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26 | that one parent of a child has been held criminally or civilly
27 | liable for the death of the other parent of the child, there is
28 | a presumption for granting reasonable visitation with the
29 | petitioning grandparent or stepgrandparent if he or she is the
30 | parent of the child's deceased parent. This presumption may only
31 | be overcome if the court finds that granting such visitation is
32 | not in the best interests of the child.

33 | ~~(5)-(4)~~ In assessing the best interests ~~interest~~ of the
34 | child under subsection ~~(4)-(3)~~, the court shall consider the
35 | totality of the circumstances affecting the mental and emotional
36 | well-being of the minor child, including:

37 | (a) The love, affection, and other emotional ties existing
38 | between the minor child and the grandparent, including those
39 | resulting from the relationship that had been previously allowed
40 | by the child's parent.

41 | (b) The length and quality of the previous relationship
42 | between the minor child and the grandparent, including the
43 | extent to which the grandparent was involved in providing
44 | regular care and support for the child.

45 | (c) Whether the grandparent established ongoing personal
46 | contact with the minor child before the death of the parent,
47 | before the onset of the parent's persistent vegetative state, or
48 | before the parent was missing.

49 | (d) The reasons cited by the respondent parent in ending
50 | contact or visitation between the minor child and the

51 grandparent.

52 (e) Whether there has been significant and demonstrable
53 mental or emotional harm to the minor child as a result of the
54 disruption in the family unit, whether the child derived support
55 and stability from the grandparent, and whether the continuation
56 of such support and stability is likely to prevent further harm.

57 (f) The existence or threat to the minor child of mental
58 injury as defined in s. 39.01.

59 (g) The present mental, physical, and emotional health of
60 the minor child.

61 (h) The present mental, physical, and emotional health of
62 the grandparent.

63 (i) The recommendations of the minor child's guardian ad
64 litem, if one is appointed.

65 (j) The result of any psychological evaluation of the
66 minor child.

67 (k) The preference of the minor child if the child is
68 determined to be of sufficient maturity to express a preference.

69 (l) A written testamentary statement by the deceased
70 parent regarding visitation with the grandparent. The absence of
71 a testamentary statement is not deemed to provide evidence that
72 the deceased or missing parent or parent in a persistent
73 vegetative state would have objected to the requested
74 visitation.

75 (m) Other factors that the court considers necessary to

76 making its determination.

77 (6)~~(5)~~ In assessing material harm to the parent-child
 78 relationship under subsection (4)~~(3)~~, the court shall consider
 79 the totality of the circumstances affecting the parent-child
 80 relationship, including:

81 (a) Whether there have been previous disputes between the
 82 grandparent and the parent over childrearing or other matters
 83 related to the care and upbringing of the minor child.

84 (b) Whether visitation would materially interfere with or
 85 compromise parental authority.

86 (c) Whether visitation can be arranged in a manner that
 87 does not materially detract from the parent-child relationship,
 88 including the quantity of time available for enjoyment of the
 89 parent-child relationship and any other consideration related to
 90 disruption of the schedule and routine of the parent and the
 91 minor child.

92 (d) Whether visitation is being sought for the primary
 93 purpose of continuing or establishing a relationship with the
 94 minor child with the intent that the child benefit from the
 95 relationship.

96 (e) Whether the requested visitation would expose the
 97 minor child to conduct, moral standards, experiences, or other
 98 factors that are inconsistent with influences provided by the
 99 parent.

100 (f) The nature of the relationship between the child's

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101 | parent and the grandparent.

102 | (g) The reasons cited by the parent in ending contact or
103 | visitation between the minor child and the grandparent which was
104 | previously allowed by the parent.

105 | (h) The psychological toll of visitation disputes on the
106 | minor child.

107 | (i) Other factors that the court considers necessary in
108 | making its determination.

109 | Section 2. This act shall take effect July 1, 2022.