

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

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

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

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

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

50 | (d) The reasons cited by the respondent parent in ending

51 | contact or visitation between the minor child and the
52 | grandparent.

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

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

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

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

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

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

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

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

76 (m) Other factors that the court considers necessary to
77 making its determination.

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

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

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

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

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

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

101 (f) The nature of the relationship between the child's
102 parent and the grandparent.

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

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

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

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