
**Early Learning & Children's
Services Committee**

SSB 6306

Brief Description: Providing an additional procedure for visitation rights for relatives of dependent children.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Rockefeller, Fairley, Kline and Shin).

Brief Summary of Substitute Bill

- Establishes a process for relatives of a dependent child to petition the court for visitation with the child in certain circumstances.

Hearing Date: 2/26/08

Staff: Sydney Forrester (786-7120).

Background:

In dependency matters, the court has the authority to order visitation between the parent and the child, as well as the child and his or her siblings and step-siblings. Visitation is declared to be the right of the family, including the child and the parent, when visitation is in the best interests of the child.

Summary of Bill:

A dependent child's relative may petition the juvenile court for reasonable visitation with the child under the following circumstances:

- (1) The child has been found dependent under RCW 13.34 or through voluntary relinquishment under the adoption statutes;
- (2) The parental rights of both of the child's parents have been terminated;
- (3) The child is in the custody of the Department of Social and Health Services (DSHS) or other supervising agency; and

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- (4) The child has not been adopted and is not in a pre-adoptive home or other permanent placement at the time the petition is filed.

The court must provide notice of hearings on the matter of relative visitation to the DSHS or other supervising agency, the child, and the child's attorney or guardian ad litem if applicable. The DSHS or other supervising agency must provide notice to the child's current caregiver and the child's tribe, if applicable.

If the court finds that unsupervised visits between the child and the relative do not present a risk to the child's safety or well-being, and that the visitation is in the best interests of the child, the court may grant visitation. In determining the best interests of the child, the court must consider at least the following:

- (1) the love, affection, and strength of the relationship between the child and the relative;
- (2) the length and quality of the prior relationship between the child and the relative;
- (3) any criminal convictions for or founded abuse history by the relative of a child;
- (4) whether the visitation will present a risk to the child's health, welfare, or safety;
- (5) the child's reasonable preference; and
- (6) any other factor relevant to the child's best interest.

The court may modify the visitation order at any time upon a showing that the visitation poses a risk to the child's safety or well-being. The visitation order must state that it will terminate upon the child's placement in a pre-adoptive home or if a subsequent abuse or neglect allegation is found against the relative.

The term *relative* does not include the child's parent.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.