



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of Judge Lynda B. Munro
Chief Administrative Judge of Family Matters
Aging Committee Public Hearing
March 3, 2011

House Bill 6453, An Act Concerning Grandparents' Visitation Rights

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in opposition to **House Bill 6453, An Act Concerning Grandparents' Visitation Rights**. The Branch opposes this bill because it eliminates the best interest of the child standard – the long-time standard utilized in family and juvenile law – and replaces it with an “equity” standard, when the court is fashioning child visitation orders.

The elimination of the best interest standard occurs in lines 13-16. As members of the Committee may be aware, in instances where a person is seeking visitation with the child, once the court has found that a person has a parent-like relationship with the child, and that the denial of visitation will result in real harm to the child, the court must find that the person is entitled to visit the child. The court then fashions the order, keeping in mind that it must take place consistent with the best interests of the child.

By removing this language, the court is being compelled to draft the visitation order based solely on *equity*, as found in line 8. Visitation is not a question of equity; equity in this context would seem to suggest that the visitation order should be based on a balancing of rights, presumably between the person seeking to visit the child and the child. Conversely, the best interest standard is child focused and allows the court to establish the order on terms and conditions that ensure that the visit takes place in a manner that does not harm the child. By removing this standard, the bill eliminates the court's ability to place the needs of the child at the forefront when constructing the visitation order.

Since the bill removes the best interest standard, we would respectfully request that the Committee take no action on it.

Thank you for your consideration.