

1 AN ACT relating to grandparent visitation rights.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. KRS 405.021 IS REPEALED AND REENACTED TO READ AS  
4 FOLLOWS:

5 *(1) A child's grandparent may seek visitation rights if:*

6 *(a) The parents are divorced, in the process of divorcing, or have been*  
7 *separated for at least six (6) months;*

8 *(b) The child was born out of wedlock and the parents have not married;*

9 *(c) One (1) or both parents have had their parental rights terminated;*

10 *(d) One (1) or both parents are missing, dead, incarcerated, in a persistent*  
11 *vegetative state, or have been declared legally incompetent;*

12 *(e) Significant harm is occurring or will likely occur to the child if visitation is*  
13 *not allowed;*

14 *(f) The child does not reside with either parent;*

15 *(g) The child has ever resided with the grandparent for a period of at least one*  
16 *(1) month;*

17 *(h) The child has been adjudicated a delinquent or in need of supervision; or*

18 *(i) A court in another jurisdiction has ordered grandparent visitation.*

19 *(2) The court may grant visitation rights to a child's grandparent if the court*  
20 *determines by clear and convincing evidence that visitation rights are in the best*  
21 *interest of the child. In determining whether visitation is in the best interest of the*  
22 *child, the court shall consider:*

23 *(a) The nature and stability of the relationship between the child and the*  
24 *grandparent seeking visitation;*

25 *(b) The amount of time the grandparent and child spent together;*

26 *(c) The potential detriments and benefits to the child from granting visitation;*

27 *(d) The effect granting visitation would have on the child's relationship with*

- 1           *the parents;*
- 2           *(e) The physical and emotional health of all the adults involved, parents and*
- 3           *grandparents alike;*
- 4           *(f) The stability of the child's living and schooling arrangements;*
- 5           *(g) The wishes and preferences of the child; and*
- 6           *(h) The motivation of the adults participating in the grandparent visitation*
- 7           *proceedings.*
- 8           *(3) The action shall be brought in Circuit Court in the county in which the child*
- 9           *resides.*
- 10          *(4) Visitation rights provided for in this section survive the adoption of the child by*
- 11          *any of the following, provided that the visitation rights are still in the best interest*
- 12          *of the child:*
- 13          *(a) A stepparent; or*
- 14          *(b) A person who is biologically related to the child as:*
- 15                *1. A grandparent;*
- 16                *2. A sibling;*
- 17                *3. An aunt;*
- 18                *4. An uncle;*
- 19                *5. A niece; or*
- 20                *6. A nephew.*