

HOUSE BILL REPORT

SSB 6345

*As Reported By House Committee on:
Judiciary*

Title: An act relating to nonparental relationships with a child.

Brief Description: Prohibiting denial of custody, placement, or visitation of a child based on the person's beliefs concerning the criminal activity of the child's parent.

Sponsor(s): Senate Committee on Children & Family Services (originally sponsored by Senators Roach and Oke).

Brief History:

Reported by House Committee on:
Judiciary, February 28, 1992, DPA.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass as amended.* Signed by 15 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Forner; Hargrove; Inslee; Locke; R. Meyers; Mielke; Scott; D. Sommers; Tate; and Vance.

Staff: Pat Shelledy (786-7149).

Background:

When parties who have children get divorced, the court establishes a residential schedule.

The court must limit a parent's residential time with the child if the parent has engaged in physical, sexual, or a pattern of emotional abuse of a child. The limitations imposed must be reasonably calculated to protect the child from abuse. If the court finds limiting the residential time will not adequately protect the child from parental abuse, the court must restrain the parent from all contact with the child.

If the court expressly finds that contact between the parent and child will not cause physical, sexual, or emotional abuse to the child and that the probability that the parent's abusive conduct will recur is so remote that

imposing limitations would not be in the child's best interests, or, if the court expressly finds that the parent's conduct did not impact the child, the court does not have to impose limitations.

The type of limitations imposed, if any, are within the court's discretion. No mandatory provisions exist requiring the judge to impose limitations when the parent has sexually abused the child.

Similar provisions exist in the chapter governing non-parental actions for custody which may involve setting a visitation schedule for a parent when a third party is awarded custody, such as a grandparent.

Summary of Amended Bill:

When setting a residential schedule for divorced parents, the court must appoint a neutral and independent adult to supervise any court ordered residential time if the court finds that the parent has sexually abused the child or the parent's other children. Unless the non-offending parent approves the supervisor, the offending parent has the burden of proving that the proposed supervisor is neutral, independent, willing to supervise, and is capable of intervening between the child and the parent if necessary. The court may hold the supervisor in contempt if the supervisor does not adequately supervise. The court must order the supervision for a minimum of one year and may not waive the supervision requirement.

An identical provision is included in the chapter governing nonparental actions for custody when the court sets a visitation schedule for a parent not awarded custody of the child.

The bill is silent about who pays for the supervisor and contemplates that the parent will have to pay for the supervisor.

Amended Bill Compared to Substitute Bill: The Senate provisions are stricken entirely and replaced with the provisions of SHB 2529 as described in the summary. The original Senate version provided that: (1) courts and agencies did not have to consider the "welfare" of children when making placement decisions for children in foster care; and (2) placement of dependent children with relatives or foster families preferred by the natural parent cannot be denied solely because the relatives or foster families do not believe allegations that the parent sexually abused the child.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Witnesses: None.