

HOUSE No. 3842

The Commonwealth of Massachusetts

PRESENTED BY:

Chris Walsh, (BY REQUEST)

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 grandparent visitation rights.

PETITION OF:

NAME:

Laura Simonds

DISTRICT/ADDRESS:

49 Edmands Rd. Apt 325

Framingham, MA 01701

HOUSE No. 3842

By Mr. Walsh of Framingham (by request), a petition (subject to Joint Rule 12) of Laura Simonds relative to the visitation rights of grandparents. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to 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 Section 1. Definitions

2 “Grandparent” is defined for the purposes of this Bill as the parent of a father or mother
3 of the child. This bill applies to both the maternal and paternal grandparents of a child.

4 Section 2. Conditions for Visitation

5 Except as otherwise provided in this section, any grandparent may file an original action
6 for visitation rights to a minor child if it is in the best interest of the minor child and one of the
7 following conditions exist:

8 In the event one or both parents are deceased.

9 In the event the marriage of the parents of the child has been dissolved.

10 In the event a parent of the child has abandoned the minor.

11 In the event the child was born out of wedlock.

12 In the event the child is living with biological parents, who are still married to each other,
13 whether or not there is a broken relationship between either or both parents of the minor and the
14 grandparent and either or both parents have used their prenatal authority to prohibit a relationship
15 between the child and the grandparent.

16 No such visitation rights shall be granted if said minor child has been adopted by a person
17 other than a stepparent of such child and any visitation rights granted pursuant to this section
18 prior to such adoption of the said minor child shall be terminated upon such adoption without
19 any further action of the court.

20 Section 3. Condition for Custody

21 Any grandparent may intervene in and seek to obtain visitation rights in any action when
22 any court in this state has before it any question concerning the custody of a minor child.

23 Section 4. Determining Visitation

24 Upon the filing of an original action or upon intervention in an existing proceeding
25 pursuant to sections 2 and 3, the court shall determine if visitation by the grandparent is in the
26 best interests of the child. Visitation shall not be granted if the visitation would endanger the
27 physical health of the child or impair the emotional development of the child. In determining the
28 best interests of the child, the court shall consider:

29 The willingness of the grandparent or grandparents to encourage a close relationship
30 between the child and the parent or parents.

31 The preference of the child, if the child is determined to be of sufficient maturity to
32 express a preference.

33 The mental and physical health of the child.

34 The mental and physical health of the grandparents or grandmothers.

35 Evidence of domestic violence inflicted by one parent upon the other parent or the child.

36 If the court determines the evidence of domestic violence exists, visitation provisions shall be
37 made in a manner protecting the child or children, parents, or grandparents from further abuse.

38 Other relevant factors in the circumstances, including the wishes of the parents.

39 Section 5. Revocation or amendment

40 After visitation rights have been granted to any grandparent, the legal custodian,
41 guardian, or parent of the child may petition the court for revocation or amendment of the
42 visitation rights, for good cause shown, which the court, in its discretion, may grant or deny.
43 Unless evidence of abuse is alleged or other exceptional circumstances, a petition shall not be
44 filed more than once in any two—year period.

45 Section 6. Guardian Ad Litem

46 If the court finds that the grandparent or grandparents can bear the cost without
47 unreasonable financial hardship, the court, at the sole expense of the petition grandparent or
48 grandparents, may appoint a guardian ad litem for the minor child.