



General Assembly

January Session, 2007

Committee Bill No. 459

LCO No. 4386

04386SB00459KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT CONCERNING DELINQUENT CHILD SUPPORT AND VISITATION RIGHTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-612 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 The Court of Probate may grant the right of visitation to any person
4 who has been removed as guardian of any minor child or children, any
5 relative of the minor child or children or any parent who has been
6 denied temporary custody of any minor child or children pending the
7 hearing on a removal or termination of parental rights application
8 pursuant to the provisions of sections 45a-132, 45a-593 to 45a-597,
9 inclusive, 45a-603 to 45a-622, inclusive, and 45a-629 to 45a-638,
10 inclusive. Such order shall be according to the best judgment of the
11 court upon the facts of the case and subject to such conditions and
12 limitations as it deems equitable. In making, modifying or terminating
13 such an order, the court shall be guided by the best interest of the
14 child, giving consideration to the wishes of such child if he or she is of
15 sufficient age and capable of forming an intelligent opinion. If any
16 court issued an order of child support for the child against the person

17 applying for visitation rights, the Court of Probate shall consider
18 whether the person is delinquent on such support payments as a factor
19 in determining whether to grant visitation rights. The grant of [such]
20 visitation rights shall not prevent any court of competent jurisdiction
21 from thereafter acting upon the custody of such child, the parental
22 rights with respect to such child or the adoption of such child, and any
23 such court may include in its decree an order terminating such
24 visitation rights.

25 Sec. 2. Section 46b-59 of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective October 1, 2007*):

27 The Superior Court may grant the right of visitation with respect to
28 any minor child or children to any person, upon an application of such
29 person. Such order shall be according to the court's best judgment
30 upon the facts of the case and subject to such conditions and
31 limitations as it deems equitable, provided the grant of such visitation
32 rights shall not be contingent upon any order of financial support by
33 the court. In making, modifying or terminating such an order, the
34 court shall be guided by the best interest of the child, giving
35 consideration to the wishes of such child if he or she is of sufficient age
36 and capable of forming an intelligent opinion. If any court issued an
37 order of child support for the child against the person applying for
38 visitation rights, the Superior Court shall consider whether the person
39 is delinquent on such support payments as a factor in determining
40 whether to grant visitation rights. Visitation rights granted in
41 accordance with this section shall not be deemed to have created
42 parental rights in the person or persons to whom such visitation rights
43 are granted. The grant of such visitation rights shall not prevent any
44 court of competent jurisdiction from thereafter acting upon the
45 custody of such child, the parental rights with respect to such child or
46 the adoption of such child and any such court may include in its
47 decree an order terminating such visitation rights.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	45a-612
Sec. 2	<i>October 1, 2007</i>	46b-59

Statement of Purpose:

To establish nonpayment of child support as a factor for the court to consider when awarding visitation rights.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. FREEDMAN, 26th Dist.

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