2. Summary/analysis of existing state law and trends concerning this subject:

Current grandparent visitation statutes are sometimes confusing and not very efficient:

The JOINT EDITORIAL BOARD ON UNIFORM FAMILY LAW, in their summary/analysis found the following:

In 36 states, typical grandparent visitation statutes specifically allow grandparents to seek visitation upon the divorce or separation of the parents, 30 states, upon the death of one of the parents, 11 states provide that a grandparent may seek visitation if the grandchild has lived with the grandparent for a specific period of time. Another 7 states (with some overlap) allow grandparents to seek visitation if the child is in custody of someone other than a parent, and 21 states allow grandparents to seek visitation of children born out of wedlock, and 24 states following a stepparent adoption.

Following the Supreme Court's decision in 'Troxel', modifications have taken many different forms. Some statutes have declared that visitation should be granted only if it does not interfere

with the parent-child relationship. The JEB committee also found that 4 states allow visitation only if there is a showing that the child will be harmed by the absence of contact with a grandparent. According to the Supreme Court's decision, and the Court , they declined to rule on whether a showing of harm had to be made. A majority of the states have held that the grandparent visitation statutes since 'Troxel' are constitutional, and five states have held the respective state statutes are unconstitutional.

According to Joanna Grossman, esq. a number of factors make a statute likely to survive: if it sensibly narrows the class of parties with standing to sue; if it permits grandparent requests only when the family is not intact because of death, divorce, stepparent adoption; and if it expressly creates a presumption in favor of parent's wishes.

These factors were crucial to two recent decisions from Pennsylvania and Utah. Future cases are likely to rely on them as well, as state supreme courts navigate the post-Troxelworld, trying to uphold the Supreme Court's mandate that parental preference, at a minimum, be given "special weight."

OUR ORGANIZATION, ACTING ON BEHALF OF THE SIGNIFICANCE OF THE RELATIONSHIP BETWEEN THE GRANDPARENT AND THE CHILD, PROPOSES ADDING A NARROWLY DRAFTED"GRANDPARENT VISITATION RIGHTS" BILL COMPLETELY SEPARATE FROM THE EXISITING CT. "THIRD PARTY-ANY PERSON STATUTE 46b-59. An example is Wisconsin which includes concurrent statutes: 767.43 (visitation rights of certain persons) and 54.56 (visitation by a minor's grandparents & stepparents).

We believe to do a code cleanup would create confusion, possible contention and impede the process.

Susan Hoffman

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