

405.021 Reasonable visitation rights to grandparents.

- (1) (a) The Circuit Court may grant reasonable visitation rights to either the paternal or maternal grandparents of a child and issue any necessary orders to enforce the decree if it determines that it is in the best interest of the child to do so. Once a grandparent has been granted visitation rights under this subsection, those rights shall not be adversely affected by the termination of parental rights belonging to the grandparent's son or daughter, who is the father or mother of the child visited by the grandparent, unless the Circuit Court determines that it is in the best interest of the child to do so.
- (b) If the parent of the child who is the son or daughter of the grandparent is deceased, there shall be a rebuttable presumption that visitation with the grandparent is in the best interest of the child if the grandparent can prove a pre-existing significant and viable relationship with the child.
- (c) In order to prove a significant and viable relationship under paragraph (b) of this subsection, the grandparent shall prove by a preponderance of the evidence that:
 1. The child resided with the grandparent for at least six (6) consecutive months with or without the current custodian present;
 2. The grandparent was the caregiver of the child on a regular basis for at least six (6) consecutive months;
 3. The grandparent had frequent or regular contact with the child for at least twelve (12) consecutive months; or
 4. There exist any other facts that establish that the loss of the relationship between the grandparent and the child is likely to harm the child.
- (2) The action shall be brought in Circuit Court in the county in which the child resides.
- (3) The Circuit Court may grant noncustodial parental visitation rights to the grandparent of a child if the parent of the child who is the son or daughter of the grandparent is deceased and the grandparent has assumed the financial obligation of child support owed by the deceased parent, unless the court determines that the visitation is not in the best interest of the child. If visitation is not granted, the grandparent shall not be responsible for child support.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 197, sec. 1, effective July 14, 2018. -- Amended 1996 Ky. Acts ch. 302, sec. 1, effective July 15, 1996; and ch. 314, sec. 2, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 493, sec. 1, effective July 15, 1994. -- Amended 1984 Ky. Acts ch. 136, sec. 1, effective July 13, 1984. -- Created 1976 Ky. Acts ch. 277, sec. 1.