

1 AN ACT relating to grandparent visitation rights.

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

3 ➔SECTION 1. KRS 405.021 IS REPEALED AND REENACTED TO READ AS
4 FOLLOWS:

5 *(1) A child's grandparent may seek visitation rights if:*

6 *(a) The parents are divorced, in the process of divorcing, or have been*
7 *separated for at least six (6) months;*

8 *(b) The child was born out of wedlock and the parents have not married;*

9 *(c) One (1) or both parents have had their parental rights terminated;*

10 *(d) One (1) or both parents are missing, dead, incarcerated, in a persistent*
11 *vegetative state, or have been declared legally incompetent;*

12 *(e) Significant harm is occurring or will likely occur to the child if visitation is*
13 *not allowed;*

14 *(f) The child does not reside with either parent;*

15 *(g) The child has ever resided with the grandparent for a period of at least one*
16 *(1) month;*

17 *(h) The child has been adjudicated a delinquent or in need of supervision; or*

18 *(i) A court in another jurisdiction has ordered grandparent visitation.*

19 *(2) The court may grant visitation rights to a child's grandparent if the court*
20 *determines by clear and convincing evidence that visitation rights are in the best*
21 *interest of the child. In determining whether visitation is in the best interest of the*
22 *child, the court shall consider:*

23 *(a) The nature and stability of the relationship between the child and the*
24 *grandparent seeking visitation;*

25 *(b) The amount of time the grandparent and child spent together;*

26 *(c) The potential detriments and benefits to the child from granting visitation;*

27 *(d) The effect granting visitation would have on the child's relationship with*

- 1 *the parents;*
- 2 *(e) The physical and emotional health of all the adults involved, parents and*
- 3 *grandparents alike;*
- 4 *(f) The stability of the child's living and schooling arrangements;*
- 5 *(g) The wishes and preferences of the child; and*
- 6 *(h) The motivation of the adults participating in the grandparent visitation*
- 7 *proceedings.*
- 8 *(3) The action shall be brought in Circuit Court in the county in which the child*
- 9 *resides.*
- 10 *(4) Visitation rights provided for in this section survive the adoption of the child by*
- 11 *any of the following, provided that the visitation rights are still in the best interest*
- 12 *of the child:*
- 13 *(a) A stepparent; or*
- 14 *(b) A person who is biologically related to the child as:*
- 15 *1. A grandparent;*
- 16 *2. A sibling;*
- 17 *3. An aunt;*
- 18 *4. An uncle;*
- 19 *5. A niece; or*
- 20 *6. A nephew.*