The following is an example of an ideal model of proposed legislation, including most circumstances and constitutionality:

GRANDPARENT VISITATION STATUTE

(a) On petition to the court by a grandparent of a minor child, the court may grant reasonable visitation rights to the grandparent if the court does both of the following

(1) Finds that there is a preexisting relationship between the grandparent and the grandchild that has engendered a bond such that visitation is in the best interest of the child.

(A) In determining the best interests of the child, the court shall consider the following:

1. The willingness of the grandparent or grandparents to encourage a close relationship between the child and the parents or parent.
2. The preference of the child, if the child is determined to be of sufficient maturity to express a preference.
3. The mental and physical health of the child.
4. Evidence of domestic violence inflicted by one parent upon the other parent or the child. If the court determines that evidence of domestic violence exists, visitation provisions shall be made in a manner protecting the child or children, parents or grandparents from further abuse.

(2) Balances the interest of the child in having visitation with the grandparent against the right of the parents to exercise their parental authority.

(b) A petition for visitation under this section may be filed when one or more of the following circumstances exist:

(1) The parents are currently living separately and apart on a permanent or indefinite basis.

(2) One of the parents has been absent for more than one month without the other spouse knowing the whereabouts of the absent spouse.

(3) One of the parents joins in the petition with the grandparents.

(4) The child is not residing with either parent.

(5) The child has been adopted by a stepparent.

(6) When one or both parents of the child are deceased

(7) When the child is living with both biological parents and the grandparent can successfully rebut the presumption that the parent's decision to refuse the grandparent visitation with the grandchild is reasonable.

(8) When the grandchild has lived with the grandparent for a period of time.

(c) The petitioner shall give notice of the petition to each of the parents of the child, any stepparent, and any person who has physical custody of the child, by personal service.

(d) There is a rebuttable presumption affecting the burden of proof that the visitation of a grandparent is not in the best interest of a minor child if the parent who has been awarded sole legal and physical custody of the child in another proceeding, or the parent with whom the child resides if there is currently no operative custody order objects to visitation by the grandparent.

(e) Visitation rights may not be ordered under this section if that would conflict with a right of custody or visitation of a birth parent who is not a party to the proceeding.

(f) Visitation ordered pursuant to this section shall not create a basis for or against a change of residence of the child, but shall be one of the factors for the court to consider in ordering a change of residence.

(g) After visitation rights have been granted to any grandparent, the legal custodian, guardian, or parent of the child may petition the court for revocation or amendment of the visitation rights, for good cause shown, which the court, in it is discretion, may grant or deny.

The most relevant for CT.

(a) all
(b) 1-6 (2 could be eliminated)
© all
(d) all
(e) all
(f) all
(g) all