

Washington's Non-Parent Visitation Rights

I thought non-parents had no right to visits.

State law changed in June 2018. Now some people can file to ask a Superior Court to give them visits with a child who is not theirs.

Who cannot file for non-parent visits?

- A parent who had a court terminate (end or cut off) their parental rights.
- A parent who surrendered (gave up) their parental rights.

Who can file for non-parent visits?

- Any blood relative
- Any blood relative's spouse
- Step-parent, step-sister or step-brother
- Half-sister or -brother

Will there be a hearing?

Maybe. The non-parent (Petitioner) must file a petition (form starting a court case) and written statements from people who agree Petitioner should have visits. The judge reads this paperwork. If the judge then decides she will probably grant the visits, the court will schedule a hearing. At the hearing, the parent who has the children can argue against visits.

I am a parent. I do not want this person visiting with my child. Will the judge listen to me?

Probably. The court presumes (assumes) a parent’s decision to deny visits is in the child’s best interest. The non-parent must prove *by clear and convincing evidence* that not allowing visits would cause the child harm. This is harder than the “preponderance of the evidence” in most civil cases.

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- ❖ You can use our packet called [You Have Been Served with a Petition for Visits](#), available at WashingtonLawHelp.org.
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What is an “ongoing and substantial relationship with the child”?

The law says this is a relationship between the non-parent and child formed and kept up through interaction, companionship, and mutual interest and affection. The non-parent does not expect to be paid for the relationship. The relationship has lasted for at least two years.

The child is under two. How could there have been a substantial relationship?

The judge will look for the non-parent’s involvement in the child’s life for at least half the child’s life, with a shared expectation of and desire for an ongoing relationship.

Will the judge grant the non-parent visits with the child?

Only if the non-parent proves both of these:

- real risk of harm if visits do not happen
- visits are in the child’s best interest

Can a non-parent file for visitation more than once?

No.

Where can I read the law?

[RCW 26.11. app.leg.wa.gov/RCW/default.aspx?cite=26.11](http://RCW26.11.app.leg.wa.gov/RCW/default.aspx?cite=26.11)

Get Legal Help

- **Outside King County**, call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm.
- **In King County**, call 2-1-1 weekdays between 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Seniors (age 60 and over)** can also call CLEAR*Sr at 1-888-387-7111 (statewide).
- You can also apply online with CLEAR*Online: nwjustice.org/get-legal-help.

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