

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 43, Page 36, Section  
2 451.090, Line 16, by inserting after said section and line the following:

3  
4 "452.402. 1. The court may grant reasonable visitation rights to the grandparents of the  
5 child and issue any necessary orders to enforce the decree when a grandparent has been  
6 unreasonably denied visitation for a period exceeding sixty days, and:

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

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

13 (3) The parents of the child were never married and the parent with custodial rights has  
14 denied reasonable visitation to a grandparent; or

15 ~~[(3)]~~ (4) The child has resided in the grandparent's home for at least six months within the  
16 twenty-four month period immediately preceding the filing of the petition.

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

20 2. Notwithstanding any provision of law, if a grandparent has been denied reasonable  
21 visitation with a child for a period exceeding sixty days and an action involving custody or visitation  
22 has been adjudicated, the grandparent may file seeking visitation with the child. A grandparent also  
23 has the right to file a motion for an independent action if no prior custody or visitation order exists  
24 to seek visitation rights if reasonable visitation has been denied.

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

29 ~~[3-]~~ 4. If the court finds it to be in the best interests of the child, the court may appoint a  
30 guardian ad litem for the child. The guardian ad litem shall be an attorney licensed to practice law

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 in Missouri. The guardian ad litem may, for the purpose of determining the question of grandparent  
2 visitation rights, participate in the proceedings as if such guardian ad litem were a party. The court  
3 shall enter judgment allowing a reasonable fee to the guardian ad litem.

4 [4:] 5. A home study, as described by section 452.390, may be ordered by the court to assist  
5 in determining the best interests of the child.

6 [5:] 6. The court may, in its discretion, consult with the child regarding the child's wishes in  
7 determining the best interest of the child.

8 [6:] 7. The right of a grandparent to maintain visitation rights pursuant to this section may  
9 terminate upon the adoption of the child.

10 [7:] 8. The court may award reasonable attorneys fees and expenses to the prevailing party.

11 9. Visitation provided to a grandparent after filing an action under this section shall not  
12 terminate or extinguish a grandparent's right to seek relief under this section. If the parties reach an  
13 agreement regarding grandparent visitation, the court may enter an order confirming such agreement  
14 if the agreement is found to be in the best interests of the child. The court may impose additional  
15 conditions or restrictions as found to be appropriate by the court."; and

16  
17 Further amend said bill by amending the title, enacting clause, and intersectional references  
18 accordingly.