

SENATE BILL REPORT

ESHB 1556

As Reported By Senate Committee On:
Law & Justice, February 22, 1996

Title: An act relating to visitation.

Brief Description: Revising procedures for determining visitation rights for persons other than a parent.

Sponsors: 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).

Brief History:

Committee Activity: Law & Justice: 3/23/95, 3/30/95 [DPA]; 2/22/96 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Quigley and Schow.

Staff: Lidia Mori (786-7755)

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 may be 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 of Bill: 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 is 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.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The point of this bill is to make it a little bit easier for grandparents to obtain visitation. The current law regarding visitation for third parties is not working.

Testimony Against: None.

Testified: Rep. Wolfe.