

FINAL BILL REPORT

ESSB 5061

C 267 L 94

SYNOPSIS AS ENACTED

Brief Description: Limiting residential time in parenting plans and visitation orders for abusive parents.

SPONSORS: Senate Committee on Law & Justice (originally sponsored by Senators Fraser, Winsley and A. Smith)

SENATE COMMITTEE ON LAW & JUSTICE

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

A parent who has sexually, physically, or emotionally abused a child may obtain unsupervised residential time with that child if the court finds such contact would not harm the child and the chance of the abusive behavior reoccurring is so remote that limitations on residential time are not in the child's best interests. However, absent the court making that finding, a court is directed to limit the parent's residential time with the child.

SUMMARY:

A court shall not allow a parent who has been convicted of a sexual offense or has been found to be a sexual predator to have residential time with a child.

If a parent lives with an adult or juvenile that has been convicted or adjudicated of a sexual offense or found to be a sexual predator, the court will restrain the parent from contact with the child except for contact that occurs outside the presence of that person.

A parent who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child shall not be allowed to have contact with the child unless the child's therapist or evaluator recommends that the child is ready for contact with the parent and will not be harmed by such contact.

A parent who resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child shall not be allowed to have contact with the child. However, if the court finds that the parent accepts that the person performed the harmful conduct and the parent is capable of protecting the child from harm from that

person, then the court may allow contact between the parent and the child.

A parent's residential time with the child shall be limited if the court finds that the parent resides with a person who has engaged in physical, sexual or emotional abuse of a child, domestic violence, or assault or sexual assault that causes grievous bodily harm or fear of such harm.

When a court requires supervised contact between the child and the parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child, the court may not approve a supervisor unless it finds that the supervisor accepts the occurrence of the harmful conduct and is willing and capable of protecting the child from harm.

The same rules apply to nonparental actions for child custody.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	96	0	(House amended)
Senate			(Senate refused to concur)

Conference Committee

House	96	0
Senate	45	1

EFFECTIVE: April 1, 1994