Non-parent visitation rights

Author

Northwest Justice Project

Last Review Date

April 15, 2025

Learn how and when certain relatives can file for non-parent visitation with a child. A judge will order non-parent visits only if the non-parent clearly proves they have an ongoing and substantial relationship with the child, there's a real risk of harm if visits don't happen, and visits are in the child's best interest.

I thought only parents had a right to time with their children. Did the law change?

Yes. State law changed in June 2018 (https://wlh.netlify.app/en/non-parent-visitation-rights#6859334e-cb83-4fc0-b81b-1557e55ce874). Now some people can file to ask a Superior Court to give them visits with a child who isn't theirs.

Who can file for non-parent visits?

You can file if you're any of these:

- Any blood relative
- Any blood relative's spouse
- Stepparent, step-sibling
- Half-sibling

- A relative as defined by the law or custom of the child's tribe, if the child is Indian
- If the child is Indian, and no tribal law or custom defines extended family members, any grandparent, adult aunt or uncle, adult sibling, adult brother- or sister-in-law, any adult niece or nephew, any adult first or second cousin, or a stepparent

Who can't file for non-parent visits?

You can't file if you're a parent whose parental rights were ended (terminated) by a court.

You also can't file if you're a parent who gave up (you surrendered) your parental rights.

Will there be a court hearing?

Maybe. The non-parent (Petitioner) must file a form called a **Petition** starting a court case and written declarations from people who agree Petitioner should have visits. The judge will read this paperwork. The judge will only schedule a hearing if, after reading the paperwork, the judge decides they will probably grant visits. If the judge doesn't think they'll grant visits, there won't be a hearing.

At the hearing, the parent who has custody can argue against visits.

I'm a parent. Will the judge listen to me if I don't want this person spending time with my children?

Probably. The judge will assume (presume) a parent's decision to deny someone visits with the children is in the children's best interest. The non-parent must prove **by clear and convincing evidence** that not allowing visits

would harm the children.

> In most civil cases, you only have to prove things by a "preponderance of the evidence" — meaning you can show that something is more likely true than false. "Clear and convincing evidence" is harder. For that, you must prove something is very likely true.

If you can cast doubt on the non-parent's evidence, they'll have a hard time convincing the judge to give them visits.

If you've received a Petition for Visits, and you don't believe the Petitioner should have time with your children, you must respond in writing before the deadline listed in the court papers. You can use the form Response to Petition for Visits (FL Visits 478) (https://www.courts.wa.gov/forms/documents/FL%20Visits%20478%20Response%20to%20pet
.

> **The Petitioner must serve a copy of the Petition on both parents**, whether or not they're together or have a parenting plan. The parents can each respond separately, or together on the same form.

What are some examples where the judge might give a non-parent visits?

In a Petition for Visits case, the judge must first decide if the Petitioner has had an ongoing and substantial relationship with the children. Then the judge must then decide if denying the Petitioner visits with the children would harm the children and be against the children's best interest. Here are 2 examples where the Petitioner might get visits.

Example 1: A child's aunt has taken care of the child regularly after school for many years and is very close to the child, who is transgender. The aunt provides a safe space and support for the child to be themself. The child's parents don't support how the child expresses their gender identity. The parents believe the aunt's support is negatively influencing their child.

The aunt files a Petition for Visits, explaining her close relationship with the child of many years and citing the evidence about suicide rates for trans children who lack family support.

Example 2: The father left the mother and child shortly after the child's birth. He paid no support and never tried to contact them again. When the child was a toddler, the mother was sent to prison. The child's adult paternal cousin raised the child while the mother was in prison. The mother is now out of prison and has the child.

The cousin was the child's only parent figure for 10 years, but the mother refuses the cousin contact with the child because the mother is still angry that the father abandoned them. The cousin files a Petition for Visits. The cousin includes a declaration from a child psychologist who specializes in family reunification. It explains the importance of the child continuing to see this parent figure during this stage of the child's development.

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

To ask for visits, a non-parent must first prove that they have an ongoing and substantial relationship with the children. The law defines this as a relationship formed and kept up through interaction, companionship, and mutual interest and affection. The non-parent doesn't expect to be paid for this relationship. The relationship must have lasted for at least 2 years.

What if a child isn't 2 years old yet?

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

I'm a non-parent. What are the downsides to filing to ask for court-ordered visits?

The judge could order you to pay the parents' attorney fees, even before there's any hearing. You could also have to pay the parents' legal costs and attorney fees if you end up going to a hearing, and you lose.

I filed for visitation. The court turned me down. Can I try again?

No. The law only allows you to file for non-parent visitation once.

Forms:

Find court forms for non-parent visits (https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=117) on the Washington State Courts website.