

HB 728 -- Grandparent Visitation

Co-Sponsors: Davis (19), Phillips, Ruestman, Stevenson

Current law allows grandparents to be granted visitation with their grandchildren by a court under certain circumstances. One circumstance is when the child is adopted by a stepparent, another grandparent, or another blood relative. This bill removes the provision allowing grandparents to be granted visitation in that circumstance.

Current law requires the court to find that visitation is in the best interests of the child in order to grant visitation for the grandparents. The bill removes that requirement. The bill states that it is a rebuttable presumption that fit parents know what is in the best interests of their children. It requires the court to find that a child would suffer harm or a serious likelihood of harm before ordering visitation rights to grandparents over the objection of the parents. The bill defines "harm or a serious likelihood of harm" as clear and convincing evidence that without visits with the grandparents, the child's emotional or physical well-being would be jeopardized. It allows the court to order a home study if the petitioning grandparent raises questions about the fitness of the child's parents. It also requires the petitioning grandparent to be responsible for all guardian ad litem fees.