

## Committee on Judiciary

### **CS/CS/HB 149 — Rights of Grandparents**

by Judiciary Committee; Children, Families and Seniors Subcommittee; Rep. Rouson and others (CS/SB 368 by Fiscal Policy Committee and Senators Abruzzo, Smith, and Gibson)

The bill authorizes a grandparent of a minor child whose parents are deceased, missing, or in a permanent vegetative state to petition the court for visitation with a grandchild. If only one parent is deceased, missing, or in a persistent vegetative state, before a grandparent may petition for visitation, the other parent must have been convicted of a felony or violent offense showing a substantial threat of harm to the child.

If the petitioning grandparent makes a prima facie showing that a parent is unfit or there is significant harm to the child, the bill requires the court to refer the case to family mediation and allows the court to appoint a guardian ad litem. If family mediation does not successfully resolve the issue of visitation, the court must proceed with a final hearing.

After a final hearing, the court may award visitation to a grandparent if it determines by clear and convincing evidence that:

- A parent is unfit or there is significant harm to the child;
- Visitation is in the best interest of the child, based on a number of factors; and
- Visitation will not materially harm the parent-child relationship, based on a number of factors.

If a minor child is adopted by a stepparent or close relative, the adoptive parent may petition the court to terminate an order granting grandparent visitation existing before the adoption.

If approved by the Governor, these provisions take effect July 1, 2015.

*Vote: Senate 37-0; House 112-0*