

RCW 26.11.030 Venue—Filing requirements—Affidavit—Notice—Hearing—Temporary visitation orders not authorized. (1) If a court has jurisdiction over the child pursuant to chapter 26.27 RCW, a petition for visitation under RCW 26.11.020 must be filed with that court.

(2) Except as otherwise provided in subsection (1) of this section, if a court has exclusive original jurisdiction over the child under *RCW 13.04.030(1) (a) through (d), (h), or (j), a petition for visitation under RCW 26.11.020 must be filed with that court. Granting of a petition for visitation under this chapter does not entitle the petitioner to party status in a child custody proceeding under Title 13 RCW.

(3) Except as otherwise provided in subsections (1) and (2) of this section, a petition for visitation under RCW 26.11.020 must be filed in the county where the child primarily resides.

(4) The petitioner may not file a petition for visitation more than once.

(5) The petitioner must file with the petition an affidavit alleging that:

(a) A relationship with the child that satisfies the requirements of RCW 26.11.020 exists or existed before action by the respondent; and

(b) The child would likely suffer harm or the substantial risk of harm if visitation between the petitioner and child was not granted.

(6) The petitioner shall set forth facts in the affidavit supporting the petitioner's requested order for visitation.

(7) The petitioner shall serve notice of the filing to each person having legal custody of, or court-ordered residential time with, the child. A person having legal custody or residential time with the child may file an opposing affidavit.

(8) If, based on the petition and affidavits, the court finds that it is more likely than not that visitation will be granted, the court shall hold a hearing.

(9) The court may not enter any temporary orders to establish, enforce, or modify visitation under this section. [2018 c 183 s 3.]

***Reviser's note:** RCW 13.04.030 was amended by 2020 c 41 s 4, deleting subsection (1)(j).