



General Assembly

**Substitute Bill No. 6281**

January Session, 2011

\* \_\_\_\_\_HB06281KIDJUD021611\_\_\_\_\_\*

**AN ACT CONCERNING VISITATION RIGHTS FOR GRANDPARENTS  
WHEN A PARENT IS DECEASED.**

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

1 Section 1. Section 46b-59 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) The Superior Court may grant the right of visitation with respect  
4 to any minor child or children to any person, upon an application of  
5 such person. Such order shall be according to the court's best judgment  
6 upon the facts of the case and subject to (1) the provisions of  
7 subsection (b) of this section; and (2) such conditions and limitations as  
8 it deems equitable, provided the grant of such visitation rights shall  
9 not be contingent upon any order of financial support by the court. In  
10 making, modifying or terminating such an order, the court shall be  
11 guided by the best interest of the child, giving consideration to the  
12 wishes of such child if he is of sufficient age and capable of forming an  
13 intelligent opinion. Visitation rights granted in accordance with this  
14 section shall not be deemed to have created parental rights in the  
15 person or persons to whom such visitation rights are granted. The  
16 grant of such visitation rights shall not prevent any court of competent  
17 jurisdiction from thereafter acting upon the custody of such child, the  
18 parental rights with respect to such child or the adoption of such child  
19 and any such court may include in its decree an order terminating

20 such visitation rights.

21 (b) In the case of an application for visitation by a grandparent, the  
22 court shall grant an order if the applicant demonstrates by clear and  
23 convincing evidence that: (1) Visitation is in the best interests of the  
24 child; (2) the parent, who is the child of the applicant, is deceased; (3)  
25 the applicant's relationship with the child has been parental in nature  
26 for a substantial period of time; and (4) the child will suffer real and  
27 substantial harm if visitation is not granted.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	46b-59

**KID**

*Joint Favorable Subst. C/R*

JUD