



General Assembly

February Session, 2012

Raised Bill No. 5440

LCO No. 2024

* _____HB05440AGEJUD031512_____*

Referred to Committee on Aging

Introduced by:
(AGE)

**AN ACT CONCERNING VISITATION RIGHTS FOR GRANDPARENTS
AND OTHER PERSONS.**

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 Section 46b-59 of the general statutes is repealed and the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, 2012*):

3 [The Superior Court may grant the right of visitation with respect to
4 any minor child or children to any person, upon an application of such
5 person. Such order shall be according to the court's best judgment
6 upon the facts of the case and subject to such conditions and
7 limitations as it deems equitable, provided the grant of such visitation
8 rights shall not be contingent upon any order of financial support by
9 the court. In making, modifying or terminating such an order, the
10 court shall be guided by the best interest of the child, giving
11 consideration to the wishes of such child if he is of sufficient age and
12 capable of forming an intelligent opinion.]

13 (a) As used in this section:

14 (1) "Grandparent" means a grandparent or great-grandparent
15 related to a minor child by (A) blood, (B) marriage, or (C) adoption of

16 the minor child by a child of the grandparent; and

17 (2) "Real and significant harm" means that the minor child is
18 neglected, as defined in section 46b-120, or uncared for, as defined in
19 said section.

20 (b) Any person may submit a verified petition to the Superior Court
21 for the right of visitation with any minor child. Such petition shall
22 include specific and good-faith allegations that (1) a parent-like
23 relationship exists between the person and the minor child, and (2)
24 denial of visitation would cause real and significant harm. Subject to
25 subsection (e) of this section, the court shall grant the right of visitation
26 with any minor child to any person if the court finds after hearing and
27 by clear and convincing evidence that a parent-like relationship exists
28 between the person and the minor child and denial of visitation would
29 cause real and significant harm.

30 (c) In determining whether a parent-like relationship exists between
31 the person and the minor child, the Superior Court may consider, but
32 shall not be limited to, the following factors:

33 (1) The existence and length of a relationship between the person
34 and the minor child prior to the submission of a petition pursuant to
35 this section;

36 (2) The length of time that the relationship between the person and
37 the minor child has been disrupted;

38 (3) The specific parent-like activities of the person seeking visitation
39 toward the minor child;

40 (4) Any evidence that the person seeking visitation has
41 unreasonably undermined the authority and discretion of the custodial
42 parent;

43 (5) The significant absence of a parent from the life of a minor child;

44 (6) The death of one of the minor child's parents;

45 (7) The physical separation of the parents of the minor child;

46 (8) The fitness of the person seeking visitation; and

47 (9) The fitness of the custodial parent.

48 (d) In determining whether a parent-like relationship exists between
49 a grandparent seeking visitation pursuant to this section and a minor
50 child, the Superior Court may consider, in addition to the factors
51 enumerated in subsection (c) of this section, the history of regular
52 contact and proof of a close and substantial relationship between the
53 grandparent and the minor child.

54 (e) If the Superior Court grants the right of visitation pursuant to
55 subsection (c) of this section, the court shall set forth the terms and
56 conditions of visitation including, but not limited to, the schedule of
57 visitation, including the dates or days, time and place or places in
58 which the visitation can occur, whether overnight visitation will be
59 allowed and any other terms and conditions that the court determines
60 are in the best interest of the minor child, provided such conditions
61 shall not be contingent upon any order of financial support by the
62 court. In determining the best interest of the minor child, the court
63 shall consider the wishes of the minor child if such minor child is of
64 sufficient age and capable of forming an intelligent opinion. In
65 determining the terms and conditions of visitation, the court may
66 consider (1) the effect that such visitation will have on the relationship
67 between the parents or guardians of the minor child and the minor
68 child, and (2) the effect on the minor child of any domestic violence
69 that has occurred between or among parents, grandparents, persons
70 seeking visitation and the minor child.

71 (f) Visitation rights granted in accordance with this section shall not
72 be deemed to have created parental rights in the person or persons to
73 whom such visitation rights are granted, nor shall such visitation
74 rights be a ground for preventing the relocation of the custodial

75 parent. The grant of such visitation rights shall not prevent any court
76 of competent jurisdiction from thereafter acting upon the custody of
77 such child, the parental rights with respect to such child or the
78 adoption of such child and any such court may include in its decree an
79 order terminating such visitation rights.

80 (g) Upon motion, the court may order the payment of fees for
81 another party, the attorney for the minor child, the guardian ad litem,
82 or any expert by any party in accordance with such party's financial
83 ability.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	46b-59

AGE

Joint Favorable C/R

JUD