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HOUSE BILL 1556

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State of Washington

54th Legislature

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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 01/30/95. Referred to Committee on Law & Justice.

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 (1) The court may order visitation rights for a person other than  
6 a parent when visitation may serve the best interest of the child  
7 whether 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 (2)(a) Reasonable visitation by a grandparent is presumed to be in  
13 the child's best interest if the grandparent has been a primary  
14 caretaker of the child or has had substantial and regular contact with  
15 the child. This presumption may be overcome by a preponderance of the  
16 evidence showing that such visitation would endanger the child's  
17 physical, mental, or emotional health. The court may consider the  
18 following factors when making a determination of the child's best  
19 interest:

1       (i) The strength of the relationship between the child and the  
2 grandparent;

3       (ii) The relationship between each of the child's parents or the  
4 person with whom the child is residing and the grandparent;

5       (iii) The nature and reason for either parent's objection to  
6 granting the grandparent visitation;

7       (iv) The effect that granting visitation will have on the  
8 relationship between the child and the child's parents or the person  
9 with whom the child is residing;

10       (vi) The residential time sharing arrangements between the parents;  
11       (vii) The good faith of the grandparent;

12       (viii) Any history of physical, emotional, or sexual abuse or  
13 neglect by the grandparent; and

14       (ix) Any other factor relevant to the child's best interest.

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

20       (c) To initiate an action for visitation, a grandparent seeking  
21 visitation may file:

22       (i) A motion for visitation in the original dissolution action  
23 between the parents; or

24       (ii) A motion to modify the decree; or

25       (iii) A petition for visitation in the county of the child's  
26 primary residence when the child is residing with a person other than  
27 a parent after the decree is entered or when the decree was entered in  
28 a jurisdiction outside the state of Washington.

29       As provided in subsection (1) of this section the grandparent may  
30 petition or move the court for visitation at any time.

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