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**SENATE BILL 5532**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senator Fortunato

1 AN ACT Relating to establishing standards for civil proceedings  
2 and unprofessional conduct involving child abuse and domestic  
3 violence; amending RCW 13.34.102, 18.130.180, 26.09.191, and  
4 26.09.197; reenacting and amending RCW 26.09.004; adding a new  
5 section to chapter 2.56 RCW; and adding new sections to chapter 26.09  
6 RCW.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 2.56 RCW  
9 to read as follows:

10 (1) The administrative office of the courts may develop and  
11 implement an ongoing education and training program for judges,  
12 magistrates, and other relevant court personnel, including guardians  
13 ad litem, counsel for children, and mediators regarding child abuse.  
14 The education and training program must include all aspects of the  
15 maltreatment of children, including:

- 16 (a) Sexual abuse;  
17 (b) Physical abuse;  
18 (c) Psychological and emotional abuse;  
19 (d) Implicit and explicit bias;  
20 (e) Trauma and neglect; and  
21 (f) The impact of child abuse and domestic violence on children.

1 (2) The education and training program under subsection (1) of  
2 this section must include the latest best practices from evidence-  
3 based, peer-reviewed research by recognized experts, including  
4 statewide family violence experts, in the types of child abuse  
5 specified under subsection (1) of this section. The education and  
6 training program under subsection (1) of this section must be  
7 designed to educate and train relevant court personnel on all of the  
8 factors listed under RCW 26.09.187 and improve the ability of courts  
9 to make appropriate custody decisions that are in the best interest  
10 of the child, including education and training regarding the impact  
11 of child abuse, domestic abuse, and trauma on a victim.

12 (3) Child and family court investigators, guardians ad litem,  
13 evaluators, judicial officers, and commissioners, must complete:

14 (a) No less than 20 hours of initial training; and

15 (b) No less than 15 hours of ongoing training every five years.

16 (4) The education and training program under subsection (1) of  
17 this section must conform with the requirements for increased federal  
18 grant funding under 34 U.S.C. Sec. 10446(k).

19 **Sec. 2.** RCW 13.34.102 and 2005 c 282 s 26 are each amended to  
20 read as follows:

21 (1) All guardians ad litem must comply with the following  
22 training requirements (~~(established under RCW 2.56.030(15),~~) prior  
23 to their appointment in cases under Title 13 RCW, except that  
24 volunteer guardians ad litem or court-appointed special advocates may  
25 comply with alternative training requirements approved by the  
26 administrative office of the courts that meet or exceed the statewide  
27 requirements:

28 (a) Training requirements established under RCW 2.56.030(15); and

29 (b) Training requirements established under section 1 of this  
30 act.

31 (2)(a) Each guardian ad litem program for compensated guardians  
32 ad litem shall establish a rotational registry system for the  
33 appointment of guardians ad litem. If a judicial district does not  
34 have a program the court shall establish the rotational registry  
35 system. Guardians ad litem shall be selected from the registry except  
36 in exceptional circumstances as determined and documented by the  
37 court. The parties may make a joint recommendation for the  
38 appointment of a guardian ad litem from the registry.

1 (b) In judicial districts with a population over one hundred  
2 thousand, a list of three names shall be selected from the registry  
3 and given to the parties along with the background information as  
4 specified in RCW 13.34.100(3), including their hourly rate for  
5 services. Each party may, within three judicial days, strike one name  
6 from the list. If more than one name remains on the list, the court  
7 shall make the appointment from the names on the list. In the event  
8 all three names are stricken the person whose name appears next on  
9 the registry shall be appointed.

10 (c) If a party reasonably believes that the appointed guardian ad  
11 litem lacks the necessary expertise for the proceeding, charges an  
12 hourly rate higher than what is reasonable for the particular  
13 proceeding, or has a conflict of interest, the party may, within  
14 three judicial days from the appointment, move for substitution of  
15 the appointed guardian ad litem by filing a motion with the court.

16 (d) The superior court shall remove any person from the guardian  
17 ad litem registry who misrepresents his or her qualifications  
18 pursuant to a grievance procedure established by the court.

19 (3) The rotational registry system shall not apply to court-  
20 appointed special advocate programs.

21 **Sec. 3.** RCW 18.130.180 and 2024 c 220 s 2 are each amended to  
22 read as follows:

23 Except as provided in RCW 18.130.450, the following conduct,  
24 acts, or conditions constitute unprofessional conduct for any license  
25 holder under the jurisdiction of this chapter:

26 (1) The commission of any act involving moral turpitude,  
27 dishonesty, or corruption relating to the practice of the person's  
28 profession, whether the act constitutes a crime or not. If the act  
29 constitutes a crime, conviction in a criminal proceeding is not a  
30 condition precedent to disciplinary action. Upon such a conviction,  
31 however, the judgment and sentence is conclusive evidence at the  
32 ensuing disciplinary hearing of the guilt of the license holder of  
33 the crime described in the indictment or information, and of the  
34 person's violation of the statute on which it is based. For the  
35 purposes of this section, conviction includes all instances in which  
36 a plea of guilty or nolo contendere is the basis for the conviction  
37 and all proceedings in which the sentence has been deferred or  
38 suspended. Nothing in this section abrogates rights guaranteed under  
39 chapter 9.96A RCW;

1 (2) Misrepresentation or concealment of a material fact in  
2 obtaining a license or in reinstatement thereof;

3 (3) All advertising which is false, fraudulent, or misleading;

4 (4) Incompetence, negligence, or malpractice which results in  
5 injury to a patient or which creates an unreasonable risk that a  
6 patient may be harmed. The use of a nontraditional treatment by  
7 itself shall not constitute unprofessional conduct, provided that it  
8 does not result in injury to a patient or create an unreasonable risk  
9 that a patient may be harmed;

10 (5) Suspension, revocation, or restriction of the individual's  
11 license to practice any health care profession by competent authority  
12 in any state, federal, or foreign jurisdiction, a certified copy of  
13 the order, stipulation, or agreement being conclusive evidence of the  
14 revocation, suspension, or restriction;

15 (6) The possession, use, prescription for use, or distribution of  
16 controlled substances or legend drugs in any way other than for  
17 legitimate or therapeutic purposes, diversion of controlled  
18 substances or legend drugs, the violation of any drug law, or  
19 prescribing controlled substances for oneself;

20 (7) Violation of any state or federal statute or administrative  
21 rule regulating the profession in question, including any statute or  
22 rule defining or establishing standards of patient care or  
23 professional conduct or practice;

24 (8) Failure to cooperate with the disciplining authority by:

25 (a) Not furnishing any papers, documents, records, or other  
26 items;

27 (b) Not furnishing in writing a full and complete explanation  
28 covering the matter contained in the complaint filed with the  
29 disciplining authority;

30 (c) Not responding to subpoenas issued by the disciplining  
31 authority, whether or not the recipient of the subpoena is the  
32 accused in the proceeding; or

33 (d) Not providing reasonable and timely access for authorized  
34 representatives of the disciplining authority seeking to perform  
35 practice reviews at facilities utilized by the license holder;

36 (9) Failure to comply with an order issued by the disciplining  
37 authority or a stipulation for informal disposition entered into with  
38 the disciplining authority;

39 (10) Aiding or abetting an unlicensed person to practice when a  
40 license is required;

- 1 (11) Violations of rules established by any health agency;
- 2 (12) Practice beyond the scope of practice as defined by law or  
3 rule;
- 4 (13) Misrepresentation or fraud in any aspect of the conduct of  
5 the business or profession;
- 6 (14) Failure to adequately supervise auxiliary staff to the  
7 extent that the consumer's health or safety is at risk;
- 8 (15) Engaging in a profession involving contact with the public  
9 while suffering from a contagious or infectious disease involving  
10 serious risk to public health;
- 11 (16) Promotion for personal gain of any unnecessary or  
12 inefficacious drug, device, treatment, procedure, or service;
- 13 (17) Conviction of any gross misdemeanor or felony relating to  
14 the practice of the person's profession. For the purposes of this  
15 subsection, conviction includes all instances in which a plea of  
16 guilty or nolo contendere is the basis for conviction and all  
17 proceedings in which the sentence has been deferred or suspended.  
18 Nothing in this section abrogates rights guaranteed under chapter  
19 9.96A RCW;
- 20 (18) The offering, undertaking, or agreeing to cure or treat  
21 disease by a secret method, procedure, treatment, or medicine, or the  
22 treating, operating, or prescribing for any health condition by a  
23 method, means, or procedure which the licensee refuses to divulge  
24 upon demand of the disciplining authority;
- 25 (19) The willful betrayal of a practitioner-patient privilege as  
26 recognized by law;
- 27 (20) Violation of chapter 19.68 RCW or a pattern of violations of  
28 RCW 41.05.700(8), 48.43.735(8), 48.49.020, 48.49.030, 71.24.335(8),  
29 or 74.09.325(8);
- 30 (21) Interference with an investigation or disciplinary  
31 proceeding by willful misrepresentation of facts before the  
32 disciplining authority or its authorized representative, or by the  
33 use of threats or harassment against any patient or witness to  
34 prevent them from providing evidence in a disciplinary proceeding or  
35 any other legal action, or by the use of financial inducements to any  
36 patient or witness to prevent or attempt to prevent him or her from  
37 providing evidence in a disciplinary proceeding;
- 38 (22) Current misuse of:
- 39 (a) Alcohol;
- 40 (b) Controlled substances; or

- 1 (c) Legend drugs;
- 2 (23) Abuse of a client or patient or sexual contact with a client  
3 or patient;
- 4 (24) Acceptance of more than a nominal gratuity, hospitality, or  
5 subsidy offered by a representative or vendor of medical or health-  
6 related products or services intended for patients, in contemplation  
7 of a sale or for use in research publishable in professional  
8 journals, where a conflict of interest is presented, as defined by  
9 rules of the disciplining authority, in consultation with the  
10 department, based on recognized professional ethical standards;
- 11 (25) Violation of RCW 18.130.420;
- 12 (26) Performing conversion therapy on a patient under age  
13 eighteen;
- 14 (27) Violation of RCW 18.130.430;
- 15 (28) Violation of RCW 18.130.460; (~~or~~)
- 16 (29) Implanting the license holder's own gametes or reproductive  
17 material into a patient; or
- 18 (30) Performing reunification therapy with a parent and child,  
19 whereby the parent has physically or sexually abused that child, or  
20 has committed acts of domestic violence and has not yet satisfied  
21 requirements under RCW 7.105.405(4)(a).

22 **Sec. 4.** RCW 26.09.004 and 2009 c 502 s 1 are each reenacted and  
23 amended to read as follows:

24 The definitions in this section apply throughout this chapter.

25 (1) "Military duties potentially impacting parenting functions"  
26 means those obligations imposed, voluntarily or involuntarily, on a  
27 parent serving in the armed forces that may interfere with that  
28 parent's abilities to perform his or her parenting functions under a  
29 temporary or permanent parenting plan. Military duties potentially  
30 impacting parenting functions include, but are not limited to:

31 (a) "Deployment," which means the temporary transfer of a service  
32 member serving in an active-duty status to another location in  
33 support of a military operation, to include any tour of duty  
34 classified by the member's branch of the armed forces as "remote" or  
35 "unaccompanied";

36 (b) "Activation" or "mobilization," which means the call-up of a  
37 national guard or reserve service member to extended active-duty  
38 status. For purposes of this definition, "mobilization" does not

1 include national guard or reserve annual training, inactive duty  
2 days, or drill weekends; or

3 (c) "Temporary duty," which means the transfer of a service  
4 member from one military base or the service member's home to a  
5 different location, usually another base, for a limited period of  
6 time to accomplish training or to assist in the performance of a  
7 noncombat mission.

8 (2) "Parenting functions" means those aspects of the parent-child  
9 relationship in which the parent makes decisions and performs  
10 functions necessary for the care and growth of the child. Parenting  
11 functions include:

12 (a) Maintaining a loving, stable, consistent, and nurturing  
13 relationship with the child;

14 (b) Attending to the daily needs of the child, such as feeding,  
15 clothing, physical care and grooming, supervision, health care, and  
16 day care, and engaging in other activities which are appropriate to  
17 the developmental level of the child and that are within the social  
18 and economic circumstances of the particular family;

19 (c) Attending to adequate education for the child, including  
20 remedial or other education essential to the best interests of the  
21 child;

22 (d) Assisting the child in developing and maintaining appropriate  
23 interpersonal relationships;

24 (e) Exercising appropriate judgment regarding the child's  
25 welfare, consistent with the child's developmental level and the  
26 family's social and economic circumstances; and

27 (f) Providing for the financial support of the child.

28 (3) "Permanent parenting plan" means a plan for parenting the  
29 child, including allocation of parenting functions, which plan is  
30 incorporated in any final decree or decree of modification in an  
31 action for dissolution of marriage or domestic partnership,  
32 declaration of invalidity, or legal separation.

33 (4) "Temporary parenting plan" means a plan for parenting of the  
34 child pending final resolution of any action for dissolution of  
35 marriage or domestic partnership, declaration of invalidity, or legal  
36 separation which is incorporated in a temporary order.

37 (5) "Accused party" means a parent in a case to determine  
38 parental responsibilities who has been accused of domestic violence  
39 or child abuse, including child sexual abuse.

1       (6) "Protective party" means a parent in a case to determine  
2 parental responsibilities who is competent, protective, not sexually  
3 or physically abusive, and with whom a child is bonded or attached.

4       **Sec. 5.** RCW 26.09.191 and 2021 c 215 s 134 are each amended to  
5 read as follows:

6       (1) The permanent parenting plan shall not require mutual  
7 decision-making or designation of a dispute resolution process other  
8 than court action if it is found that a parent has engaged in any of  
9 the following conduct: (a) Willful abandonment that continues for an  
10 extended period of time or substantial refusal to perform parenting  
11 functions; (b) physical, sexual, or a pattern of emotional abuse of a  
12 child; or (c) a history of acts of domestic violence as defined in  
13 RCW 7.105.010 or an assault or sexual assault that causes grievous  
14 bodily harm or the fear of such harm or that results in a pregnancy.

15       (2)(a) The parent's residential time with the child shall be  
16 limited if it is found that the parent has engaged in any of the  
17 following conduct: (i) Willful abandonment that continues for an  
18 extended period of time or substantial refusal to perform parenting  
19 functions; (ii) physical, sexual, or a pattern of emotional abuse of  
20 a child; (iii) a history of acts of domestic violence as defined in  
21 RCW 7.105.010 or an assault or sexual assault that causes grievous  
22 bodily harm or the fear of such harm or that results in a pregnancy;  
23 or (iv) the parent has been convicted as an adult of a sex offense  
24 under:

25       (A) RCW 9A.44.076 if, because of the difference in age between  
26 the offender and the victim, no rebuttable presumption exists under  
27 (d) of this subsection;

28       (B) RCW 9A.44.079 if, because of the difference in age between  
29 the offender and the victim, no rebuttable presumption exists under  
30 (d) of this subsection;

31       (C) RCW 9A.44.086 if, because of the difference in age between  
32 the offender and the victim, no rebuttable presumption exists under  
33 (d) of this subsection;

34       (D) RCW 9A.44.089;

35       (E) RCW 9A.44.093;

36       (F) RCW 9A.44.096;

37       (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
38 between the offender and the victim, no rebuttable presumption exists  
39 under (d) of this subsection;



1 (H) Chapter 9.68A RCW;

2 (I) Any predecessor or antecedent statute for the offenses listed  
3 in (a) (iv) (A) through (H) of this subsection;

4 (J) Any statute from any other jurisdiction that describes an  
5 offense analogous to the offenses listed in (a) (iv) (A) through (H) of  
6 this subsection.

7 This subsection (2) (a) shall not apply when (c) or (d) of this  
8 subsection applies.

9 (b) The parent's residential time with the child shall be limited  
10 if it is found that the parent resides with a person who has engaged  
11 in any of the following conduct: (i) Physical, sexual, or a pattern  
12 of emotional abuse of a child; (ii) a history of acts of domestic  
13 violence as defined in RCW 7.105.010 or an assault or sexual assault  
14 that causes grievous bodily harm or the fear of such harm or that  
15 results in a pregnancy; or (iii) the person has been convicted as an  
16 adult or as a juvenile has been adjudicated of a sex offense under:

17 (A) RCW 9A.44.076 if, because of the difference in age between  
18 the offender and the victim, no rebuttable presumption exists under  
19 (e) of this subsection;

20 (B) RCW 9A.44.079 if, because of the difference in age between  
21 the offender and the victim, no rebuttable presumption exists under  
22 (e) of this subsection;

23 (C) RCW 9A.44.086 if, because of the difference in age between  
24 the offender and the victim, no rebuttable presumption exists under  
25 (e) of this subsection;

26 (D) RCW 9A.44.089;

27 (E) RCW 9A.44.093;

28 (F) RCW 9A.44.096;

29 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
30 between the offender and the victim, no rebuttable presumption exists  
31 under (e) of this subsection;

32 (H) Chapter 9.68A RCW;

33 (I) Any predecessor or antecedent statute for the offenses listed  
34 in (b) (iii) (A) through (H) of this subsection;

35 (J) Any statute from any other jurisdiction that describes an  
36 offense analogous to the offenses listed in (b) (iii) (A) through (H)  
37 of this subsection.

38 This subsection (2) (b) shall not apply when (c) or (e) of this  
39 subsection applies.

1 (c) If a parent has been found to be a sexual predator under  
2 chapter 71.09 RCW or under an analogous statute of any other  
3 jurisdiction, the court shall restrain the parent from contact with a  
4 child that would otherwise be allowed under this chapter. If a parent  
5 resides with an adult or a juvenile who has been found to be a sexual  
6 predator under chapter 71.09 RCW or under an analogous statute of any  
7 other jurisdiction, the court shall restrain the parent from contact  
8 with the parent's child except contact that occurs outside that  
9 person's presence.

10 (d) There is a rebuttable presumption that a parent who has been  
11 convicted as an adult of a sex offense listed in (d)(i) through (ix)  
12 of this subsection poses a present danger to a child. Unless the  
13 parent rebuts this presumption, the court shall restrain the parent  
14 from contact with a child that would otherwise be allowed under this  
15 chapter:

16 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
17 was at least five years older than the other person;

18 (ii) RCW 9A.44.073;

19 (iii) RCW 9A.44.076, provided that the person convicted was at  
20 least eight years older than the victim;

21 (iv) RCW 9A.44.079, provided that the person convicted was at  
22 least eight years older than the victim;

23 (v) RCW 9A.44.083;

24 (vi) RCW 9A.44.086, provided that the person convicted was at  
25 least eight years older than the victim;

26 (vii) RCW 9A.44.100;

27 (viii) Any predecessor or antecedent statute for the offenses  
28 listed in (d)(i) through (vii) of this subsection;

29 (ix) Any statute from any other jurisdiction that describes an  
30 offense analogous to the offenses listed in (d)(i) through (vii) of  
31 this subsection.

32 (e) There is a rebuttable presumption that a parent who resides  
33 with a person who, as an adult, has been convicted, or as a juvenile  
34 has been adjudicated, of the sex offenses listed in (e)(i) through  
35 (ix) of this subsection places a child at risk of abuse or harm when  
36 that parent exercises residential time in the presence of the  
37 convicted or adjudicated person. Unless the parent rebuts the  
38 presumption, the court shall restrain the parent from contact with  
39 the parent's child except for contact that occurs outside of the  
40 convicted or adjudicated person's presence:

1 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
2 was at least five years older than the other person;  
3 (ii) RCW 9A.44.073;  
4 (iii) RCW 9A.44.076, provided that the person convicted was at  
5 least eight years older than the victim;  
6 (iv) RCW 9A.44.079, provided that the person convicted was at  
7 least eight years older than the victim;  
8 (v) RCW 9A.44.083;  
9 (vi) RCW 9A.44.086, provided that the person convicted was at  
10 least eight years older than the victim;  
11 (vii) RCW 9A.44.100;  
12 (viii) Any predecessor or antecedent statute for the offenses  
13 listed in (e)(i) through (vii) of this subsection;  
14 (ix) Any statute from any other jurisdiction that describes an  
15 offense analogous to the offenses listed in (e)(i) through (vii) of  
16 this subsection.  
17 (f) The presumption established in (d) of this subsection may be  
18 rebutted only after a written finding that the child was not  
19 conceived and subsequently born as a result of a sexual assault  
20 committed by the parent requesting residential time and that:  
21 (i) If the child was not the victim of the sex offense committed  
22 by the parent requesting residential time, (A) contact between the  
23 child and the offending parent is appropriate and poses minimal risk  
24 to the child, and (B) the offending parent has successfully engaged  
25 in treatment for sex offenders or is engaged in and making progress  
26 in such treatment, if any was ordered by a court, and the treatment  
27 provider believes such contact is appropriate and poses minimal risk  
28 to the child; or  
29 (ii) If the child was the victim of the sex offense committed by  
30 the parent requesting residential time, (A) contact between the child  
31 and the offending parent is appropriate and poses minimal risk to the  
32 child, (B) if the child is in or has been in therapy for victims of  
33 sexual abuse, the child's counselor believes such contact between the  
34 child and the offending parent is in the child's best interest, and  
35 (C) the offending parent has successfully engaged in treatment for  
36 sex offenders or is engaged in and making progress in such treatment,  
37 if any was ordered by a court, and the treatment provider believes  
38 such contact is appropriate and poses minimal risk to the child.  
39 (g) The presumption established in (e) of this subsection may be  
40 rebutted only after a written finding that the child was not

1 conceived and subsequently born as a result of a sexual assault  
2 committed by the parent requesting residential time and that:

3 (i) If the child was not the victim of the sex offense committed  
4 by the person who is residing with the parent requesting residential  
5 time, (A) contact between the child and the parent residing with the  
6 convicted or adjudicated person is appropriate and that parent is  
7 able to protect the child in the presence of the convicted or  
8 adjudicated person, and (B) the convicted or adjudicated person has  
9 successfully engaged in treatment for sex offenders or is engaged in  
10 and making progress in such treatment, if any was ordered by a court,  
11 and the treatment provider believes such contact is appropriate and  
12 poses minimal risk to the child; or

13 (ii) If the child was the victim of the sex offense committed by  
14 the person who is residing with the parent requesting residential  
15 time, (A) contact between the child and the parent in the presence of  
16 the convicted or adjudicated person is appropriate and poses minimal  
17 risk to the child, (B) if the child is in or has been in therapy for  
18 victims of sexual abuse, the child's counselor believes such contact  
19 between the child and the parent residing with the convicted or  
20 adjudicated person in the presence of the convicted or adjudicated  
21 person is in the child's best interest, and (C) the convicted or  
22 adjudicated person has successfully engaged in treatment for sex  
23 offenders or is engaged in and making progress in such treatment, if  
24 any was ordered by a court, and the treatment provider believes  
25 contact between the parent and child in the presence of the convicted  
26 or adjudicated person is appropriate and poses minimal risk to the  
27 child.

28 (h) If the court finds that the parent has met the burden of  
29 rebutting the presumption under (f) of this subsection, the court may  
30 allow a parent who has been convicted as an adult of a sex offense  
31 listed in (d)(i) through (ix) of this subsection to have residential  
32 time with the child supervised by a neutral and independent adult and  
33 pursuant to an adequate plan for supervision of such residential  
34 time. The court shall not approve of a supervisor for contact between  
35 the child and the parent unless the court finds, based on the  
36 evidence, that the supervisor is willing and capable of protecting  
37 the child from harm. The court shall revoke court approval of the  
38 supervisor upon finding, based on the evidence, that the supervisor  
39 has failed to protect the child or is no longer willing or capable of  
40 protecting the child.

1 (i) If the court finds that the parent has met the burden of  
2 rebutting the presumption under (g) of this subsection, the court may  
3 allow a parent residing with a person who has been adjudicated as a  
4 juvenile of a sex offense listed in (e)(i) through (ix) of this  
5 subsection to have residential time with the child in the presence of  
6 the person adjudicated as a juvenile, supervised by a neutral and  
7 independent adult and pursuant to an adequate plan for supervision of  
8 such residential time. The court shall not approve of a supervisor  
9 for contact between the child and the parent unless the court finds,  
10 based on the evidence, that the supervisor is willing and capable of  
11 protecting the child from harm. The court shall revoke court approval  
12 of the supervisor upon finding, based on the evidence, that the  
13 supervisor has failed to protect the child or is no longer willing or  
14 capable of protecting the child.

15 (j) If the court finds that the parent has met the burden of  
16 rebutting the presumption under (g) of this subsection, the court may  
17 allow a parent residing with a person who, as an adult, has been  
18 convicted of a sex offense listed in (e)(i) through (ix) of this  
19 subsection to have residential time with the child in the presence of  
20 the convicted person supervised by a neutral and independent adult  
21 and pursuant to an adequate plan for supervision of such residential  
22 time. The court shall not approve of a supervisor for contact between  
23 the child and the parent unless the court finds, based on the  
24 evidence, that the supervisor is willing and capable of protecting  
25 the child from harm. The court shall revoke court approval of the  
26 supervisor upon finding, based on the evidence, that the supervisor  
27 has failed to protect the child or is no longer willing or capable of  
28 protecting the child.

29 (k) A court shall not order unsupervised contact between the  
30 offending parent and a child of the offending parent who was sexually  
31 abused by that parent. A court may order unsupervised contact between  
32 the offending parent and a child who was not sexually abused by the  
33 parent after the presumption under (d) of this subsection has been  
34 rebutted and supervised residential time has occurred for at least  
35 two years with no further arrests or convictions of sex offenses  
36 involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter  
37 9.68A RCW and (i) the sex offense of the offending parent was not  
38 committed against a child of the offending parent, and (ii) the court  
39 finds that unsupervised contact between the child and the offending  
40 parent is appropriate and poses minimal risk to the child, after

1 consideration of the testimony of a state-certified therapist, mental  
2 health counselor, or social worker with expertise in treating child  
3 sexual abuse victims who has supervised at least one period of  
4 residential time between the parent and the child, and after  
5 consideration of evidence of the offending parent's compliance with  
6 community supervision requirements, if any. If the offending parent  
7 was not ordered by a court to participate in treatment for sex  
8 offenders, then the parent shall obtain a psychosexual evaluation  
9 conducted by a certified sex offender treatment provider or a  
10 certified affiliate sex offender treatment provider indicating that  
11 the offender has the lowest likelihood of risk to reoffend before the  
12 court grants unsupervised contact between the parent and a child.

13 (1) A court may order unsupervised contact between the parent and  
14 a child which may occur in the presence of a juvenile adjudicated of  
15 a sex offense listed in (e)(i) through (ix) of this subsection who  
16 resides with the parent after the presumption under (e) of this  
17 subsection has been rebutted and supervised residential time has  
18 occurred for at least two years during which time the adjudicated  
19 juvenile has had no further arrests, adjudications, or convictions of  
20 sex offenses involving children under chapter 9A.44 RCW, RCW  
21 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that  
22 unsupervised contact between the child and the parent that may occur  
23 in the presence of the adjudicated juvenile is appropriate and poses  
24 minimal risk to the child, after consideration of the testimony of a  
25 state-certified therapist, mental health counselor, or social worker  
26 with expertise in treatment of child sexual abuse victims who has  
27 supervised at least one period of residential time between the parent  
28 and the child in the presence of the adjudicated juvenile, and after  
29 consideration of evidence of the adjudicated juvenile's compliance  
30 with community supervision or parole requirements, if any. If the  
31 adjudicated juvenile was not ordered by a court to participate in  
32 treatment for sex offenders, then the adjudicated juvenile shall  
33 obtain a psychosexual evaluation conducted by a certified sex  
34 offender treatment provider or a certified affiliate sex offender  
35 treatment provider indicating that the adjudicated juvenile has the  
36 lowest likelihood of risk to reoffend before the court grants  
37 unsupervised contact between the parent and a child which may occur  
38 in the presence of the adjudicated juvenile who is residing with the  
39 parent.

1 (m)(i) The limitations imposed by the court under (a) or (b) of  
2 this subsection shall be reasonably calculated to protect the child  
3 from the physical, sexual, or emotional abuse or harm that could  
4 result if the child has contact with the parent requesting  
5 residential time. The limitations shall also be reasonably calculated  
6 to provide for the safety of the parent who may be at risk of  
7 physical, sexual, or emotional abuse or harm that could result if the  
8 parent has contact with the parent requesting residential time. The  
9 limitations the court may impose include, but are not limited to:  
10 Supervised contact between the child and the parent or completion of  
11 relevant counseling or treatment. If the court expressly finds based  
12 on the evidence that limitations on the residential time with the  
13 child will not adequately protect the child from the harm or abuse  
14 that could result if the child has contact with the parent requesting  
15 residential time, the court shall restrain the parent requesting  
16 residential time from all contact with the child.

17 (ii) The court shall not enter an order under (a) of this  
18 subsection allowing a parent to have contact with a child if the  
19 parent has been found by clear and convincing evidence in a civil  
20 action or by a preponderance of the evidence in a dependency action  
21 to have sexually abused the child, except upon recommendation by an  
22 evaluator or therapist for the child that the child is ready for  
23 contact with the parent and will not be harmed by the contact. The  
24 court shall not enter an order allowing a parent to have contact with  
25 the child in the offender's presence if the parent resides with a  
26 person who has been found by clear and convincing evidence in a civil  
27 action or by a preponderance of the evidence in a dependency action  
28 to have sexually abused a child, unless the court finds that the  
29 parent accepts that the person engaged in the harmful conduct and the  
30 parent is willing to and capable of protecting the child from harm  
31 from the person.

32 (iii) The court shall not enter an order under (a) of this  
33 subsection allowing a parent to have contact with a child if the  
34 parent has been found by clear and convincing evidence pursuant to  
35 RCW 26.26A.465 to have committed sexual assault, as defined in RCW  
36 26.26A.465, against the child's parent, and that the child was born  
37 within three hundred twenty days of the sexual assault.

38 (iv) If the court limits residential time under (a) or (b) of  
39 this subsection to require supervised contact between the child and  
40 the parent, the court shall not approve of a supervisor for contact

1 between a child and a parent who has engaged in physical, sexual, or  
2 a pattern of emotional abuse of the child unless the court finds  
3 based upon the evidence that the supervisor accepts that the harmful  
4 conduct occurred and is willing to and capable of protecting the  
5 child from harm. The court shall revoke court approval of the  
6 supervisor upon finding, based on the evidence, that the supervisor  
7 has failed to protect the child or is no longer willing to or capable  
8 of protecting the child.

9 (n) If the court expressly finds based on the evidence that  
10 contact between the parent and the child will not cause physical,  
11 sexual, or emotional abuse or harm to the child and that the  
12 probability that the parent's or other person's harmful or abusive  
13 conduct will recur is so remote that it would not be in the child's  
14 best interests to apply the limitations of (a), (b), and (m)(i) and  
15 (iv) of this subsection, or if the court expressly finds that the  
16 parent's conduct did not have an impact on the child, then the court  
17 need not apply the limitations of (a), (b), and (m)(i) and (iv) of  
18 this subsection. The weight given to the existence of a protection  
19 order issued under chapter 7.105 RCW or former chapter 26.50 RCW as  
20 to domestic violence is within the discretion of the court. This  
21 subsection shall not apply when (c), (d), (e), (f), (g), (h), (i),  
22 (j), (k), (l), and (m)(ii) of this subsection apply.

23 (3) A parent's involvement or conduct may have an adverse effect  
24 on the child's best interests, and the court may preclude or limit  
25 any provisions of the parenting plan, if any of the following factors  
26 exist:

27 (a) A parent's neglect or substantial nonperformance of parenting  
28 functions;

29 (b) A long-term emotional or physical impairment which interferes  
30 with the parent's performance of parenting functions as defined in  
31 RCW 26.09.004;

32 (c) A long-term impairment resulting from drug, alcohol, or other  
33 substance abuse that interferes with the performance of parenting  
34 functions;

35 (d) The absence or substantial impairment of emotional ties  
36 between the parent and the child;

37 (e) The abusive use of conflict by the parent which creates the  
38 danger of serious damage to the child's psychological development.  
39 Abusive use of conflict includes, but is not limited to, abusive  
40 litigation as defined in RCW 26.51.020. If the court finds a parent



1 has engaged in abusive litigation, the court may impose any  
2 restrictions or remedies set forth in chapter 26.51 RCW in addition  
3 to including a finding in the parenting plan. Litigation that is  
4 aggressive or improper but that does not meet the definition of  
5 abusive litigation shall not constitute a basis for a finding under  
6 this section. A report made in good faith to law enforcement, a  
7 medical professional, or child protective services of sexual,  
8 physical, or mental abuse of a child shall not constitute a basis for  
9 a finding of abusive use of conflict;

10 (f) A parent has withheld from the other parent access to the  
11 child for a protracted period without good cause; or

12 (g) Such other factors or conduct as the court expressly finds  
13 adverse to the best interests of the child.

14 (4) In cases involving allegations of limiting factors under  
15 subsection (2) (a) (ii) and (iii) of this section (~~(, both)~~):

16 (a) Both parties shall be screened to determine the  
17 appropriateness of a comprehensive assessment regarding the impact of  
18 the limiting factor on the child and the parties; and

19 (b) The court shall consider the evidence outlined in section 7  
20 of this act.

21 (5) In entering a permanent parenting plan, the court shall not  
22 draw any presumptions from the provisions of the temporary parenting  
23 plan.

24 (6) In determining whether any of the conduct described in this  
25 section has occurred, the court shall apply the civil rules of  
26 evidence, proof, and procedure.

27 (7) The court may not use the parenting plan for purposes  
28 prohibited in section 8(1) of this act and any reunification plan  
29 must comply with section 8(2) of this act.

30 (8) For the purposes of this section:

31 (a) "A parent's child" means that parent's natural child, adopted  
32 child, or stepchild; and

33 (b) "Social worker" means a person with a master's or further  
34 advanced degree from a social work educational program accredited and  
35 approved as provided in RCW 18.320.010.

36 **Sec. 6.** RCW 26.09.197 and 2007 c 496 s 604 are each amended to  
37 read as follows:

38 After considering the affidavit required by RCW 26.09.194(1)  
39 (~~and~~), other relevant evidence presented, and any evident mandatory

1 limitations under RCW 26.09.191, the court shall make a temporary  
2 parenting plan that is in the best interest of the child. In making  
3 this determination, the court shall give particular consideration to:

4 (1) The relative strength, nature, and stability of the child's  
5 relationship with each parent; and

6 (2) Which parenting arrangements will cause the least disruption  
7 to the child's emotional stability while the action is pending.

8 The court shall also consider the factors used to determine  
9 residential provisions in the permanent parenting plan.

10 NEW SECTION. **Sec. 7.** A new section is added to chapter 26.09  
11 RCW to read as follows:

12 (1) In all proceedings brought pursuant to this title concerning  
13 the allocation of parental responsibilities with respect to a child  
14 in which a claim of domestic violence or child abuse, including child  
15 sexual abuse, has been made to the court, or the court has reason to  
16 believe that a party has committed domestic violence or child abuse,  
17 including child sexual abuse, the court shall:

18 (a) Consider the admission of expert testimony and evidence if  
19 the expert demonstrates expertise and experience working with victims  
20 of domestic violence or child abuse, including child sexual abuse,  
21 that is not solely forensic in nature; and

22 (b) Consider evidence of past sexual or physical abuse committed  
23 by the accused party, including:

24 (i) Any past or current protection or restraining orders against  
25 the accused party, including protection or restraining orders that  
26 raise sexual violence or abuse;

27 (ii) Arrests of the accused party for domestic violence, sexual  
28 violence, or child abuse;

29 (iii) Convictions of the accused party for domestic violence,  
30 sexual violence, or child abuse; or

31 (iv) Other documentation, including letters from a victim  
32 advocate or victim service provider, if the victim consents to such  
33 disclosure; medical records; or a letter to a landlord to break a  
34 lease.

35 (2) In compliance with the federal keeping children safe from  
36 family violence act, Title 34 U.S.C. Sec. 10446, as amended, any  
37 neutral professional appointed by a court to express an opinion  
38 relating to abuse, trauma, or the behaviors of victims and  
39 perpetrators of abuse and trauma during a proceeding to allocate

1 parental responsibilities shall possess demonstrated expertise and  
2 experience in working with victims of domestic violence or child  
3 abuse, including child sexual abuse, that is not solely of a forensic  
4 nature.

5 NEW SECTION. **Sec. 8.** A new section is added to chapter 26.09  
6 RCW to read as follows:

7 (1) In determining allocation of parental responsibilities in  
8 proceedings brought pursuant to this chapter in which a claim of  
9 domestic violence or child abuse, including child sexual abuse, has  
10 been made to the court, or the court has reason to believe that a  
11 party has committed domestic violence or child abuse, including child  
12 sexual abuse, a court shall not:

13 (a) Remove a child from a protective party solely to improve a  
14 deficient relationship with an accused party;

15 (b) Restrict contact between a child and a protective party  
16 solely to improve a deficient relationship with an accused party;

17 (c) Order reunification treatment, unless there is generally  
18 accepted and scientifically valid proof of the safety, effectiveness,  
19 and therapeutic value of the reunification treatment; or

20 (d) Order reunification treatment that is predicated on cutting  
21 off the relationship between a child and the protective party.

22 (2) If a court issues an order to remediate the resistance of a  
23 child to have contact with an accused party, the order must primarily  
24 address the behavior of the accused party, who shall accept  
25 responsibility for the accused party's actions that negatively  
26 affected the accused party's relationship with the child, and the  
27 offender shall satisfy the requirements of RCW 7.105.405(4)(a) before  
28 the court orders a protective party to take steps to improve the  
29 relationship with the accused party. The court may not issue an order  
30 to remediate the resistance of a child to have contact with an  
31 accused party, who was found to have sexually abused the child.

--- END ---