
ENGROSSED SUBSTITUTE HOUSE BILL 1934

State of Washington

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2013 Regular Session

By House Judiciary (originally sponsored by Representatives Pedersen, Nealey, Hope, Kagi, Johnson, Goodman, Hansen, Orwall, Pollet, Roberts, Appleton, Hunt, Maxwell, Ormsby, Jinkins, Green, Morrell, Carlyle, Seaquist, Haigh, Hudgins, Pettigrew, Tarleton, Sells, Smith, Reykdal, Sawyer, Morris, Dunshee, Magendanz, Hunter, Wylie, Lias, Fitzgibbon, Fagan, Upthegrove, Farrell, Takko, Ryu, Riccelli, Bergquist, Freeman, Habib, Van De Wege, Haler, Clibborn, Sullivan, Walsh, Tharinger, Moeller, Blake, Cody, Springer, Lytton, McCoy, Stanford, Moscoso, Fey, and Santos)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to granting all persons who have an ongoing and
2 substantial relationship with a child, including but not limited to
3 grandparents, the right to seek visitation with that child through the
4 courts; amending RCW 26.10.160; adding a new chapter to Title 26 RCW;
5 and repealing RCW 26.09.240.

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

7 NEW SECTION. **Sec. 1.** (1) A person who is not the parent of the
8 child may petition for visitation with the child if the person has
9 established an ongoing and substantial relationship with the child.

10 (2) For the purposes of this chapter "parent" means a fit
11 biological, adoptive, or adjudicated parent.

12 (3) A person has established an ongoing and substantial
13 relationship with a child if the person and the child have had a
14 relationship formed and sustained through interaction, companionship,
15 and mutuality of interest and affection, without expectation of
16 financial compensation, with substantial continuity for at least two
17 years unless the child is under the age of two years, in which case
18 there must be substantial continuity for at least half of the child's
19 life, and with a shared expectation of and desire for an ongoing

1 relationship. An ongoing and substantial relationship may not be
2 established solely on the basis of a relationship with the child that
3 results from the person acting in a paid or volunteer service provider
4 role, such as teacher, counselor, coach, or child care provider.

5 NEW SECTION. **Sec. 2.** (1) A petition for visitation under section
6 1 of this act must be filed in the county where the child primarily
7 resides.

8 (2) The petitioner may not file a petition for visitation more than
9 once, unless:

10 (a) At least two years have passed since the final order issued on
11 the previous petition for visitation; and

12 (b) The petitioner shows there has been a substantial change in
13 circumstances of the nonmoving party or the child based on facts that
14 have arisen since, or facts that were unknown to the court at the time
15 of, the order issued on the previous petition for visitation.

16 (3) The petitioner must file with the petition an affidavit
17 alleging that:

18 (a) A relationship with the child that satisfies the requirements
19 of section 1 of this act exists or existed before interference by the
20 respondent; and

21 (b) The child would likely suffer harm or the substantial risk of
22 harm if visitation between the petitioner and child were not granted.

23 (4) The petitioner shall set forth facts in the affidavit
24 supporting the petitioner's requested order for visitation.

25 (5) The petitioner shall serve notice of the filing to each person
26 having legal custody of, or court-ordered residential time with, the
27 child. A person having legal custody or residential time may file an
28 opposing affidavit.

29 (6) If, based on the petition and affidavits, the court finds that
30 it is more likely than not that visitation will be granted, the court
31 shall hold a hearing.

32 (7) The court may not enter any temporary orders to establish,
33 enforce, or modify visitation under this section.

34 NEW SECTION. **Sec. 3.** (1)(a) At a hearing pursuant to section 2(6)
35 of this act, the court shall enter an order granting visitation if it
36 finds that the child would likely suffer harm or the substantial risk

1 of harm if visitation between the petitioner and the child is not
2 granted and that granting visitation between the child and petitioner
3 is in the best interest of the child.

4 (b) An order granting visitation does not confer upon the person
5 the rights and duties of a parent.

6 (2) In making its determination, the court shall consider the
7 respondent's reasons for denying visitation. It is presumed that a fit
8 parent's decision to deny visitation is in the best interest of the
9 child and does not create a likelihood of harm or a substantial risk of
10 harm to the child.

11 (3) To rebut the presumption, the petitioner must prove by clear
12 and convincing evidence that the child would likely suffer harm or the
13 substantial risk of harm if visitation between the petitioner and the
14 child were not granted.

15 (4) If the court finds that the petitioner has met the standard for
16 rebutting the presumption, or if there is no presumption because no
17 parent has custody of the child, the court shall consider whether it is
18 in the best interest of the child to enter an order granting
19 visitation. The petitioner must prove by clear and convincing evidence
20 that visitation is in the child's best interest. In determining
21 whether it is in the best interest of the child, the court shall
22 consider the following, nonexclusive factors:

23 (a) The love, affection, and strength of the current relationship
24 between the child and the petitioner and how the relationship is
25 beneficial to the child;

26 (b) The length and quality of the prior relationship between the
27 child and the petitioner before the respondent denied visitation,
28 including the role performed by the petitioner and the emotional ties
29 that existed between the child and the petitioner;

30 (c) The relationship between the petitioner and the respondent;

31 (d) The love, affection, and strength of the current relationship
32 between the child and the respondent;

33 (e) The nature and reason for the respondent's objection to
34 granting the petitioner visitation;

35 (f) The effect that granting visitation will have on the
36 relationship between the child and the respondent;

37 (g) The residential time-sharing arrangements between the parties
38 having residential time with the child;

1 (h) The good faith of the petitioner and respondent;

2 (i) Any history of physical, emotional, or sexual abuse or neglect
3 by the petitioner, or any history of physical, emotional, or sexual
4 abuse or neglect by a person residing with the petitioner if visitation
5 would involve contact between the child and the person with such
6 history;

7 (j) The child's reasonable preference, if the court considers the
8 child to be of sufficient age to express a preference;

9 (k) Any other factor relevant to the child's best interest; and

10 (l) The fact that the respondent has not lost his or her parental
11 rights by being adjudicated as an unfit parent.

12 NEW SECTION. **Sec. 4.** (1)(a) For the purposes of sections 1
13 through 3 of this act, the court shall, on motion of the respondent,
14 order the petitioner to pay a reasonable amount for costs and
15 reasonable attorneys' fees to the respondent in advance and prior to
16 any hearing, unless the court finds, considering the financial
17 resources of all parties, that it would be unjust to do so.

18 (b) Regardless of the financial resources of the parties, if the
19 court finds that a petition for visitation was brought in bad faith or
20 without reasonable basis in light of the requirements of sections 1
21 through 3 of this act, the court shall order the petitioner to pay a
22 reasonable amount for costs and reasonable attorneys' fees to the
23 respondent.

24 (2) If visitation is granted, the court shall order the petitioner
25 to pay all transportation costs associated with visitation.

26 NEW SECTION. **Sec. 5.** (1) A court may not modify or terminate an
27 order granting visitation under section 3 of this act unless it finds,
28 on the basis of facts that have arisen since the entry of the order or
29 were unknown to the court at the time it entered the order, that a
30 substantial change of circumstances has occurred in the circumstances
31 of the child or nonmoving party and that modification or termination of
32 the order is necessary for the best interest of the child.

33 (2) The petitioner must file a petition for modification or
34 termination in the county where the child primarily resides.

35 (3) The petitioner must file with the petition an affidavit
36 alleging that, on the basis of facts that have arisen since the entry

1 of the order or were unknown to the court at the time it entered the
2 order, there is a substantial change of circumstances of the child or
3 nonmoving party and that modification or termination of the order is
4 necessary for the best interest of the child. The petitioner shall set
5 forth facts in the affidavit supporting the petitioner's requested
6 order.

7 (4) The petitioner shall serve notice of the petition to each
8 person having legal custody of, or court-ordered residential time or
9 court-ordered visitation with, the child. A person having legal
10 custody or residential or visitation time may file an opposing
11 affidavit.

12 (5) If, based on the petition and affidavits, the court finds that
13 it is more likely than not that a modification or termination will be
14 granted, the court shall hold a hearing.

15 (6) The court may award reasonable attorneys' fees and costs to
16 either party.

17 **Sec. 6.** RCW 26.10.160 and 2011 c 89 s 7 are each amended to read
18 as follows:

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

22 (2)(a) Visitation with the child shall be limited if it is found
23 that the parent seeking visitation has engaged in any of the following
24 conduct: (i) Willful abandonment that continues for an extended period
25 of time or substantial refusal to perform parenting functions; (ii)
26 physical, sexual, or a pattern of emotional abuse of a child; (iii) a
27 history of acts of domestic violence as defined in RCW 26.50.010(1) or
28 an assault or sexual assault which causes grievous bodily harm or the
29 fear of such harm; or (iv) the parent has been convicted as an adult of
30 a sex offense under:

31 (A) RCW 9A.44.076 if, because of the difference in age between the
32 offender and the victim, no rebuttable presumption exists under (d) of
33 this subsection;

34 (B) RCW 9A.44.079 if, because of the difference in age between the
35 offender and the victim, no rebuttable presumption exists under (d) of
36 this subsection;

1 (C) RCW 9A.44.086 if, because of the difference in age between the
2 offender and the victim, no rebuttable presumption exists under (d) of
3 this subsection;

4 (D) RCW 9A.44.089;

5 (E) RCW 9A.44.093;

6 (F) RCW 9A.44.096;

7 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
8 between the offender and the victim, no rebuttable presumption exists
9 under (d) of this subsection;

10 (H) Chapter 9.68A RCW;

11 (I) Any predecessor or antecedent statute for the offenses listed
12 in (a)(iv)(A) through (H) of this subsection;

13 (J) Any statute from any other jurisdiction that describes an
14 offense analogous to the offenses listed in (a)(iv)(A) through (H) of
15 this subsection.

16 This subsection (2)(a) shall not apply when (c) or (d) of this
17 subsection applies.

18 (b) The parent's visitation with the child shall be limited if it
19 is found that the parent resides with a person who has engaged in any
20 of the following conduct: (i) Physical, sexual, or a pattern of
21 emotional abuse of a child; (ii) a history of acts of domestic violence
22 as defined in RCW 26.50.010(1) or an assault or sexual assault that
23 causes grievous bodily harm or the fear of such harm; or (iii) the
24 person has been convicted as an adult or as a juvenile has been
25 adjudicated of a sex offense under:

26 (A) RCW 9A.44.076 if, because of the difference in age between the
27 offender and the victim, no rebuttable presumption exists under (e) of
28 this subsection;

29 (B) RCW 9A.44.079 if, because of the difference in age between the
30 offender and the victim, no rebuttable presumption exists under (e) of
31 this subsection;

32 (C) RCW 9A.44.086 if, because of the difference in age between the
33 offender and the victim, no rebuttable presumption exists under (e) of
34 this subsection;

35 (D) RCW 9A.44.089;

36 (E) RCW 9A.44.093;

37 (F) RCW 9A.44.096;

1 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
2 between the offender and the victim, no rebuttable presumption exists
3 under (e) of this subsection;

4 (H) Chapter 9.68A RCW;

5 (I) Any predecessor or antecedent statute for the offenses listed
6 in (b)(iii)(A) through (H) of this subsection;

7 (J) Any statute from any other jurisdiction that describes an
8 offense analogous to the offenses listed in (b)(iii)(A) through (H) of
9 this subsection.

10 This subsection (2)(b) shall not apply when (c) or (e) of this
11 subsection applies.

12 (c) If a parent has been found to be a sexual predator under
13 chapter 71.09 RCW or under an analogous statute of any other
14 jurisdiction, the court shall restrain the parent from contact with a
15 child that would otherwise be allowed under this chapter. If a parent
16 resides with an adult or a juvenile who has been found to be a sexual
17 predator under chapter 71.09 RCW or under an analogous statute of any
18 other jurisdiction, the court shall restrain the parent from contact
19 with the parent's child except contact that occurs outside that
20 person's presence.

21 (d) There is a rebuttable presumption that a parent who has been
22 convicted as an adult of a sex offense listed in (d)(i) through (ix) of
23 this subsection poses a present danger to a child. Unless the parent
24 rebuts this presumption, the court shall restrain the parent from
25 contact with a child that would otherwise be allowed under this
26 chapter:

27 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
28 was at least five years older than the other person;

29 (ii) RCW 9A.44.073;

30 (iii) RCW 9A.44.076, provided that the person convicted was at
31 least eight years older than the victim;

32 (iv) RCW 9A.44.079, provided that the person convicted was at least
33 eight years older than the victim;

34 (v) RCW 9A.44.083;

35 (vi) RCW 9A.44.086, provided that the person convicted was at least
36 eight years older than the victim;

37 (vii) RCW 9A.44.100;

1 (viii) Any predecessor or antecedent statute for the offenses
2 listed in (d)(i) through (vii) of this subsection;

3 (ix) Any statute from any other jurisdiction that describes an
4 offense analogous to the offenses listed in (d)(i) through (vii) of
5 this subsection.

6 (e) There is a rebuttable presumption that a parent who resides
7 with a person who, as an adult, has been convicted, or as a juvenile
8 has been adjudicated, of the sex offenses listed in (e)(i) through (ix)
9 of this subsection places a child at risk of abuse or harm when that
10 parent exercises visitation in the presence of the convicted or
11 adjudicated person. Unless the parent rebuts the presumption, the
12 court shall restrain the parent from contact with the parent's child
13 except for contact that occurs outside of the convicted or adjudicated
14 person's presence:

15 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
16 was at least five years older than the other person;

17 (ii) RCW 9A.44.073;

18 (iii) RCW 9A.44.076, provided that the person convicted was at
19 least eight years older than the victim;

20 (iv) RCW 9A.44.079, provided that the person convicted was at least
21 eight years older than the victim;

22 (v) RCW 9A.44.083;

23 (vi) RCW 9A.44.086, provided that the person convicted was at least
24 eight years older than the victim;

25 (vii) RCW 9A.44.100;

26 (viii) Any predecessor or antecedent statute for the offenses
27 listed in (e)(i) through (vii) of this subsection;

28 (ix) Any statute from any other jurisdiction that describes an
29 offense analogous to the offenses listed in (e)(i) through (vii) of
30 this subsection.

31 (f) The presumption established in (d) of this subsection may be
32 rebutted only after a written finding that:

33 (i) If the child was not the victim of the sex offense committed by
34 the parent requesting visitation, (A) contact between the child and the
35 offending parent is appropriate and poses minimal risk to the child,
36 and (B) the offending parent has successfully engaged in treatment for
37 sex offenders or is engaged in and making progress in such treatment,

1 if any was ordered by a court, and the treatment provider believes such
2 contact is appropriate and poses minimal risk to the child; or

3 (ii) If the child was the victim of the sex offense committed by
4 the parent requesting visitation, (A) contact between the child and the
5 offending parent is appropriate and poses minimal risk to the child,
6 (B) if the child is in or has been in therapy for victims of sexual
7 abuse, the child's counselor believes such contact between the child
8 and the offending parent is in the child's best interest, and (C) the
9 offending parent has successfully engaged in treatment for sex
10 offenders or is engaged in and making progress in such treatment, if
11 any was ordered by a court, and the treatment provider believes such
12 contact is appropriate and poses minimal risk to the child.

13 (g) The presumption established in (e) of this subsection may be
14 rebutted only after a written finding that:

15 (i) If the child was not the victim of the sex offense committed by
16 the person who is residing with the parent requesting visitation, (A)
17 contact between the child and the parent residing with the convicted or
18 adjudicated person is appropriate and that parent is able to protect
19 the child in the presence of the convicted or adjudicated person, and
20 (B) the convicted or adjudicated person has successfully engaged in
21 treatment for sex offenders or is engaged in and making progress in
22 such treatment, if any was ordered by a court, and the treatment
23 provider believes such contact is appropriate and poses minimal risk to
24 the child; or

25 (ii) If the child was the victim of the sex offense committed by
26 the person who is residing with the parent requesting visitation, (A)
27 contact between the child and the parent in the presence of the
28 convicted or adjudicated person is appropriate and poses minimal risk
29 to the child, (B) if the child is in or has been in therapy for victims
30 of sexual abuse, the child's counselor believes such contact between
31 the child and the parent residing with the convicted or adjudicated
32 person in the presence of the convicted or adjudicated person is in the
33 child's best interest, and (C) the convicted or adjudicated person has
34 successfully engaged in treatment for sex offenders or is engaged in
35 and making progress in such treatment, if any was ordered by a court,
36 and the treatment provider believes contact between the parent and
37 child in the presence of the convicted or adjudicated person is
38 appropriate and poses minimal risk to the child.

1 (h) If the court finds that the parent has met the burden of
2 rebutting the presumption under (f) of this subsection, the court may
3 allow a parent who has been convicted as an adult of a sex offense
4 listed in (d)(i) through (ix) of this subsection to have visitation
5 with the child supervised by a neutral and independent adult and
6 pursuant to an adequate plan for supervision of such visitation. The
7 court shall not approve of a supervisor for contact between the child
8 and the parent unless the court finds, based on the evidence, that the
9 supervisor is willing and capable of protecting the child from harm.
10 The court shall revoke court approval of the supervisor upon finding,
11 based on the evidence, that the supervisor has failed to protect the
12 child or is no longer willing or capable of protecting the child.

13 (i) If the court finds that the parent has met the burden of
14 rebutting the presumption under (g) of this subsection, the court may
15 allow a parent residing with a person who has been adjudicated as a
16 juvenile of a sex offense listed in (e)(i) through (ix) of this
17 subsection to have visitation with the child in the presence of the
18 person adjudicated as a juvenile, supervised by a neutral and
19 independent adult and pursuant to an adequate plan for supervision of
20 such visitation. The court shall not approve of a supervisor for
21 contact between the child and the parent unless the court finds, based
22 on the evidence, that the supervisor is willing and capable of
23 protecting the child from harm. The court shall revoke court approval
24 of the supervisor upon finding, based on the evidence, that the
25 supervisor has failed to protect the child or is no longer willing or
26 capable of protecting the child.

27 (j) If the court finds that the parent has met the burden of
28 rebutting the presumption under (g) of this subsection, the court may
29 allow a parent residing with a person who, as an adult, has been
30 convicted of a sex offense listed in (e)(i) through (ix) of this
31 subsection to have visitation with the child in the presence of the
32 convicted person supervised by a neutral and independent adult and
33 pursuant to an adequate plan for supervision of such visitation. The
34 court shall not approve of a supervisor for contact between the child
35 and the parent unless the court finds, based on the evidence, that the
36 supervisor is willing and capable of protecting the child from harm.
37 The court shall revoke court approval of the supervisor upon finding,

1 based on the evidence, that the supervisor has failed to protect the
2 child or is no longer willing or capable of protecting the child.

3 (k) A court shall not order unsupervised contact between the
4 offending parent and a child of the offending parent who was sexually
5 abused by that parent. A court may order unsupervised contact between
6 the offending parent and a child who was not sexually abused by the
7 parent after the presumption under (d) of this subsection has been
8 rebutted and supervised visitation has occurred for at least two years
9 with no further arrests or convictions of sex offenses involving
10 children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW
11 and (i) the sex offense of the offending parent was not committed
12 against a child of the offending parent, and (ii) the court finds that
13 unsupervised contact between the child and the offending parent is
14 appropriate and poses minimal risk to the child, after consideration of
15 the testimony of a state-certified therapist, mental health counselor,
16 or social worker with expertise in treating child sexual abuse victims
17 who has supervised at least one period of visitation between the parent
18 and the child, and after consideration of evidence of the offending
19 parent's compliance with community supervision requirements, if any.
20 If the offending parent was not ordered by a court to participate in
21 treatment for sex offenders, then the parent shall obtain a
22 psychosexual evaluation conducted by a certified sex offender treatment
23 provider or a certified affiliate sex offender treatment provider
24 indicating that the offender has the lowest likelihood of risk to
25 reoffend before the court grants unsupervised contact between the
26 parent and a child.

27 (l) A court may order unsupervised contact between the parent and
28 a child which may occur in the presence of a juvenile adjudicated of a
29 sex offense listed in (e)(i) through (ix) of this subsection who
30 resides with the parent after the presumption under (e) of this
31 subsection has been rebutted and supervised visitation has occurred for
32 at least two years during which time the adjudicated juvenile has had
33 no further arrests, adjudications, or convictions of sex offenses
34 involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter
35 9.68A RCW, and (i) the court finds that unsupervised contact between
36 the child and the parent that may occur in the presence of the
37 adjudicated juvenile is appropriate and poses minimal risk to the
38 child, after consideration of the testimony of a state-certified

1 therapist, mental health counselor, or social worker with expertise in
2 treatment of child sexual abuse victims who has supervised at least one
3 period of visitation between the parent and the child in the presence
4 of the adjudicated juvenile, and after consideration of evidence of the
5 adjudicated juvenile's compliance with community supervision or parole
6 requirements, if any. If the adjudicated juvenile was not ordered by
7 a court to participate in treatment for sex offenders, then the
8 adjudicated juvenile shall obtain a psychosexual evaluation conducted
9 by a certified sex offender treatment provider or a certified affiliate
10 sex offender treatment provider indicating that the adjudicated
11 juvenile has the lowest likelihood of risk to reoffend before the court
12 grants unsupervised contact between the parent and a child which may
13 occur in the presence of the adjudicated juvenile who is residing with
14 the parent.

15 (m)(i) The limitations imposed by the court under (a) or (b) of
16 this subsection shall be reasonably calculated to protect the child
17 from the physical, sexual, or emotional abuse or harm that could result
18 if the child has contact with the parent requesting visitation. If the
19 court expressly finds based on the evidence that limitations on
20 visitation with the child will not adequately protect the child from
21 the harm or abuse that could result if the child has contact with the
22 parent requesting visitation, the court shall restrain the person
23 seeking visitation from all contact with the child.

24 (ii) The court shall not enter an order under (a) of this
25 subsection allowing a parent to have contact with a child if the parent
26 has been found by clear and convincing evidence in a civil action or by
27 a preponderance of the evidence in a dependency action to have sexually
28 abused the child, except upon recommendation by an evaluator or
29 therapist for the child that the child is ready for contact with the
30 parent and will not be harmed by the contact. The court shall not
31 enter an order allowing a parent to have contact with the child in the
32 offender's presence if the parent resides with a person who has been
33 found by clear and convincing evidence in a civil action or by a
34 preponderance of the evidence in a dependency action to have sexually
35 abused a child, unless the court finds that the parent accepts that the
36 person engaged in the harmful conduct and the parent is willing to and
37 capable of protecting the child from harm from the person.

1 (iii) If the court limits visitation under (a) or (b) of this
2 subsection to require supervised contact between the child and the
3 parent, the court shall not approve of a supervisor for contact between
4 a child and a parent who has engaged in physical, sexual, or a pattern
5 of emotional abuse of the child unless the court finds based upon the
6 evidence that the supervisor accepts that the harmful conduct occurred
7 and is willing to and capable of protecting the child from harm. The
8 court shall revoke court approval of the supervisor upon finding, based
9 on the evidence, that the supervisor has failed to protect the child or
10 is no longer willing to or capable of protecting the child.

11 (n) If the court expressly finds based on the evidence that
12 contact between the parent and the child will not cause physical,
13 sexual, or emotional abuse or harm to the child and that the
14 probability that the parent's or other person's harmful or abusive
15 conduct will recur is so remote that it would not be in the child's
16 best interests to apply the limitations of (a), (b), and (m)(i) and
17 (iii) of this subsection, or if the court expressly finds that the
18 parent's conduct did not have an impact on the child, then the court
19 need not apply the limitations of (a), (b), and (m)(i) and (iii) of
20 this subsection. The weight given to the existence of a protection
21 order issued under chapter 26.50 RCW as to domestic violence is within
22 the discretion of the court. This subsection shall not apply when (c),
23 (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this
24 subsection apply.

25 ~~(3) ((Any person may petition the court for visitation rights at~~
26 ~~any time including, but not limited to, custody proceedings. The court~~
27 ~~may order visitation rights for any person when visitation may serve~~
28 ~~the best interest of the child whether or not there has been any change~~
29 ~~of circumstances.~~

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

34 ~~((5))~~ (4) For the purposes of this section:

35 (a) "A parent's child" means that parent's natural child, adopted
36 child, or stepchild; and

37 (b) "Social worker" means a person with a master's or further

1 advanced degree from a social work educational program accredited and
2 approved as provided in RCW 18.320.010.

3 NEW SECTION. **Sec. 7.** RCW 26.09.240 (Visitation rights--Person
4 other than parent--Grandparents' visitation rights) and 1996 c 177 s 1,
5 1989 c 375 s 13, 1987 c 460 s 18, 1977 ex.s. c 271 s 1, & 1973 1st
6 ex.s. c 157 s 24 are each repealed.

7 NEW SECTION. **Sec. 8.** Sections 1 through 5 of this act constitute
8 a new chapter in Title 26 RCW.

--- END ---