

HOUSE BILL REPORT

HB 2893

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to restrictions on granting a sex offender visitation under a parenting plan.

Brief Description: Concerning restrictions on granting a sex offender visitation under a parenting plan.

Sponsors: Representatives Simpson, P. Sullivan, Darneille, Williams, McDonald, McCoy, Morrell, Ericks and Green.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/25/06, 1/31/06 [DPS].

Brief Summary of Substitute Bill

- Requires the court to give considerable weight to the other parent's determination as to whether visitation in the presence of a sex offender will place the child at risk of harm.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

Staff: Kara Durbin (786-7133).

Background:

Under Washington law, divorcing couples with children must establish a parenting plan. The parenting plan establishes the rights and responsibilities of each parent. Each plan must include: (1) a dispute resolution process for handling disagreements between the parents; (2) an allocation of decision-making authority to one or both parents for each child's education, health care and religious training; and (3) a schedule of when each child is to reside with each parent.

In establishing a parenting plan, the court may limit a parent's decision-making authority and limit or preclude residential time with a child based upon child abuse, neglect, abandonment,

or a history of domestic violence. The court may also limit or preclude residential time if the parent resides with a person who has been convicted of a sex offense against a child.

In cases where a parent resides with a person who has been convicted of a sex offense against a child, there is a rebuttable presumption that the child is being placed at risk of abuse or harm when that parent exercises his or her residential time with the child in the presence of the convicted or adjudicated person. Unless the parent who resides with the convicted or adjudicated person rebuts the presumption, the court must restrain the parent from having contact with their child, except for contact that occurs outside of the convicted or adjudicated person's presence.

Summary of Substitute Bill:

In cases where a parent resides with a person who has been convicted or adjudicated of a sex offense against a child, a court must give considerable weight to the other parent's determination as to whether contact in the presence or residence of the sex offender will place the child at risk of abuse or harm.

Substitute Bill Compared to Original Bill:

The substitute bill removes the requirement that the other parent agree to visitation in the presence of a convicted or adjudicated sex offender before visitation may occur. Instead, it requires the court to give considerable weight to the other parent's determination as to whether contact in the presence or residence of the sex offender will place the child at risk of abuse or harm.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) We need to protect our children. It is unfair to allow a parent to expose a child to a sex offender without the consent of the other parent. This bill is a good start, but some changes need to be made. The term "outside the presence" is not broad enough; it does not include contact in a car, in a place of business, or in the residence where the sex offender lives. The parent is better at determining whether contact with a sex offender is appropriate, not the court. The parent is ultimately responsible for protecting his or her child, not the court.

Testimony Against: None.

Persons Testifying: Representative Simpson, prime sponsor; and Norton Posey.

Persons Signed In To Testify But Not Testifying: None.