



General Assembly

January Session, 2021

Raised Bill No. 6490

LCO No. 3670



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING A GRANDPARENT'S RIGHT TO VISITATION
WITH HIS OR HER GRANDCHILD.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-59 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) As used in this section:

4 (1) "Grandparent" means a grandparent or great-grandparent related
5 to a minor child by (A) blood, (B) marriage, or (C) adoption of the minor
6 child by a child of the grandparent; and

7 (2) "Real and significant harm" means that the minor child is
8 neglected, as defined in section 46b-120, or uncared for, as defined in
9 said section.

10 (b) Any person may submit a verified petition to the Superior Court
11 for the right of visitation with any minor child, [. Such petition] except
12 that if a verified petition has been filed by a grandparent and (1) either
13 or both parents of the minor child are deceased, (2) the parents of the

14 minor child are divorced, or (3) the parents of the minor child are living
15 separate and apart in different locations, the verified petition for the
16 right of visitation shall be determined in accordance with the provisions
17 of section 2 of this act. A verified petition submitted under this section
18 shall include specific and good-faith allegations that [(1)] (A) a parent-
19 like relationship exists between the person and the minor child, and [(2)]
20 (B) denial of visitation would cause real and significant harm. Subject to
21 subsection (e) of this section, the court shall grant the right of visitation
22 with any minor child to any person if the court finds after hearing and
23 by clear and convincing evidence that a parent-like relationship exists
24 between the person and the minor child and denial of visitation would
25 cause real and significant harm.

26 (c) In determining whether a parent-like relationship exists between
27 the person and the minor child, the Superior Court may consider, but
28 shall not be limited to, the following factors:

29 (1) The existence and length of a relationship between the person and
30 the minor child prior to the submission of a petition pursuant to this
31 section;

32 (2) The length of time that the relationship between the person and
33 the minor child has been disrupted;

34 (3) The specific parent-like activities of the person seeking visitation
35 toward the minor child;

36 (4) Any evidence that the person seeking visitation has unreasonably
37 undermined the authority and discretion of the custodial parent;

38 (5) The significant absence of a parent from the life of a minor child;

39 (6) The death of one of the minor child's parents;

40 (7) The physical separation of the parents of the minor child;

41 (8) The fitness of the person seeking visitation; and

42 (9) The fitness of the custodial parent.

43 (d) In determining whether a parent-like relationship exists between
44 a grandparent seeking visitation pursuant to this section and a minor
45 child, the Superior Court may consider, in addition to the factors
46 enumerated in subsection (c) of this section, the history of regular
47 contact and proof of a close and substantial relationship between the
48 grandparent and the minor child.

49 (e) If the Superior Court grants the right of visitation pursuant to
50 subsection (b) of this section, the court shall set forth the terms and
51 conditions of visitation including, but not limited to, the schedule of
52 visitation, including the dates or days, time and place or places in which
53 the visitation can occur, whether overnight visitation will be allowed
54 and any other terms and conditions that the court determines are in the
55 best interest of the minor child, provided such conditions shall not be
56 contingent upon any order of financial support by the court. In
57 determining the best interest of the minor child, the court shall consider
58 the wishes of the minor child if such minor child is of sufficient age and
59 capable of forming an intelligent opinion. In determining the terms and
60 conditions of visitation, the court may consider (1) the effect that such
61 visitation will have on the relationship between the parents or
62 guardians of the minor child and the minor child, and (2) the effect on
63 the minor child of any domestic violence that has occurred between or
64 among parents, grandparents, persons seeking visitation and the minor
65 child.

66 (f) Visitation rights granted in accordance with this section shall not
67 be deemed to have created parental rights in the person or persons to
68 whom such visitation rights are granted, nor shall such visitation rights
69 be a ground for preventing the relocation of the custodial parent. The
70 grant of such visitation rights shall not prevent any court of competent
71 jurisdiction from thereafter acting upon the custody of such child, the
72 parental rights with respect to such child or the adoption of such child
73 and any such court may include in its decree an order terminating such
74 visitation rights.

75 (g) Upon motion, the court may order the payment of fees for another
76 party, the attorney for the minor child, the guardian ad litem, or any
77 expert by any party in accordance with such party's financial ability.

78 Sec. 2. (NEW) (*Effective October 1, 2021*) (a) As used in this section, (1)
79 "grandparent" means a grandparent or great-grandparent related to a
80 minor child by blood, marriage or adoption of the minor child by a child
81 of the grandparent, and (2) "unreasonably depriving the grandparent of
82 the opportunity to visit with the minor child" includes, but is not limited
83 to, denying a grandparent the opportunity to visit with the minor child
84 for a period of time exceeding ninety days.

85 (b) Any grandparent may submit a verified petition under this
86 section to the Superior Court for the right of visitation with a minor
87 child, as described in subdivision (1) of subsection (a) of this section,
88 when (1) either or both parents of the minor child are deceased, (2) the
89 parents of the minor child are divorced, or (3) the parents of the minor
90 child are living separate and apart in different locations. The court shall
91 grant the right of visitation with any minor child to any grandparent if
92 the court finds after hearing and by clear and convincing evidence that:
93 (A) The child's parents or guardians are unreasonably depriving the
94 grandparent of the opportunity to visit with the minor child; (B)
95 awarding the grandparent visitation will not interfere with the
96 relationship between the minor child and the parents or guardians; and
97 (C) (i) the minor child's parents or guardians are unfit, or (ii) there are
98 compelling circumstances to overcome the presumption that the
99 decision by the parents or guardians to deny the grandparent visitation
100 is in the best interest of the minor child, provided any determination by
101 the court as to the best interest of the minor child shall be made by
102 utilizing Judicial Branch resources and at no cost to the parties.

103 (c) The court may award the prevailing party necessary and
104 reasonable expenses incurred by or on behalf of the party, including
105 costs and attorneys' fees.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	46b-59
Sec. 2	<i>October 1, 2021</i>	New section

Statement of Purpose:

To allow a grandparent the right of visitation with his or her grandchild upon demonstrating to the court that clear and convincing circumstances support the granting of such visitation.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]