

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.
7 Once a grandparent has been granted visitation rights under this subsection,
8 those rights shall not be adversely affected by the termination of parental
9 rights belonging to the grandparent's son or daughter ***or any investigation***
10 ***related to abuse, neglect, dependency of a child pursuant to KRS Chapter***
11 ***620, or termination of parental rights pursuant to KRS Chapter 625 of the***
12 ***grandparent's son or daughter***, who is the father or mother of the child
13 visited by the grandparent, unless the Circuit Court determines that it is in the
14 best interest of the child to do so.
- 15 (b) If the parent of the child who is the son or daughter of the grandparent is
16 deceased, there shall be a rebuttable presumption that visitation with the
17 grandparent is in the best interest of the child if the grandparent can prove a
18 pre-existing significant and viable relationship with the child.
- 19 (c) In order to prove a significant and viable relationship under paragraph (b) of
20 this subsection, the grandparent shall prove by a preponderance of the
21 evidence that:
 - 22 1. The child resided with the grandparent for at least six (6) consecutive
23 months with or without the current custodian present;
 - 24 2. The grandparent was the caregiver of the child on a regular basis for at
25 least six (6) consecutive months;
 - 26 3. The grandparent had frequent or regular contact with the child for at
27 least twelve (12) consecutive months; or

- 1 4. There exist any other facts that establish that the loss of the relationship
2 between the grandparent and the child is likely to harm the child.
- 3 (2) The action shall be brought in Circuit Court in the county in which the child resides.
- 4 (3) The Circuit Court may grant noncustodial parental visitation rights to the
5 grandparent of a child if the parent of the child who is the son or daughter of the
6 grandparent is deceased and the grandparent has assumed the financial obligation of
7 child support owed by the deceased parent, unless the court determines that the
8 visitation is not in the best interest of the child. If visitation is not granted, the
9 grandparent shall not be responsible for child support.