

HOUSE No. 3328

The Commonwealth of Massachusetts

PRESENTED BY:

Stephan Hay

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to great-grandparent visitation rights.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-----------------------------|--|
| <i>Stephan Hay</i> | <i>3rd Worcester</i> |
| <i>Steven S. Howitt</i> | <i>4th Bristol</i> |
| <i>Dylan A. Fernandes</i> | <i>Barnstable, Dukes and Nantucket</i> |
| <i>Elizabeth A. Poirier</i> | <i>14th Bristol</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Jonathan D. Zlotnik</i> | <i>2nd Worcester</i> |
| <i>Andres X. Vargas</i> | <i>3rd Essex</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> |

HOUSE No. 3328

By Mr. Hay of Fitchburg, a petition (accompanied by bill, House, No. 3328) of Stephan Hay and others relative to great-grandparent visitation rights. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to great-grandparent visitation rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 119 of the General Laws is hereby amended by striking out section 39D and
2 inserting in place thereof the following section:-

3 Section 39D. If the parents of an unmarried minor child are divorced, married but living
4 apart pursuant to a temporary order or judgment of separate support, or if either or both parents
5 are deceased, or if the unmarried minor child was born out of wedlock whose paternity has been
6 adjudicated by a court of competent jurisdiction or whose father has signed an acknowledgement
7 of paternity, and the parents do not reside together, the grandparents or great-grandparents of the
8 minor child may be granted reasonable visitation rights to the minor child during his minority by
9 the probate and family court department of the trial court upon a written finding that the
10 visitation rights would be in the best interest of the minor child; provided, however, that the
11 adjudication of paternity or acknowledgment of paternity shall not be required in order to
12 proceed pursuant to this section where maternal grandparents or great-grandparents are seeking
13 the visitation rights. No visitation rights shall be granted if the minor child has been adopted by a

14 person other than a stepparent of the child and any visitation rights granted pursuant to this
15 section prior to the adoption of the minor child shall be terminated upon the adoption without
16 any further action of the court.

17 A petition for grandparent or great-grandparent visitation authorized pursuant to this
18 section shall, where applicable, be filed in the county within the commonwealth in which the
19 divorce or separate support complaint or the complaint to establish paternity was filed. If the
20 divorce, separate support or paternity judgment was entered without the commonwealth but the
21 child presently resides within the commonwealth, the petition may be filed in the county where
22 the child resides.