



Child Guidance Center of Greater Bridgeport, Inc.

SERVING BRIDGEPORT, EASTON, FAIRFIELD, MONROE, STRATFORD AND TRUMBULL

Providing Mental Health Service

For Children and Families

Since 1925

HB 5313 – GRANDPARENTS VISITATION RIGHTS

Thank you for allowing me to speak today, March 2, 2010.

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I am Suzanne Wallace from the Child Guidance Center of Greater Bridgeport. I run the Grandparents Raising Grandchildren program.

Children need grandparents in their lives. All of us would agree to that! Unfortunately, for reasons unknown to the child, that relationship is cut off.

We have an opportunity to help restore visitation rights for grandparents.

In due reference to the people who put together this bill -The bill HB5313 unfortunately is poorly written and not in the best interests of the children.

I am referring to part b) of the Act Concerning Visitation by Grandparents.

In part b), #2 the grandparents do not want a parental relationship, or they would actually be raising their grandchildren. They want to VISIT their grandchildren as they did before something as death, estrangement, drugs etc. entered into the life of the parent.

In part b) #3 HARM should not be included as it is impossible to prove.

Also, it seems that this is simply a mixed up attempt to amend 46b-59, and it does not make sense the way it is framed.

L. Philip Guzmán, Ph.D.
PRESIDENT/CEO

We are requesting a New statue be enacted and leave the current one alone, based on the information above.

I am giving out this Grandparent VISITATION STATUE. This was compiled by Susan Hoffman, Director of Advocates for Grandparent Grandchild Connection, who because of an unfortunate situation in her life, has worked to help other states and grandparents. She has taken information from 30 states in the US and composed this statute. At present this is the LAW in CA.

A concern here, are the rights of the child. This covers the constitutionality of the children.

Thank you for this consideration.

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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 its 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

This is the STATUTE that the STATE OF CALIFORNIA
has enacted ... it is the CALIFORNIA LAW.