

---

HOUSE BILL 1568

---

State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Benson, Sheahan, Crouse, Sullivan, Boldt and  
D. Sommers

Read first time 01/28/1999. Referred to Committee on Judiciary.

1            AN ACT Relating to support obligations of physical custodians; and  
2 amending RCW 74.20.065.

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

4            **Sec. 1.** RCW 74.20.065 and 1983 1st ex.s. c 41 s 31 are each  
5 amended to read as follows:

6            (1) The department is authorized to excuse the legal custodian from  
7 support payments if:

8            (a) The legal custodian has been wrongfully deprived of physical  
9 custody(~~(, the department is authorized to excuse the custodian from~~  
10 support payments for a child or children receiving or on whose behalf  
11 public assistance was provided under chapter 74.12 RCW)). A legal  
12 custodian is wrongfully deprived of physical custody if:

13            (i) The child is taken or enticed from the legal custodian's  
14 physical custody. Proof of enticement may include establishing that  
15 the child is allowed to live without reasonably appropriate supervision  
16 and restriction;

17            (ii) The legal custodian has not subsequently assented to the  
18 deprivation; and

1       (iii) The legal custodian has made reasonable efforts to regain  
2 physical custody; or  
3       (b) It is not in the best interest of the child, as determined in  
4 subsection (2) of this section, to be in the physical custody of the  
5 physical custodian, and the physical custodian:  
6       (i) Is not a relative of the child;  
7       (ii) Is not licensed under RCW 74.15.030 to care for children;  
8       (iii) Does not have legal custody of the child; or  
9       (iv) Is not a person the child has been placed with under a court  
10 order.  
11       (2) A judge may consider the following factors when making a  
12 determination of the child's best interest:  
13       (a) The strength of the relationship between the child and the  
14 physical custodian;  
15       (b) The relationship between each of the child's parents and the  
16 physical custodian;  
17       (c) The nature and reason for either parent's objection to the  
18 physical custodian retaining custody;  
19       (d) Any criminal history or history of physical, emotional, or  
20 sexual abuse or neglect by the physical custodian; and  
21       (e) Any other factor relevant to the child's best interest.

--- END ---