

2 **ESHB 1556** - S COMM AMD

3 By Committee on Law & Justice

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5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 26.09.240 and 1989 c 375 s 13 are each amended to
8 read as follows:

9 ~~((The court may order visitation rights for a person other than a
10 parent when visitation may serve the best interest of the child whether
11 or not there has been any change of circumstances.~~

12 ~~A person other than a parent may petition the court for visitation
13 rights at any time.~~

14 ~~The court may modify an order granting or denying visitation rights
15 whenever modification would serve the best interests of the child.))~~

16 (1) A person other than a parent may petition the court for
17 visitation with a child at any time or may intervene in a pending
18 dissolution, legal separation, or modification of parenting plan
19 proceeding. A person other than a parent may not petition for
20 visitation under this section unless the child's parent or parents have
21 commenced an action under this chapter.

22 (2) A petition for visitation with a child by a person other than
23 a parent must be filed in the county in which the child resides.

24 (3) A petition for visitation or a motion to intervene pursuant to
25 this section shall be dismissed unless the petitioner or intervenor can
26 demonstrate by clear and convincing evidence that a significant
27 relationship exists with the child with whom visitation is sought. The
28 petitioner shall pay court costs in an action under this section. If
29 the petition or motion is dismissed for failure to establish the
30 existence of a significant relationship or the petitioner or intervenor
31 does not prevail in an action under this section, the petitioner or
32 intervenor shall be ordered to pay reasonable attorney's fees and costs
33 to the parent, parents, other custodian, or representative of the child
34 who responds to this petition or motion.

35 (4) The court may order visitation between the petitioner or
36 intervenor and the child between whom a significant relationship exists

1 upon a finding supported by the evidence that the visitation is in the
2 child's best interests.

3 (5)(a) Visitation with a grandparent shall be presumed to be in the
4 child's best interests when a significant relationship has been shown
5 to exist. This presumption may be rebutted by a preponderance of
6 evidence showing that visitation would endanger the child's physical,
7 mental, or emotional health.

8 (b) If the court finds that reasonable visitation by a grandparent
9 would be in the child's best interest except for hostilities that exist
10 between the grandparent and one or both of the parents or person with
11 whom the child lives, the court may set the matter for mediation under
12 RCW 26.09.015.

13 (6) The court may consider the following factors when making a
14 determination of the child's best interests:

15 (a) The strength of the relationship between the child and the
16 petitioner;

17 (b) The relationship between each of the child's parents or the
18 person with whom the child is residing and the petitioner;

19 (c) The nature and reason for either parent's objection to granting
20 the petitioner visitation;

21 (d) The effect that granting visitation will have on the
22 relationship between the child and the child's parents or the person
23 with whom the child is residing;

24 (e) The residential time sharing arrangements between the parents;

25 (f) The good faith of the petitioner;

26 (g) Any criminal history or history of physical, emotional, or
27 sexual abuse or neglect by the petitioner; and

28 (h) Any other factor relevant to the child's best interest.

29 (7) The restrictions of RCW 26.09.191 that apply to parents shall
30 be applied to a petitioner or intervenor who is not a parent. The
31 nature and extent of visitation, subject to these restrictions, is in
32 the discretion of the court.

33 (8) The court may order an investigation and report concerning the
34 proposed visitation or may appoint a guardian ad litem as provided in
35 RCW 26.09.220.

36 (9) Visitation granted pursuant to this section shall be
37 incorporated into the parenting plan for the child.

38 (10) The court may modify or terminate visitation rights granted
39 pursuant to this section in any subsequent modification action upon a

1 showing that the visitation is no longer in the best interest of the
2 child."

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6 On page 1, line 1 of the title, after "visitation;" strike the
7 remainder of the title and insert "and amending RCW 26.09.240."

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