

Washington's New Non-Parent Visitation Rights

Who can file for non-parent visitation?

- Any blood relative, or the blood relative's spouse
- Step-parent or step-sibling
- Half-sibling

Who cannot file this?

You cannot file this action if one of these is true:

- A court terminated your parental rights.
- You have surrendered your parental rights.

I thought non-parents had no right to visitation.

The law in Washington State changed effective June 7, 2018.

Where should I file?

In the Superior Court in the county where the child lives.

Will there be a hearing?

Maybe. You must submit a petition plus affidavits from people supporting your request for visitation. If, after reading your paperwork, the court decides it is likely to give you visits, it will schedule a hearing. At the hearing, the

custodial parent can argue against you getting visitation.

What is an "ongoing and substantial relationship with the child"?

You had a relationship formed and kept up through interaction, companionship, and mutual interest and affection, without expectation of financial compensation, with substantial continuity for at least two years.

The child is under two. How could we have had an ongoing and substantial relationship?

You should have been involved in the child's life as described above for at least half the child's life, with a shared expectation of and desire for an ongoing relationship.

Will the court give me visitation?

Yes, if you prove substantial risk of harm if it does not, and that granting your petition is in the child's best interest.

Can I file for visitation more than once?

No.

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

Probably. The court presumes that a fit parent’s decision to deny visitation is in the child’s best interest. The person asking the court for visitation must prove ***by clear and convincing evidence*** that denying visits would cause the child harm. This is harder than the

“preponderance of the evidence” in most civil cases.

Where can I read the law?

<http://lawfilesexternal.leg.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/Senate/5598.SL.pdf>.

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This information is current as of May 2018.

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