

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 KRS 405.021 IS REPEALED AND REENACTED TO READ AS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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

the parents;

(e) The physical and emotional health of all the adults involved, parents and grandparents alike;

(f) The stability of the child's living and schooling arrangements;

(g) The wishes and preferences of the child; and

(h) The motivation of the adults participating in the grandparent visitation proceedings.

(3) The action shall be brought in Circuit Court in the county in which the child resides.

(4) Visitation rights provided for in this section survive the adoption of the child by any of the following, provided that the visitation rights are still in the best interest of the child:

(a) A stepparent; or

(b) A person who is biologically related to the child as:

- 1. A grandparent;
- 2. A sibling;
- 3. An aunt;
- 4. An uncle;
- 5. A niece; or
- 6. A nephew.