

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill Nos. 775, 751 & 640, Page 1, Section A, Line 4, by inserting after said section and line
3 the following:
4

5 "452.402. 1. The court may grant reasonable visitation rights to the grandparents of the
6 child and issue any necessary orders to enforce the decree when a grandparent has been
7 unreasonably denied visitation for a period exceeding sixty days, and:

8 (1) The parents of the child have filed for a dissolution of their marriage. A grandparent
9 shall have the right to intervene in any dissolution action solely on the issue of visitation rights.
10 Grandparents shall also have the right to file a motion to modify the original decree of dissolution to
11 seek visitation rights when visitation has been denied to them;

12 (2) One parent of the child is deceased and the surviving parent denies reasonable visitation
13 to a parent of the deceased parent of the child; [or]

14 (3) The child has resided in the grandparent's home for at least six months within the
15 twenty-four month period immediately preceding the filing of the petition; or

16 (4) There is only one legally-recognized parent of the minor child and that parent has denied
17 reasonable visitation with the minor child to a grandparent of the minor child.
18

19 Except as otherwise provided in subdivision (1) of this subsection, if the natural parents are legally
20 married to each other and are living together with the child, a grandparent may not file for visitation
21 pursuant to this subsection.

22 2. Before ordering visitation, the court shall, in addition to the requirements of subsection 1
23 of this section, determine if the visitation by the grandparent would be in the child's best interests.
24 Visitation may only be ordered when the court finds such visitation to be in the best interests of the
25 child. The court may order reasonable conditions or restrictions on grandparent visitation.

26 3. If the court finds it to be in the best interests of the child, the court may appoint a
27 guardian ad litem for the child. The guardian ad litem shall be an attorney licensed to practice law
28 in Missouri. The guardian ad litem may, for the purpose of determining the question of grandparent
29 visitation rights, participate in the proceedings as if such guardian ad litem were a party. The court
30 shall enter judgment allowing a reasonable fee to the guardian ad litem.

31 4. A home study, as described by section 452.390, may be ordered by the court to assist in
32 determining the best interests of the child.

33 5. The court may, in its discretion, consult with the child regarding the child's wishes in
34 determining the best interest of the child.

35 6. The right of a grandparent to maintain visitation rights pursuant to this section may
36 terminate upon the adoption of the child.

Action Taken _____ Date _____

1 7. The court may award reasonable attorneys fees and expenses to the prevailing party."; and
2
3 Further amend said bill by amending the title, enacting clause, and intersectional references
4 accordingly.