

1 AN ACT relating to child custody and visitation.

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

3 ➔Section 1. KRS 403.320 is amended to read as follows:

4 (1) A parent not granted custody of the child is entitled to reasonable visitation rights
5 unless the court finds, after a hearing, that visitation would endanger seriously the
6 child's physical, mental, moral, or emotional health. Upon request of either party,
7 the court shall issue orders which are specific as to the frequency, timing, duration,
8 conditions, and method of scheduling visitation and which reflect the development
9 age of the child.

10 **(2) *If in the best interest of the child, if a parent or de facto custodian is granted joint***
11 ***custody, the court shall order a visitation schedule that permits both parents or a***
12 ***de facto custodian the opportunity to enjoy the maximum participation in the life***
13 ***of the child, taking into consideration such factors as:***

14 **(a) *The location of the residences of the parties;***

15 **(b) *The wishes of the child's parent or parents, or de facto custodian;***

16 **(c) *The wishes of the child;***

17 **(d) *The interaction and interrelationship of the child with his or her parent or***
18 ***parents, siblings, or any other person who may significantly impact the***
19 ***child's best interests;***

20 **(e) *The child's adjustment to his or her home, school, and community;***

21 **(f) *The mental and physical health of all individuals involved; and***

22 **(g) *Information, records, and evidence of domestic violence and abuse as***
23 ***defined in KRS 403.720;***

24 **(3)**~~(2)~~ If domestic violence and abuse, as defined in KRS 403.720, has been alleged,
25 the court shall, after a hearing, determine the visitation arrangement, if any, which
26 would not endanger seriously the child's or the custodial parent's physical, mental,
27 or emotional health.

1 ~~(4)~~~~(3)~~ The court may modify an order granting or denying visitation rights whenever
2 modification would serve the best interests of the child; but the court shall not
3 restrict a parent's visitation rights unless it finds that the visitation would endanger
4 seriously the child's physical, mental, moral, or emotional health.

5 ~~(5)~~~~(4)~~ (a) Except as provided in paragraph (b) of this subsection, any court-ordered
6 modification of a child visitation decree, based in whole or in part on:

7 1. The active duty of a parent or a de facto custodian as a regular member
8 of the United States Armed Forces deployed outside the United States;
9 or

10 2. Any federal active duty of a parent or a de facto custodian as a member
11 of a state National Guard or a Reserve component;

12 shall be temporary and shall revert back to the previous child visitation decree
13 at the end of the deployment outside the United States or the federal active
14 duty, as appropriate.

15 (b) A parent or de facto custodian identified in paragraph (a) of this subsection
16 may consent to a modification of a child visitation decree that continues past
17 the end of the deployment outside the United States or the federal active duty,
18 as appropriate.

19 ~~(6)~~~~(5)~~ Under circumstances where the court finds, by clear and convincing evidence,
20 it is in the best interest of the child, any relative, by blood or affinity, that was
21 previously granted temporary custody pursuant to the provisions of KRS 620.090
22 may be granted reasonable noncustodial parental visitation rights by a Circuit Court
23 or Family Court as an intervenor or by original action. Once the relative has been
24 granted visitation pursuant to this subsection, those rights shall not be adversely
25 affected by the termination of custodial or parental rights of an individual who has
26 permanent custody of the child unless the court determines that termination of the
27 visitation rights are in the best interests of the child. The action shall be brought in

- 1 the county in which the temporary or permanent custody order was entered or where
- 2 the child resides.