



HB 1107

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1 A bill to be entitled
2 An act relating to children and families; creating s.
3 752.011, F.S.; providing for court-ordered visitation for
4 grandparents and great-grandparents under certain
5 circumstances; providing for appointment of a guardian ad
6 litem and family mediation if the court makes a
7 preliminary finding that the minor is threatened with
8 demonstrable significant mental or emotional harm without
9 such visitation; requiring court-ordered evaluation of the
10 child if mediation fails; providing for a hearing to
11 determine whether the minor is threatened with
12 demonstrable significant mental or emotional harm;
13 providing criteria for such a determination; providing for
14 attorney's fees and costs; applying the Uniform Child
15 Custody Jurisdiction and Enforcement Act; repealing s.
16 752.01, F.S., relating to grandparental visitation;
17 encouraging consolidation of actions under ss. 61.13,
18 752.011, F.S.; amending ss. 752.015, 752.07, F.S., to
19 conform cross-references; amending s. 39.01, F.S.;
20 including references to great-grandparents in definitions
21 relating to dependent children; amending s. 39.509, F.S.;
22 providing for great-grandparents' visitation rights;
23 amending ss. 39.801, 63.0425, F.S.; providing for a great-
24 grandparent's right to adopt; amending s. 61.13, F.S.;
25 providing for great-grandparents' visitation rights and
26 standing with regard to evaluating custody arrangements;
27 conforming this section to provisions of this act;
28 amending s. 63.172, F.S.; conforming references relating
29 to great-grandparental visitation rights under ch. 752,
30 F.S.; providing an effective date.



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Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 752.011, Florida Statutes, is created to read:

752.011 Action by grandparent or great-grandparent for right of visitation; when petition shall be granted.--

(1) A grandparent or great-grandparent of a minor may petition for visitation with that minor if:

(a) One or both of the parents of the minor are deceased;

(b) The marriage of the parents of the minor has been dissolved, whether or not a dissolution action is pending;

(c) A parent of the minor has deserted the minor;

(d) The minor was born out of wedlock and not later determined to be a minor born within wedlock as provided in s. 742.091;

(e) The minor is living with both natural parents who are still married to each other, whether or not there is a broken relationship between either or both parents of the minor and the grandparents or great-grandparents, and either or both parents have used their parental authority to prohibit a relationship between the minor and the grandparents or great-grandparents; or

(f) A deceased parent of the minor has made a written testamentary statement requesting that there be visitation between his or her surviving minor child and the grandparent or great-grandparent.

(2) Upon the filing of a petition by a grandparent or great-grandparent for visitation rights, the court shall hold a preliminary hearing to find whether there is evidence that the minor is suffering or is threatened with suffering demonstrable



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61 significant mental or emotional harm as a result of a parental
62 decision not to permit visitation or contact with the
63 grandparent or great-grandparent. Absent such a finding, the
64 court shall dismiss the petition and shall award reasonable
65 attorney's fees and costs to be paid by the petitioner to the
66 respondent.

67 (3) If the court finds that there is evidence that the
68 minor is suffering or is threatened with suffering demonstrable
69 significant mental or emotional harm as a result of a parental
70 decision not to permit visitation or contact with the
71 grandparent or great-grandparent, the court may appoint a
72 guardian ad litem and shall order the matter to family mediation
73 as provided in chapter 44 and Rules 12.740 and 12.741 of the
74 Florida Family Law Rules of Procedure.

75 (4) When mediation fails to yield a resolution, the court
76 shall order a psychological evaluation of the minor pursuant to
77 Rule 12.363, Fla. Fam. L.R.P., if comparable evidence of the
78 findings expected from such an evaluation is unavailable.

79 (5) After a hearing on the matter, the court may award
80 reasonable rights of visitation to the grandparent or great-
81 grandparent with respect to the minor if the court finds that:

82 (a) There is clear and convincing evidence that the minor
83 is suffering or is threatened with suffering demonstrable
84 significant mental or emotional harm as a result of a parental
85 decision not to permit visitation or contact with the
86 grandparent or great-grandparent and that visitation with the
87 grandparent or great-grandparent will alleviate or mitigate the
88 harm; and

89 (b) That the visitation will not materially harm the
90 parent-child relationship.



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91 (6) In assessing demonstrable significant mental or
92 emotional harm as those terms are used in this chapter, the
93 court shall consider the totality of the circumstances affecting
94 the mental and emotional well-being of the minor, including:

95 (a) The love, affection, and other emotional ties existing
96 between the minor and the grandparent or great-grandparent,
97 including those based upon a relationship that has been
98 permitted previously by one or more of the minor's parents.

99 (b) The length and quality of the prior relationship
100 between the minor and the grandparent or great-grandparent,
101 including the extent to which the grandparent or great-
102 grandparent has been involved in providing regular care and
103 support of the minor.

104 (c) Whether the grandparent or great-grandparent has
105 established or attempted to establish ongoing personal contact
106 with the minor.

107 (d) The reasons for which a parent or parents have made a
108 decision to end contact or visitation between the minor and the
109 grandparent or great-grandparent which was permitted previously
110 by the parent or parents.

111 (e) Whether there has been demonstrable significant mental
112 or emotional harm to the minor as the result of disruption in
113 the family unit due to divorce, abandonment by a parent, or
114 disability or death of a parent, sibling, or other household
115 member, for which the minor has derived support and stability
116 from the relationship with the grandparent or great-grandparent,
117 and whether the continuation of that support and stability is
118 likely to prevent further harm.

119 (f) The existence or threat of mental injury to the minor
120 as defined in s. 39.01.



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121 (g) When one parent is deceased, whether visitation with
122 the grandparent or great-grandparent will help maintain or
123 facilitate contact between the minor and the deceased parent's
124 extended family of origin such that demonstrable significant
125 mental or emotional harm to the minor from loss of additional
126 family relationships is mitigated.

127 (h) The present mental, physical, and emotional needs and
128 health of the minor.

129 (i) The present mental, physical, and emotional health of
130 the grandparent or great-grandparent.

131 (j) The recommendations of the minor's guardian ad litem.

132 (k) The results of the psychological evaluation of the
133 minor pursuant to Rule 12.363, Fla. Fam. L.R.P.

134 (l) The preference of the minor if the minor is determined
135 to be of sufficient maturity to express a preference.

136 (m) When a parent is deceased, any written testamentary
137 statement by the deceased parent requesting that visitation with
138 the grandparent or great-grandparent be granted or stating a
139 belief that such visitation would reduce or mitigate
140 demonstrable significant mental or emotional harm to the minor
141 as a result of the parent's death. The absence of such a
142 testamentary statement may not be construed as evidence that the
143 deceased parent would have objected to the requested visitation.

144 (n) Such other factors as the court considers necessary in
145 making this determination.

146 (7) In assessing whether granting a petition brought under
147 this chapter will cause material harm to the parent-child
148 relationship, the court shall consider the totality of the
149 circumstances affecting the parent-child relationship,
150 including:



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151 (a) Whether there have been previous disputes between the
152 parents and the grandparent or great-grandparent over
153 childrearing or other matters related to the care and upbringing
154 of the minor;

155 (b) Whether visitation would materially interfere with or
156 compromise parental authority;

157 (c) Whether visitation can be arranged in such a manner as
158 not to materially detract from the parent-child relationship,
159 including the quantity of time available for enjoyment of the
160 parent-child relationship and any other consideration related to
161 disruption of the schedule and routines of the parents' and the
162 minor's home lives;

163 (d) Whether visitation is being sought for the primary
164 purpose of continuing or establishing a relationship with the
165 minor with the intent that the minor benefit from the
166 relationship;

167 (e) Whether the requested visitation would expose the
168 minor to conduct, moral standards, experiences, or other factors
169 that are inconsistent with influences provided by the parent;

170 (f) The nature of the relationship between the parents and
171 the grandparent or great-grandparent;

172 (g) The reasons for which a parent or parents have made a
173 decision to end contact or visitation between the minor and the
174 grandparent or great-grandparent which has been permitted
175 previously by that parent or parents;

176 (h) The psychological toll of visitation disputes on the
177 minor in the particular circumstances; and

178 (i) Such other factors as the court considers necessary in
179 making this determination.



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180 (8) Part II of chapter 61, the Uniform Child Custody
181 Jurisdiction and Enforcement Act, apply to actions brought under
182 this chapter.

183 (9) If separate actions under this section and s. 61.13
184 are pending concurrently, courts are strongly encouraged to
185 consolidate the actions in order to minimize the burden of
186 litigation of visitation rights on the minor and the parties.

187 (10) An order of grandparent visitation or great-
188 grandparent visitation may be modified upon a showing of
189 substantial change in circumstances or a showing that visitation
190 is causing material harm to the parent-child relationship.

191 (11) An original action requesting visitation rights under
192 this chapter may be filed by any grandparent or great-
193 grandparent only once during any 2-year period, except on good
194 cause shown that the minor is suffering or threatened with
195 suffering demonstrable significant mental or emotional harm
196 caused by a parental decision to deny or limit contact or
197 visitation between a minor and grandparent or great-grandparent,
198 which was not known to the grandparent or great-grandparent at
199 the time of filing an earlier action.

200 (12) This section does not provide for visitation rights
201 for grandparents or great-grandparents of minors placed for
202 adoption under chapter 63 except as provided in s. 752.07 with
203 respect to adoption by a stepparent.

204 (13) Section 57.105 applies to actions brought under this
205 chapter.

206 Section 2. Section 752.01, Florida Statutes, is repealed.

207 Section 3. Section 752.015, Florida Statutes, is amended
208 to read:



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209 752.015 Mediation of visitation disputes.--It shall be the
 210 public policy of this state that families resolve differences
 211 over grandparent visitation within the family. It shall be the
 212 further public policy of this state that when families are
 213 unable to resolve differences relating to grandparent visitation
 214 that the family participate in any formal or informal mediation
 215 services that may be available. When families are unable to
 216 resolve differences relating to grandparent visitation and a
 217 petition is filed pursuant to s. 752.011 ~~s. 752.01~~, the court
 218 shall, if such services are available in the circuit, refer the
 219 case to family mediation in accordance with rules promulgated by
 220 the Supreme Court.

221 Section 4. Section 752.07, Florida Statutes, is amended to
 222 read:

223 752.07 Effect of adoption of child by stepparent on right
 224 of visitation; when right may be terminated.--When there is a
 225 remarriage of one of the natural parents of a minor child for
 226 whom visitation rights may be or may have been granted to a
 227 grandparent pursuant to s. 752.011 ~~s. 752.01~~, any subsequent
 228 adoption by the stepparent will not terminate any grandparental
 229 rights. However, the court may determine that ~~termination of~~
 230 such visitation rights should be terminated based upon the
 231 standards for granting such visitation which are set forth in s.
 232 752.011 ~~is in the best interest of the child~~ and rule
 233 accordingly, after affording the grandparent an opportunity to
 234 be heard.

235 Section 5. Subsections (46) and (50) of section 39.01,
 236 Florida Statutes, are amended to read:

237 39.01 Definitions.--When used in this chapter, unless the
 238 context otherwise requires:



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239 (46) "Next of kin" means an adult relative of a child who
 240 is the child's brother, sister, grandparent, great-grandparent,
 241 aunt, uncle, or first cousin.

242 (50) "Participant," for purposes of a shelter proceeding,
 243 dependency proceeding, or termination of parental rights
 244 proceeding, means any person who is not a party but who should
 245 receive notice of hearings involving the child, including foster
 246 parents or the legal custodian of the child, identified
 247 prospective parents, grandparents or great-grandparents entitled
 248 to priority for adoption consideration under s. 63.0425, actual
 249 custodians of the child, and any other person whose
 250 participation may be in the best interest of the child. A
 251 community-based agency under contract with the department to
 252 provide protective services may be designated as a participant
 253 at the discretion of the court. Participants may be granted
 254 leave by the court to be heard without the necessity of filing a
 255 motion to intervene.

256 Section 6. Section 39.509, Florida Statutes, is amended to
 257 read:

258 39.509 Grandparents' and great-grandparents' ~~Grandparents~~
 259 rights.--Notwithstanding any other provision of law, a maternal
 260 or paternal grandparent or great-grandparent as well as a
 261 stepgrandparent or step-great-grandparent is entitled to
 262 reasonable visitation with his or her grandchild or great-
 263 grandchild who has been adjudicated a dependent child and taken
 264 from the physical custody of the parent unless the court finds
 265 that such visitation is not in the best interest of the child or
 266 that such visitation would interfere with the goals of the case
 267 plan. Reasonable visitation may be unsupervised and, where
 268 appropriate and feasible, may be frequent and continuing.



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269 (1) Grandparent or great-grandparent visitation may take
270 place in the home of the grandparent or great-grandparent unless
271 there is a compelling reason for denying such a visitation. The
272 department's caseworker shall arrange the visitation to which a
273 grandparent or great-grandparent is entitled pursuant to this
274 section. The state shall not charge a fee for any costs
275 associated with arranging the visitation. However, the
276 grandparent or great-grandparent shall pay for the child's cost
277 of transportation when the visitation is to take place in the
278 grandparent's or great-grandparent's home. The caseworker shall
279 document the reasons for any decision to restrict a
280 grandparent's or great-grandparent's visitation.

281 (2) A grandparent or great-grandparent entitled to
282 visitation pursuant to this section shall not be restricted from
283 appropriate displays of affection to the child, such as
284 appropriately hugging or kissing his or her grandchild or great-
285 grandchild. Gifts, cards, and letters from the grandparent or
286 great-grandparent and other family members shall not be denied
287 to a child who has been adjudicated a dependent child.

288 (3) Any attempt by a grandparent or great-grandparent to
289 facilitate a meeting between the child who has been adjudicated
290 a dependent child and the child's parent or legal custodian, or
291 any other person in violation of a court order shall
292 automatically terminate future visitation rights of the
293 grandparent or great-grandparent.

294 (4) When the child has been returned to the physical
295 custody of his or her parent, the visitation rights granted
296 pursuant to this section shall terminate.

297 (5) The termination of parental rights does not affect the
298 rights of grandparents or great-grandparents unless the court



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299 finds that such visitation is not in the best interest of the
 300 child or that such visitation would interfere with the goals of
 301 permanency planning for the child.

302 (6) In determining whether grandparental or great-
 303 grandparental visitation is not in the child's best interest,
 304 consideration may be given to the finding of guilt, regardless
 305 of adjudication, or entry or plea of guilty or nolo contendere
 306 to charges under the following statutes, or similar statutes of
 307 other jurisdictions: s. 787.04, relating to removing minors
 308 from the state or concealing minors contrary to court order; s.
 309 794.011, relating to sexual battery; s. 798.02, relating to lewd
 310 and lascivious behavior; chapter 800, relating to lewdness and
 311 indecent exposure; or chapter 827, relating to the abuse of
 312 children. Consideration may also be given to a report of abuse,
 313 abandonment, or neglect under ss. 415.101-415.113 or this
 314 chapter and the outcome of the investigation concerning such
 315 report.

316 Section 7. Paragraph (a) of subsection (3) of section
 317 39.801, Florida Statutes, is amended to read:

318 39.801 Procedures and jurisdiction; notice; service of
 319 process.--

320 (3) Before the court may terminate parental rights, in
 321 addition to the other requirements set forth in this part, the
 322 following requirements must be met:

323 (a) Notice of the date, time, and place of the advisory
 324 hearing for the petition to terminate parental rights and a copy
 325 of the petition must be personally served upon the following
 326 persons, specifically notifying them that a petition has been
 327 filed:

- 328 1. The parents of the child.



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- 329 2. The legal custodians of the child.
- 330 3. If the parents who would be entitled to notice are dead
- 331 or unknown, a living relative of the child, unless upon diligent
- 332 search and inquiry no such relative can be found.
- 333 4. Any person who has physical custody of the child.
- 334 5. Any grandparent or great-grandparent entitled to
- 335 priority for adoption under s. 63.0425.
- 336 6. Any prospective parent who has been identified under s.
- 337 39.503 or s. 39.803.
- 338 7. The guardian ad litem for the child or the
- 339 representative of the guardian ad litem program, if the program
- 340 has been appointed.

341

342 The document containing the notice to respond or appear must

343 contain, in type at least as large as the type in the balance of

344 the document, the following or substantially similar language:

345 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING

346 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF

347 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND

348 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE

349 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS

350 NOTICE."

351 Section 8. Paragraph (b) of subsection (2), paragraphs (c)

352 and (d) of subsection (4), and subsections (6) and (7) of

353 section 61.13, Florida Statutes, are amended to read:

354 61.13 Custody and support of children; visitation rights;

355 power of court in making orders.--

356 (2)

357 (b)1. The court shall determine all matters relating to

358 custody of each minor child of the parties in accordance with



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359 the best interests of the child and in accordance with the
360 Uniform Child Custody Jurisdiction and Enforcement Act. It is
361 the public policy of this state to assure that each minor child
362 has frequent and continuing contact with both parents after the
363 parents separate or the marriage of the parties is dissolved and
364 to encourage parents to share the rights and responsibilities,
365 and joys, of childrearing. After considering all relevant facts,
366 the father of the child shall be given the same consideration as
367 the mother in determining the primary residence of a child
368 irrespective of the age or sex of the child.

369 2. The court shall order that the parental responsibility
370 for a minor child be shared by both parents unless the court
371 finds that shared parental responsibility would be detrimental
372 to the child. Evidence that a parent has been convicted of a
373 felony of the third degree or higher involving domestic
374 violence, as defined in s. 741.28 and chapter 775, or meets the
375 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
376 detriment to the child. If the presumption is not rebutted,
377 shared parental responsibility, including visitation, residence
378 of the child, and decisions made regarding the child, may not be
379 granted to the convicted parent. However, the convicted parent
380 is not relieved of any obligation to provide financial support.
381 If the court determines that shared parental responsibility
382 would be detrimental to the child, it may order sole parental
383 responsibility and make such arrangements for visitation as will
384 best protect the child or abused spouse from further harm.
385 Whether or not there is a conviction of any offense of domestic
386 violence or child abuse or the existence of an injunction for
387 protection against domestic violence, the court shall consider



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388 evidence of domestic violence or child abuse as evidence of
389 detriment to the child.

390 a. In ordering shared parental responsibility, the court
391 may consider the expressed desires of the parents and may grant
392 to one party the ultimate responsibility over specific aspects
393 of the child's welfare or may divide those responsibilities
394 between the parties based on the best interests of the child.
395 Areas of responsibility may include primary residence,
396 education, medical and dental care, and any other
397 responsibilities that the court finds unique to a particular
398 family.

399 b. The court shall order "sole parental responsibility,
400 with or without visitation rights, to the other parent when it
401 is in the best interests of" the minor child.

402 c. The court may award the grandparents or great-
403 grandparents visitation rights with a minor child pursuant to
404 the criteria set forth in s. 752.011 if it is in the child's
405 best interest. Grandparents or great-grandparents have legal
406 standing to seek judicial enforcement of such an award. This
407 section does not require that grandparents or great-grandparents
408 be made parties to or given notice of dissolution pleadings or
409 proceedings, nor do grandparents or great-grandparents have
410 legal standing as "contestants" as defined in s. 61.1306.
411 However, if separate actions under this section and s. 752.011
412 are pending concurrently, courts are strongly encouraged to
413 consolidate the actions in order to minimize the burden of
414 litigation of visitation rights on the child. A court may not
415 order that a child be kept within the state or jurisdiction of
416 the court solely for the purpose of permitting visitation by the
417 grandparents or great-grandparents.



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418 3. Access to records and information pertaining to a minor
419 child, including, but not limited to, medical, dental, and
420 school records, may not be denied to a parent because the parent
421 is not the child's primary residential parent. Full rights under
422 this subparagraph apply to either parent unless a court order
423 specifically revokes these rights, including any restrictions on
424 these rights as provided in a domestic violence injunction. A
425 parent having rights under this subparagraph has the same rights
426 upon request as to form, substance, and manner of access as are
427 available to the other parent of a child, including, without
428 limitation, the right to in-person communication with medical,
429 dental, and education providers.

430 (4)

431 (c) When a custodial parent refuses to honor a
432 noncustodial parent's, ~~or~~ grandparent's, or great-grandparent's
433 visitation rights without proper cause, the court shall, after
434 calculating the amount of visitation improperly denied, award
435 the noncustodial parent, ~~or~~ grandparent, or great-grandparent a
436 sufficient amount of extra visitation to compensate the
437 noncustodial parent, ~~or~~ grandparent, or great-grandparent, which
438 visitation shall be ordered as expeditiously as possible in a
439 manner consistent with the best interests of the child and
440 scheduled in a manner that is convenient for the person deprived
441 of visitation. In ordering any makeup visitation, the court
442 shall schedule such visitation in a manner that is consistent
443 with the best interests of the child or children and that is
444 convenient for the noncustodial parent, ~~or~~ grandparent, or
445 great-grandparent. In addition, the court:

446 1. May order the custodial parent to pay reasonable court
447 costs and attorney's fees incurred by the noncustodial parent,



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448 ~~or~~ grandparent, or great-grandparent to enforce their visitation
 449 rights or make up improperly denied visitation;

450 2. May order the custodial parent to attend the parenting
 451 course approved by the judicial circuit;

452 3. May order the custodial parent to do community service
 453 if the order will not interfere with the welfare of the child;

454 4. May order the custodial parent to have the financial
 455 burden of promoting frequent and continuing contact when the
 456 custodial parent and child reside further than 60 miles from the
 457 noncustodial parent;

458 5. May award custody, rotating custody, or primary
 459 residence to the noncustodial parent, upon the request of the
 460 noncustodial parent, if the award is in the best interests of
 461 the child; or

462 6. May impose any other reasonable sanction as a result of
 463 noncompliance.

464 (d) A person who violates this subsection may be punished
 465 by contempt of court or other remedies as the court deems
 466 appropriate.

467 (6) In any proceeding under this section, the court may
 468 not deny shared parental responsibility, custody, or visitation
 469 rights to a parent, ~~or~~ grandparent, or great-grandparent solely
 470 because that parent, ~~or~~ grandparent, or great-grandparent is or
 471 is believed to be infected with human immunodeficiency virus;
 472 but the court may condition such rights upon the parent's, ~~or~~
 473 grandparent's, or great-grandparent's agreement to observe
 474 measures approved by the Centers for Disease Control and
 475 Prevention of the United States Public Health Service or by the
 476 Department of Health for preventing the spread of human
 477 immunodeficiency virus to the child.



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478 (7) In any case where the child is actually residing with
479 a grandparent or great-grandparent in a stable relationship,
480 whether or not the court has awarded custody to the grandparent
481 or great-grandparent ~~or not~~, the court may recognize the
482 grandparent or great-grandparent ~~grandparents~~ as having the same
483 standing as parents for evaluating what custody arrangements are
484 in the best interest of the child.

485 Section 9. Subsection (1) of section 63.0425, Florida
486 Statutes, is amended to read:

487 63.0425 Grandparent's or great-grandparent's right to
488 adopt.--

489 (1) When a child who has lived with a grandparent or
490 great-grandparent for at least 6 months is placed for adoption,
491 the adoption entity handling the adoption shall notify that
492 grandparent or great-grandparent of the impending adoption
493 before the petition for adoption is filed. If the grandparent or
494 great-grandparent petitions the court to adopt the child, the
495 court shall give first priority for adoption to that grandparent
496 or great-grandparent.

497 (2) This section does ~~shall~~ not apply if the placement for
498 adoption is a result of the death of the child's parent and a
499 different preference is stated in the parent's will.

500 (3) This section does ~~shall~~ not apply in stepparent
501 adoptions.

502 (4) ~~Nothing in~~ This section does not ~~shall~~ contravene the
503 ~~provisions of~~ s. 63.142(4).

504 Section 10. Subsection (2) of section 63.172, Florida
505 Statutes, is amended to read:

506 63.172 Effect of judgment of adoption.--



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507 (2) If one or both parents of a child die without the
508 relationship of parent and child having been previously
509 terminated and a spouse of the living parent or a close relative
510 of the child thereafter adopts the child, the child's right of
511 inheritance from or through the deceased parent is unaffected by
512 the adoption and, unless the court orders otherwise, the
513 adoption will not terminate any grandparental or great-
514 grandparental rights delineated under chapter 752. For purposes
515 of this subsection, a close relative of a child is the child's
516 brother, sister, grandparent, great-grandparent, aunt, or uncle.

517 Section 11. This act shall take effect July 1, 2003.