

5708

Sponsor(s): Senators Franklin, Esser, Haugen, Thibaudeau, Kline and Kohl-Welles

Brief Description: Providing a procedure for court-ordered contact with a child for nonparents. Revised for 2nd Substitute: Providing a procedure for court-ordered visitation with a child for grandparents.

SB 5708 - DIGEST

(SEE ALSO PROPOSED 2ND SUB)

Provides that a nonparent may initiate a court proceeding for contact with a child by filing a verified application to obtain court-ordered contact when all of the following criteria are satisfied: (1) The applicant is an individual with a parent-like relationship with the child. To satisfy this criterion, the applicant must show that: (a) His or her relationship with the child has been parent-like in nature for a substantial period of time; (b) A parent or custodian of the child consented to or allowed the formation and establishment of the relationship or the relationship was formed as a result of the unavailability or inability of any legal parent to perform caretaking functions; and (c) His or her relationship with the child is beneficial; and

(2) A parent or custodian has substantially interfered with the applicant's relationship with the child and the applicant has unsuccessfully attempted to resolve any disagreement with the parent or custodian before going to court.

Provides that the court shall order contact if it finds that the applicant has satisfied the burden of showing by clear and convincing evidence that: (1) The child would very likely suffer harm if contact is not awarded; and

(2) The parent's or custodian's denial of contact was unreasonable and not in the child's best interests.