
SENATE BILL 6306

State of Washington

60th Legislature

2008 Regular Session

By Senators Rockefeller, Fairley, Kline, and Shin

Read first time 01/15/08. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to visitation rights for relatives of dependent
2 children; amending RCW 26.09.405; and adding a new section to chapter
3 13.34 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.34 RCW
6 to read as follows:

7 (1) A relative of a dependent child may petition the juvenile court
8 for reasonable visitation with the child if:

9 (a) The child has been found to be a dependent child under this
10 chapter or through voluntary relinquishment as provided in chapter
11 26.33 RCW;

12 (b) The parental rights of both of the child's parents have been
13 terminated;

14 (c) The child is in the custody of the department or another public
15 or private agency; and

16 (d) The child has not been adopted and is not in a preadoptive home
17 or other permanent placement at the time the petition for visitation is
18 filed.

1 (2) The court shall give prior notice for any proceeding under this
2 section, or cause prior notice to be given, to the department or public
3 or private agency having custody of the child, the child's attorney or
4 guardian ad litem if applicable, and the child. The court shall also
5 order the department to give prior notice of any hearing to the child's
6 current foster parent, relative caregiver, guardian or custodian, and
7 the child's tribe, if applicable.

8 (3) The juvenile court may grant the petition for visitation if it
9 finds that the requirements of subsection (1) of this section have been
10 met, and that unsupervised visitation between the child and the
11 relative does not present a risk to the child's safety or well-being
12 and that the visitation is in the best interests of the child. In
13 determining the best interests of the child the court shall consider,
14 but is not limited to, the following:

15 (a) The love, affection, and strength of the relationship between
16 the child and the relative;

17 (b) The length and quality of the prior relationship between the
18 child and the relative;

19 (c) Any criminal convictions for or founded history of abuse or
20 neglect of a child by the relative;

21 (d) Whether the visitation will present a risk to the child's
22 health, welfare, or safety;

23 (e) The child's reasonable preference, if the court considers the
24 child to be of sufficient age to express a preference;

25 (f) Any other factor relevant to the child's best interest.

26 (4) The visitation order may be modified at any time upon a showing
27 that the visitation poses a risk to the child's safety or well-being.
28 The visitation order shall state that visitation will automatically
29 terminate upon the child's placement in a preadoptive home, if the
30 child is adopted, or if there is a subsequent founded abuse or neglect
31 allegation against the relative.

32 (5) The granting of the petition under this section does not grant
33 the relative the right to participate in the dependency action and does
34 not grant any rights to the relative not otherwise specified in the
35 visitation order.

36 (6) This section is retroactive and applies to any eligible
37 dependent at the time of the filing of the petition for visitation,
38 regardless of the date parental rights were terminated.

1 (7) For the purpose of this section, "relative" means a relative as
2 defined in RCW 74.15.020(2)(a), except parents.

3 **Sec. 2.** RCW 26.09.405 and 2000 c 21 s 3 are each amended to read
4 as follows:

5 (1) The provisions of RCW 26.09.405 through 26.09.560 and the
6 chapter 21, Laws of 2000 amendments to RCW 26.09.260, 26.10.190, and
7 26.26.160 apply to a court order regarding residential time or
8 visitation with a child issued:

9 (a) After June 8, 2000; and

10 (b) Before June 8, 2000, if the existing court order does not
11 expressly govern relocation of the child.

12 (2) To the extent that a provision of RCW 26.09.405 through
13 26.09.560 and the chapter 21, Laws of 2000 amendments to RCW 26.09.260,
14 26.10.190, and 26.26.160 conflicts with the express terms of a court
15 order existing prior to June 8, 2000, then RCW 26.09.405 through
16 26.09.560 and the chapter 21, Laws of 2000 amendments to RCW 26.09.260,
17 26.10.190, and 26.26.160 do not apply to those terms of that order
18 governing relocation of the child.

19 (3) The provisions of RCW 26.09.405 through 26.09.560 do not apply
20 to visitation orders entered in dependency proceedings as provided in
21 section 1 of this act.

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