Grandparent Visitation Rights

Presentation to the Kentucky General Assembly,

Interim Joint Committee on Families and Children

October 21st, 2026





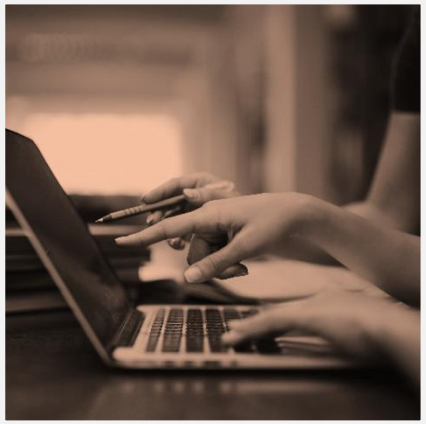


How NCSL Supports Legislators and Legislative Staff



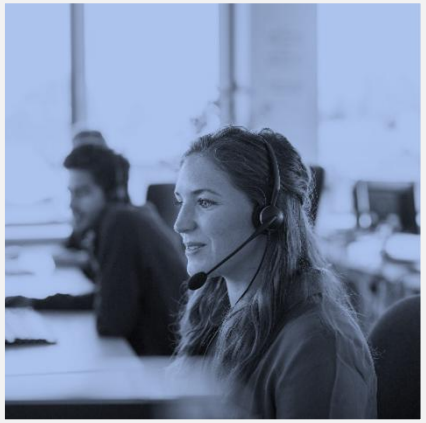
Policy Research

Thousands of ad hoc research requests from legislators and legislative staff fulfilled each year.



Bill Tracking

Forty-five legislative databases covering most state policy matters. Searchable on NCSL.org.



Technical Assistance

In-state informational services and trainings by invitation of state.



Publications

Numerous policy papers, articles and podcasts on NCSL.org; Facebook and LinkedIn videos and 25 newsletters.



Convenings

Three marque annual events and hundreds of targeted or invitational in-person and on-line meetings and webinars.

NCSL's Children and Families Program

Program Areas



- Early Childhood and Childcare (prenatal-5)
- Child Welfare
- Prevention of Child Abuse and Neglect
- Housing and Homelessness
- Economic Security
- Family Law



Grandparent Visitation Rights Overview

Statutory Context

- State law determines when a grandparent may petition.
- A fit parent's decision receives constitutional protection.
- Visitation is distinct from custody or guardianship.
- State statutes define:
  - Who may petition
  - When a petition may be filed
  - What must be proven
  - What the court must consider



How State Laws Are Structured

Standing

- When may a grandparent petition?

Parental presumption

- How much weight is given to the parent's decision?

Required showing

- Best interest, harm or both?

Court order

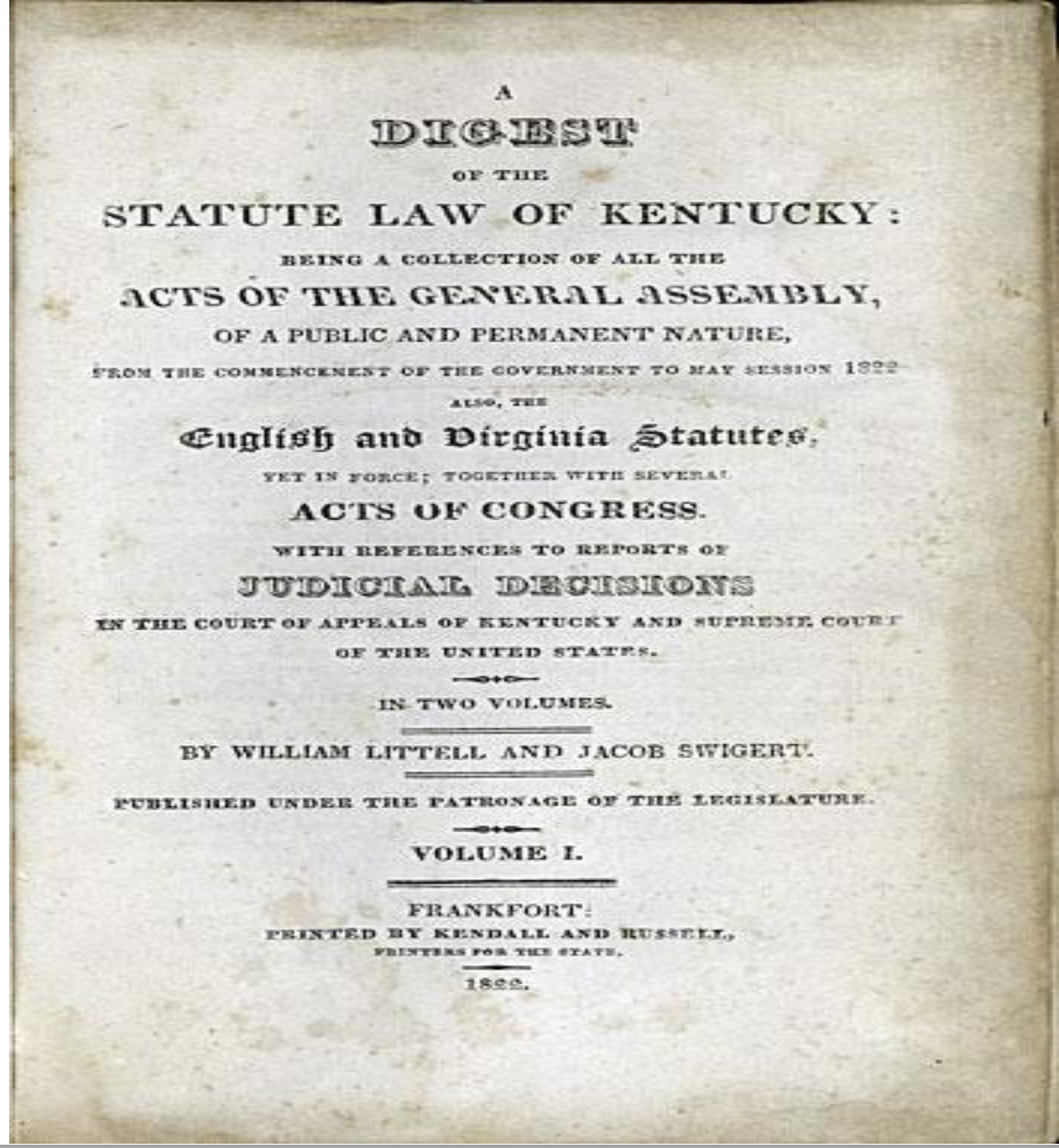
- What findings and limitations are required?



Kentucky's Current Statute

KRS 405.021

- Circuit Court may grant reasonable visitation.
- Visitation must be in the child's best interest.
- The action is filed in the county where the child resides.
- The court may enforce a visitation decree.
- Additional provisions apply when the grandparent's child is deceased.


A
DIGEST
OF THE
STATUTE LAW OF KENTUCKY:
BEING A COLLECTION OF ALL THE
ACTS OF THE GENERAL ASSEMBLY,
OF A PUBLIC AND PERMANENT NATURE,
FROM THE COMMENCENENT OF THE GOVERNMENT TO MAY SESSION 1822
ALSO, THE
English and Virginia Statutes,
YET IN FORCE; TOGETHER WITH SEVERAL
ACTS OF CONGRESS.
WITH REFERENCES TO REPORTS OF
JUDICIAL DECISIONS
IN THE COURT OF APPEALS OF KENTUCKY AND SUPREME COURT
OF THE UNITED STATES.
IN TWO VOLUMES.
BY WILLIAM LITTELL AND JACOB SWIGERT.
PUBLISHED UNDER THE PATRONAGE OF THE LEGISLATURE.
VOLUME I.
FRANKFORT:
PRINTED BY KENDALL AND RUSSELL,
PRINTERS FOR THE STATE.
1822.



Legislative Examples Across States

2021-2026



Death, Incapacity or Incarceration of a Parent

Florida HB 1119 | 2022

- Applies when one parent caused the other parent's death.
- Creates a visitation presumption for the deceased parent's parent or stepparent.

Georgia SB 576 | 2022

- Applies after death, incapacity or incarceration.
- Requires clear and convincing evidence of likely harm.
- Gives deference to the custodial parent.

Hawaii SB 406 | 2023

- Applies after death or incarceration.
- Requires significant harm.
- Presumes the parent's decision is in the child's best interest.

Parental Presumptions and Broader Frameworks



Colorado HB 1026 | 2023

- Renamed visitation “grandparent or great-grandparent family time.”
- Presumes the parent’s decision is in the child’s best interest.
- Requires clear and convincing evidence to overcome the presumption.

Kansas HB 2675 | 2024

- Enacted the Uniform Nonparent Visitation Act.
- Replaced separate grandparent and stepparent provisions.
- Requires harm, a qualifying relationship and best interest.

Adoption and Continuing Family Contact

Louisiana HB 194 | 2023

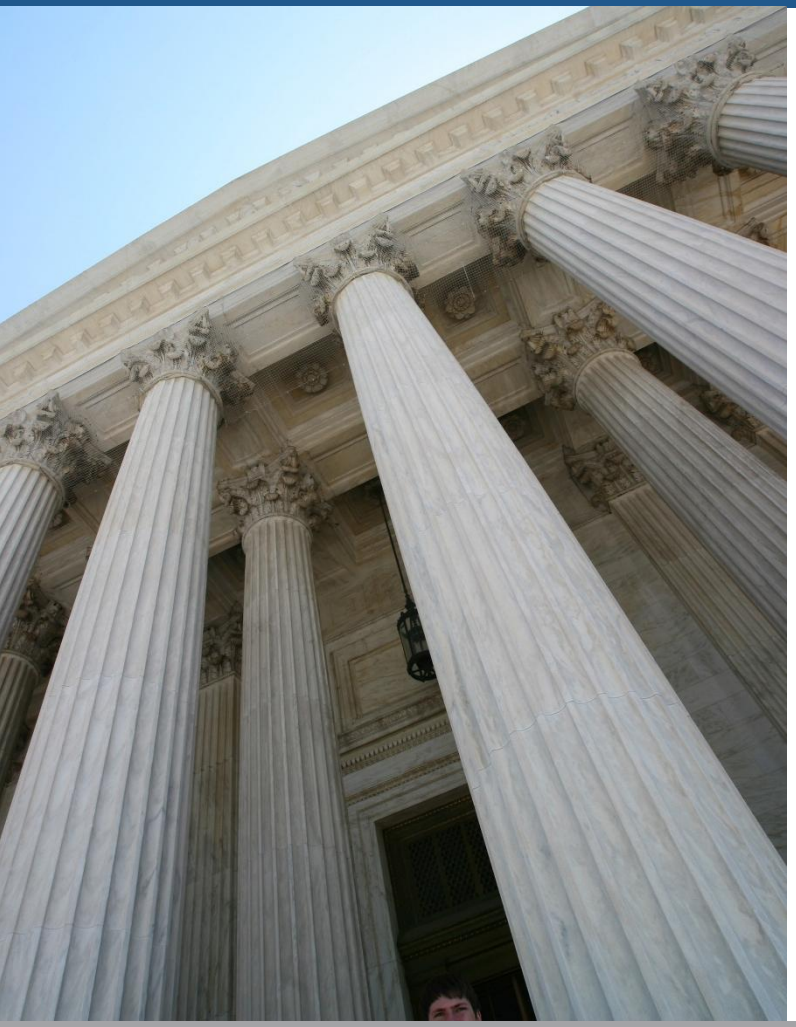
- Revised eligibility for limited post-adoption visitation.
- Removed a prior marital-status limitation.
- Applies when the child of a deceased parent is later adopted.

State approaches vary

- Some preserve visitation after stepparent or relative adoption.
- Some terminate visitation after nonrelative adoption.
- Some require a new or separate court finding.



Scope and Enforcement of Existing Orders



Tennessee SB 2840 | 2024

- Requires sufficient contact to permit a strong and meaningful relationship.
- Retains substantial-harm and best-interest findings.

Utah HB 390 | 2023

- Authorizes make-up visitation after noncompliance.
- Retains the child's best-interest limitation.

Colorado HB 1026 | 2023

- Provides enforcement options for court-ordered family time.

Additional State Variations

- **Connecticut:** Parent-like relationship and real and significant harm.
- **Nebraska:** Significant beneficial relationship, best interest and noninterference.
- **Pennsylvania:** Death, custody litigation or 12-months of residence.
- **Texas:** Significant impairment to physical health or emotional well-being.
- **Washington:** Ongoing substantial relationship and likely harm.
- **West Virginia:** Best interest and no substantial interference with the parent-child relationship.



Trends Across Recent Legislation



- Changes are generally targeted rather than comprehensive.
- Best interest considerations often necessary, but not always sufficient.
- Harm standards and evidentiary burdens vary.
- Existing relationships frequently affect eligibility.
- Some legislation addresses the operation of existing orders.

Kentucky in the Multistate Context

Kentucky currently provides:

- General best-interest authority.
- A specialized deceased-parent presumption.
- Defined evidence of a significant and viable relationship.
- Continued visitation after termination of parental rights, subject to best interest.
- Judicial enforcement authority.

Other states have recently addressed:

- Incapacity or incarceration of a parent.
- Express parental presumptions.
- Heightened harm standards.
- Post-adoption eligibility.
- Scope and enforcement of existing orders.





Thank you for joining today!

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