 therapist for the child that the child is ready for contact with the  
7 parent and will not be harmed by the contact. The court shall not  
8 enter an order allowing a parent to have contact with the child in the  
9 offender's presence if the parent resides with a person who has been  
10 found by clear and convincing evidence in a civil action or by a  
11 preponderance of the evidence in a dependency action to have sexually  
12 abused a child, unless the court finds that the parent accepts that the  
13 person engaged in the harmful conduct and the parent is willing to and  
14 capable of protecting the child from harm from the person.

15 (iii) If the court limits visitation under (a) or (b) of this  
16 subsection to require supervised contact between the child and the  
17 parent, the court shall not approve of a supervisor for contact between  
18 a child and a parent who has engaged in physical, sexual, or a pattern  
19 of emotional abuse of the child unless the court finds based upon the  
20 evidence that the supervisor accepts that the harmful conduct occurred  
21 and is willing to and capable of protecting the child from harm. The  
22 court shall revoke court approval of the supervisor upon finding, based  
23 on the evidence, that the supervisor has failed to protect the child or  
24 is no longer willing to or capable of protecting the child.

25 (n) If the court expressly finds based on the evidence that  
26 contact between the parent and the child will not cause physical,  
27 sexual, or emotional abuse or harm to the child and that the  
28 probability that the parent's or other person's harmful or abusive  
29 conduct will recur is so remote that it would not be in the child's  
30 best interests to apply the limitations of (a), (b), and (m)(i) and  
31 (iii) of this subsection, or if the court expressly finds that the  
32 parent's conduct did not have an impact on the child, then the court  
33 need not apply the limitations of (a), (b), and (m)(i) and (iii) of  
34 this subsection. The weight given to the existence of a protection  
35 order issued under chapter 26.50 RCW as to domestic violence is within  
36 the discretion of the court. This subsection shall not apply when (c),  
37 (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this  
38 subsection apply.

1       (3) (~~Any person may petition the court for visitation rights at~~  
2 ~~any time including, but not limited to, custody proceedings. The court~~  
3 ~~may order visitation rights for any person when visitation may serve~~  
4 ~~the best interest of the child whether or not there has been any change~~  
5 ~~of circumstances.~~

6       (4)) The court may modify an order granting or denying visitation  
7 rights whenever modification would serve the best interests of the  
8 child. Modification of a parent's visitation rights shall be subject  
9 to the requirements of subsection (2) of this section.

10       (~~(5)~~) (4) For the purposes of this section, a parent's child  
11 means that parent's natural child, adopted child, or stepchild.

12       NEW SECTION.   **Sec. 5.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of the  
14 state government and its existing public institutions, and takes effect  
15 immediately.

--- END ---