

Washington

RCW 26.09.240

Visitation rights — Person other than parent — Grandparents' visitation rights.

- (1) A person other than a parent may petition the court for visitation with a child at any time or may intervene in a pending dissolution, legal separation, or modification of parenting plan proceeding. A person other than a parent may not petition for visitation under this section unless the child's parent or parents have commenced an action under this chapter.
- (2) A petition for visitation with a child by a person other than a parent must be filed in the county in which the child resides.
- (3) A petition for visitation or a motion to intervene pursuant to this section shall be dismissed unless the petitioner or intervenor can demonstrate by clear and convincing evidence that a significant relationship exists with the child with whom visitation is sought. If the petition or motion is dismissed for failure to establish the existence of a significant relationship, the petitioner or intervenor shall be ordered to pay reasonable attorney's fees and costs to the parent, parents, other custodian, or representative of the child who responds to this petition or motion.
- (4) The court may order visitation between the petitioner or intervenor and the child between whom a significant relationship exists upon a finding supported by the evidence that the visitation is in the child's best interests.
- (5)(a) Visitation with a grandparent shall be presumed to be in the child's best interests when a significant relationship has been shown to exist. This presumption may be rebutted by a preponderance of evidence showing that visitation would endanger the child's physical, mental, or emotional health.
(b) If the court finds that reasonable visitation by a grandparent would be in the child's best interest except for hostilities that exist between the grandparent and one or both of the parents or person with whom the child lives, the court may set the matter for mediation under RCW [26.09.015](#).
- (6) The court may consider the following factors when making a determination of the child's best interests: (a) The strength of the relationship

between the child and the petitioner; (b) The relationship between each of the child's parents or the person with whom the child is residing and the petitioner; (c) The nature and reason for either parent's objection to granting the petitioner visitation; (d) The effect that granting visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing; (e) The residential time sharing arrangements between the parents; (f) The good faith of the petitioner; (g) Any criminal history or history of physical, emotional, or sexual abuse or neglect by the petitioner; and (h) Any other factor relevant to the child's best interest.

(7) The restrictions of RCW [26.09.191](#) that apply to parents shall be applied to a petitioner or intervenor who is not a parent. The nature and extent of visitation, subject to these restrictions, is in the discretion of the court.

(8) The court may order an investigation and report concerning the proposed visitation or may appoint a guardian ad litem as provided in RCW [26.09.220](#).

(9) Visitation granted pursuant to this section shall be incorporated into the parenting plan for the child.

(10) The court may modify or terminate visitation rights granted pursuant to this section in any subsequent modification action upon a showing that the visitation is no longer in the best interest of the child.

[1996 c 177 § 1; 1989 c 375 § 13; 1987 c 460 § 18; 1977 ex.s. c 271 § 1; 1973 1st ex.s. c 157 § 24.]

Reviser's note: This section was declared unconstitutional and invalid by the Washington State Supreme Court in *"In re Parentage of C.A.M.A.,"* No. 75262-1, April 7, 2005.