

# DRAFT "VIRTUAL VISITATION" BILL

## Amends Title 26 – Domestic Relations of the Washington Family Code:

HOUSE/SENATE BILL XXXX

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State of Washington 61st Legislature 2007 Regular Session  
By

Read first time. Referred to Committee on Juvenile Justice & Family Law.

AN ACT Relating to electronic communication between a child and their parents visitation rights; and amending RCW 26.09.004, 26.09.235, 26.09.240, 26.09.520, 26.10.050 and 26.10.160.

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

**Sec. 1.** RCW 26.09.004 is added to read as follows:  
Definitions.

**(4) "Visitation", means in-person time spent between a child and their parent including any form of visitation and any Electronic Communication;**

**(5) "Electronic communication" means time during which a parent and his or her child communicate by using communication tools such as the telephone, electronic mail, instant messaging, video conferencing or other wired or wireless technologies via the Internet, or another medium of communication.**

**Sec. 2.** RCW 26.09.191 is amended to read as follows:  
Restrictions in temporary or permanent parenting plans.

(2)(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time

and any electronic communication with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

**Sec. 3.** RCW 26.09.235 is added to read as follows:  
Electronic Communication.

(a) The court may grant a reasonable amount of Electronic Communication at reasonable hours to either or both parents when the child is not in the parent's physical custody if the equipment is reasonably available.

(b) Electronic Communication with the child may be used only to supplement a parent's periods of parenting time with the child. Electronic Communication may not be used as a replacement or as a substitute for custody or a parent's periods of parenting time with the child.

**Sec. 4.** RCW 26.09.240 is amended to read as follows:  
Visitation rights Person other than parent Grandparents'  
visitation rights.

(1) A person other than a parent may petition the court for visitation and any electronic communication 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.

**Sec. 5.** RCW 26.09.520 is added to read as follows:  
Basis for determination.

(12) The court may not use the availability of Electronic Communication as a factor to justify or in support of a relocation by the custodial parent out of the immediate area or state.

**Sec. 6.** RCW 26.10.050 is added to read as follows:  
Child support by parents Apportionment of expense.

In a custody proceeding, the court may order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount reasonable or necessary for the child's support.

**(a) The amount of time Electronic Communication is used shall not be a factor in the calculation of Child Support.**

**Sec. 7.** RCW 26.10.160 is amended to read as follows:  
Visitation rights Limitations.

(2)(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have visitation **or any electronic communication** with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

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**References:**

- [www.InternetVisitation.org](http://www.InternetVisitation.org)

**Existing Laws:**

- Utah Bill: HB 0082s01
- Wisconsin Bill - SB 244

**Existing Bills:**

- Missouri - Bill submitted by Rep Michael Brown
- Ohio - SB 341 submitted by Senator Marc Dunn
- South Carolina - Bill created SB1344 by Senator Mescher
- Illinois - Bill submitted HB5379 by Representative Ruth Munson
- Virginia - Bill submitted SB123 by Senator Jay O'Brien
- Michigan - Bill submitted HB6452 by Rep Tom Pearce