
HOUSE BILL 1899

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Scott, Paris, Winsley, Brekke, Leonard, Day, Rasmussen, Brough, Dorn, Wood, Van Luven, Moyer and Rayburn.

Read first time February 14, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to grandparents' rights; amending RCW 26.09.240;
2 adding a new section to chapter 26.10 RCW; adding a new section to
3 chapter 13.34 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The extended family unit is a
6 fundamental resource of family life which should be encouraged.
7 Nurturing the relationship between grandparents and children who have
8 developed and maintained strong relationships is in the best interests
9 of the children, the grandparents, and the state. Grandparents'
10 relationships with their grandchildren are frequently severed or
11 impaired when the parents of the child get divorced or their parental
12 rights are terminated. In furtherance of the goal of nurturing
13 extended family relationships, the legislature finds that grandparents'
14 requests for custody and visitation should be given preference over
15 nonparent third parties who may seek custody or visitation unless the

1 court finds that such preference is not in the best interests of the
2 child. Additionally, grandparents' desires to maintain contact with
3 their grandchildren after divorce should be honored.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.10 RCW
5 to read as follows:

6 In an action under this chapter, the court shall give custodial
7 preference to the natural or adoptive grandparents over other nonparent
8 third parties, unless the court expressly finds that giving custodial
9 preference to a grandparent is not in the best interests of the child.
10 If both the maternal and paternal grandparents seek custody, then the
11 court shall determine custody and visitation rights in accordance with
12 the best interests of the child under RCW 26.10.100.

13 **Sec. 3.** RCW 26.09.240 and 1989 c 375 s 13 are each amended to read
14 as follows:

15 The court may order visitation rights for a person other than a
16 parent when visitation may serve the best interest of the child whether
17 or not there has been any change of circumstances.

18 A person other than a parent may petition the court for visitation
19 rights at any time.

20 The court shall, upon petition, grant the natural or adoptive
21 grandparents visitation rights unless the court affirmatively finds
22 that grandparental visitation rights would not be in the best interests
23 of the child.

24 The court may modify an order granting or denying visitation rights
25 whenever modification would serve the best interests of the child.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.34 RCW
2 to read as follows:

3 The department of social and health services shall give preference
4 to a dependent child's grandparents' request for temporary custody, or
5 adoption, of the child over the requests of a third party, unless the
6 department specifically finds that honoring the grandparents' request
7 will not be in the best interests of the child.