

RCW 13.34.385 Petition for visitation—Relatives of dependent children—Notice—Modification of order—Effect of granting the petition—Retroactive application.

(1) A relative of a dependent child may petition the juvenile court for reasonable visitation with the child if:

- (a) The child has been found to be a dependent child under this chapter;
- (b) The parental rights of both of the child's parents have been terminated;
- (c) The child is in the custody of the department or another public agency; and
- (d) The child has not been adopted and is not in a preadoptive home or other permanent placement at the time the petition for visitation is filed.

(2) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, other public agency, or agency having custody of the child, the child's attorney or guardian ad litem if applicable, and the child. The court shall also order the custodial agency to give prior notice of any hearing to the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(3) The juvenile court may grant the petition for visitation if it finds that the requirements of subsection (1) of this section have been met, and that unsupervised visitation between the child and the relative does not present a risk to the child's safety or well-being and that the visitation is in the best interests of the child. In determining the best interests of the child the court shall consider, but is not limited to, the following:

- (a) The love, affection, and strength of the relationship between the child and the relative;
- (b) The length and quality of the prior relationship between the child and the relative;
- (c) Any criminal convictions for or founded history of abuse or neglect of a child by the relative;
- (d) Whether the visitation will present a risk to the child's health, welfare, or safety;
- (e) The child's reasonable preference, if the court considers the child to be of sufficient age to express a preference;
- (f) Any other factor relevant to the child's best interest.

(4) The visitation order may be modified at any time upon a showing that the visitation poses a risk to the child's safety or well-being. The visitation order shall state that visitation will automatically terminate upon the child's placement in a preadoptive home, if the child is adopted, or if there is a subsequent founded abuse or neglect allegation against the relative.

(5) The granting of the petition under this section does not grant the relative the right to participate in the dependency action and does not grant any rights to the relative not otherwise specified in the visitation order.

(6) This section is retroactive and applies to any eligible dependent child at the time of the filing of the petition for visitation, regardless of the date parental rights were terminated.

(7) For the purpose of this section, "relative" means a relative as defined in RCW 74.15.020(2)(a), except parents.

(8) This section is intended to provide an additional procedure by which a relative may request visitation with a dependent child. It is not intended to impair or alter the ability a court currently has to order visitation with a relative under the dependency statutes. [2018 c 284 § 30; 2009 c 520 § 46; 2008 c 259 § 1.]