

1 AN ACT relating to grandparent rights.

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

3 ➔Section 1. KRS 405.021 is amended to read as follows:

4 (1) (a) The Circuit Court may grant reasonable visitation rights to either the paternal
5 or maternal grandparents of a child and issue any necessary orders to enforce
6 the decree if it determines that it is in the best interest of the child to do so. Once
7 a grandparent has been granted visitation rights under this subsection, those
8 rights shall not be adversely affected by:

9 1. The termination of parental rights belonging to the grandparent's son or
10 daughter, who is the father or mother of the child visited by the
11 grandparent; or

12 2. Any investigation related to abuse, neglect, or dependency of a child
13 pursuant to KRS Chapter 620 of the grandparent's son or daughter,
14 who is the father or mother of the child visited by the grandparent; [;]

15 unless the Circuit Court determines that it is in the best interest of the child to
16 do so, or the child has been adopted.

17 (b) If the parent of the child who is the son or daughter of the grandparent is
18 deceased, there shall be a rebuttable presumption that visitation with the
19 grandparent is in the best interest of the child if the grandparent can prove a
20 pre-existing significant and viable relationship with the child.

21 (c) In order to prove a significant and viable relationship under paragraph (b) of
22 this subsection, the grandparent shall prove by a preponderance of the evidence
23 that:

24 1. The child resided with the grandparent for at least six (6) consecutive
25 months with or without the current custodian present;

26 2. The grandparent was the caregiver of the child on a regular basis for at
27 least six (6) consecutive months;

- 1 3. The grandparent had frequent or regular contact with the child for at least
2 twelve (12) consecutive months; or
- 3 4. There exist any other facts that establish that the loss of the relationship
4 between the grandparent and the child is likely to harm the child.

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

6 (3) The Circuit Court may grant noncustodial parental visitation rights to the grandparent
7 of a child if the parent of the child who is the son or daughter of the grandparent is
8 deceased and the grandparent has assumed the financial obligation of child support
9 owed by the deceased parent, unless the court determines that the visitation is not in
10 the best interest of the child. If visitation is not granted, the grandparent shall not be
11 responsible for child support.

12 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO
13 READ AS FOLLOWS:

14 **(1) As used in this section, "emergency placement" means those limited instances**
15 **when the Department for Community Based Services is placing a child in the home**
16 **of private individuals, including neighbors, friends, or relatives, as a result of a**
17 **sudden unavailability of the child's primary caregiver.**

18 **(2) (a) During an emergency placement when a child must be placed in home care**
19 **due to the absence of parents or custodians, the Department for Community**
20 **Based Services may request that a criminal justice agency perform a federal**
21 **name-based criminal history record check of each adult residing in the home.**

22 **(b) Name-based check results may be provided to the Department for Community**
23 **Based Services, which shall then provide a complete set of each adult**
24 **resident's fingerprints to the Department of Kentucky State Police for the**
25 **immediate submission to the Federal Bureau of Investigation within fourteen**
26 **(14) calendar days from the date the name search was conducted.**

27 **(c) The Department of Kentucky State Police shall either positively identify the**

1 *fingerprint subject or forward the fingerprints to the Federal Bureau of*
2 *Investigation within fifteen (15) calendar days from the day the name search*
3 *was conducted.*

4 *(d) The child shall be removed from the home immediately if any adult resident*
5 *fails to provide his or her fingerprints and written permission to perform a*
6 *federal criminal history record check when requested.*

7 *(3) When placement of a child in a home is denied as a result of a name-based criminal*
8 *history record check of a resident, and the resident contests that denial, each*
9 *contesting resident shall, within fifteen (15) calendar days, submit to the*
10 *Department for Community Based Services a complete set of the resident's*
11 *fingerprints with written permission allowing the Department for Community*
12 *Based Services to forward the fingerprints to the Department of Kentucky State*
13 *Police for submission to the Federal Bureau of Investigation.*

14 *(4) The Department of Kentucky State Police and the Federal Bureau of Investigation*
15 *may each charge a reasonable fee for processing a fingerprint-based criminal*
16 *history record check.*