
HOUSE BILL 2529

State of Washington

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By Representatives Belcher, Forner, Paris, H. Myers, Riley, Anderson, Leonard, R. King, Ebersole, Bowman, Orr, Scott, J. Kohl, Morris, Fraser, Rasmussen and Brekke

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1 AN ACT Relating to restricting residential time and visitation
2 rights of parents who have sexually abused their children; amending RCW
3 26.10.160; reenacting and amending RCW 26.09.191; and declaring an
4 emergency.

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

6 **Sec. 1.** RCW 26.09.191 and 1989 c 375 s 11 and 1989 c 326 s 1 are
7 each reenacted and amended to read as follows:

8 (1) The permanent parenting plan shall not require mutual decision-
9 making or designation of a dispute resolution process other than court
10 action if it is found that a parent has engaged in any of the following
11 conduct: (a) Willful abandonment that continues for an extended period
12 of time or substantial refusal to perform parenting functions; (b)
13 physical, sexual, or a pattern of emotional abuse of a child; or (c) a
14 history of acts of domestic violence as defined in RCW 26.50.010(1) or

1 an assault or sexual assault which causes grievous bodily harm or the
2 fear of such harm.

3 (2)(a) The parent's residential time with the child shall be
4 limited if it is found that the parent has engaged in any of the
5 following conduct: (i) Willful abandonment that continues for an
6 extended period of time or substantial refusal to perform parenting
7 functions; (ii) physical, sexual, or a pattern of emotional abuse of a
8 child; or (iii) a history of acts of domestic violence as defined in
9 RCW 26.50.010(1) or an assault or sexual assault which causes grievous
10 bodily harm or the fear of such harm.

11 (b) If the court finds that the parent engaged in sexual abuse of
12 the child, the court shall require that a neutral third party supervise
13 all residential time the parent spends with the child. The supervisor
14 may not be a member of the offending parent's family.

15 (c) The limitations imposed by the court shall be reasonably
16 calculated to protect the child from physical, sexual, or emotional
17 abuse or harm that could result if the child has contact with the
18 parent requesting residential time. If the court expressly finds
19 limitation on the residential time with the child will not adequately
20 protect the child from the harm or abuse that could result if the child
21 has contact with the parent requesting residential time, the court
22 shall restrain the parent requesting residential time from all contact
23 with the child.

24 ~~((e))~~ (d) Except as provided in (b) of this subsection, if the
25 court expressly finds that contact between the parent and the child
26 will not cause physical, sexual, or emotional abuse or harm to the
27 child and that the probability that the parent's harmful or abusive
28 conduct will recur is so remote that it would not be in the child's
29 best interests to apply the limitations of (a) and ~~((b))~~ (c) of this
30 subsection, or if the court expressly finds the parent's conduct did

1 not have an impact on the child, then the court need not apply the
2 limitations of (a) and (~~(b)~~) (c) of this subsection. The weight
3 given to the existence of a protection order issued under chapter 26.50
4 RCW as to domestic violence is within the discretion of the court.

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

9 (a) A parent's neglect or substantial nonperformance of parenting
10 functions;

11 (b) A long-term emotional or physical impairment which interferes
12 with the parent's performance of parenting functions as defined in RCW
13 26.09.004;

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

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

19 (e) The abusive use of conflict by the parent which creates the
20 danger of serious damage to the child's psychological development;

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

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

25 (4) In entering a permanent parenting plan, the court shall not
26 draw any presumptions from the provisions of the temporary parenting
27 plan.

28 (5) In determining whether any of the conduct described in this
29 section has occurred, the court shall apply the civil rules of
30 evidence, proof, and procedure.

1 **Sec. 2.** RCW 26.10.160 and 1989 c 326 s 2 are each amended to read
2 as follows:

3 (1) A parent not granted custody of the child is entitled to
4 reasonable visitation rights except as provided in subsection (2) of
5 this section.

6 (2)(a) Visitation with the child shall be limited if it is found
7 that the parent seeking visitation has engaged in any of the following
8 conduct: (i) Willful abandonment that continues for an extended period
9 of time or substantial refusal to perform parenting functions; (ii)
10 physical, sexual, or a pattern of emotional abuse of a child; or (iii)
11 a history of acts of domestic violence as defined in RCW 26.50.010(1)
12 or an assault or sexual assault which causes grievous bodily harm or
13 the fear of such harm.

14 (b) If the court finds that the parent engaged in sexual abuse of
15 the child, the court shall require that a neutral third party supervise
16 the visitation. The supervisor may not be a member of the offending
17 parent's family.

18 (c) The limitations imposed by the court shall be reasonably
19 calculated to protect the child from the physical, sexual, or emotional
20 abuse or harm that could result if the child has contact with the
21 parent requesting visitation. If the court expressly finds limitations
22 on visitation with the child will not adequately protect the child from
23 the harm or abuse that could result if the child has contact with the
24 parent requesting visitation, the court shall restrain the person
25 seeking visitation from all contact with the child.

26 ~~((e))~~ (d) Except as provided in (b) of this subsection, if the
27 court expressly finds that contact between the parent and the child
28 will not cause physical, sexual, or emotional abuse or harm to the
29 child and that the probability that the parent's harmful or abusive
30 conduct will recur is so remote that it would not be in the child's

1 best interests to apply the limitations of (a) and (~~(b)~~) (c) of this
2 subsection, or if the court expressly finds the parent's conduct did
3 not have an impact on the child, then the court need not apply the
4 limitations of (a) and (~~(b)~~) (c) of this subsection. The weight
5 given to the existence of a protection order issued under chapter 26.50
6 RCW as to domestic violence is within the discretion of the court.

7 (3) Any person may petition the court for visitation rights at any
8 time including, but not limited to, custody proceedings. The court may
9 order visitation rights for any person when visitation may serve the
10 best interest of the child whether or not there has been any change of
11 circumstances.

12 (4) The court may modify an order granting or denying visitation
13 rights whenever modification would serve the best interests of the
14 child. Modification of a parent's visitation rights shall be subject
15 to the requirements of subsection (2) of this section.

16 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and shall take
19 effect immediately.