

HCS HB 1165 -- GRANDPARENT VISITATION

SPONSOR: Mayhew

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Children and Families by a vote of 12 to 2. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 8 to 0 with 2 voting present.

The following is a summary of the House Committee Substitute for HB 1165.

Current law sets provisions for circumstances in which a court may grant reasonable visitation rights for grandparents and provides that if the natural parents of a child are legally married and are living together with a child, a grandparent is unable to file for visitation.

This bill adds to those circumstances to include situations where the parents of the child were never married and the parent with custodial rights has denied reasonable visitation and repeals the prohibition for a grandparent to file for visitation if both parents are naturally married and living together with the child.

Furthermore, if a grandparent has been denied reasonable visitation for a period greater than 60 days and an action involving custody or visitation has already been adjudicated, the grandparent may file seeking visitation with the child, and additionally has the right to file a motion for an independent action if there is no prior custody or visitation order and reasonable visitation has been denied.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that it is unacceptable that custodial parents can decide that they do not want the grandparents of the child in question to see that child any longer, and that there are no legal tools to provide relief to grandparents.

Testifying in person for the bill was Representative Mayhew.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say grandparents have very little recourse to obtain visitation with children especially when the parents are not married, and there should be an enforceable

visitation order as cases where grandparents are shut out arise more frequently.

Testifying in person on the bill was Kevin C. Shelton.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.