

Representative LaVar Christensen proposes the following substitute bill:

GRANDPARENT VISITATION AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill amends provisions concerning the visitation rights of a grandparent.

Highlighted Provisions:

This bill:

- provides that grandparents whose child's parental rights have been involuntarily terminated and whose grandchild has been adopted by a relative may file a petition for visitation.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78A-6-516, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78A-6-516** is enacted to read:

78A-6-516. Visitation rights of grandparents.



26 (1) As used in this section, "relative" means an individual related to the grandchild by
27 blood or marriage as:

28 (a) a sibling;

29 (b) an aunt;

30 (c) an uncle; or

31 (d) a grandparent.

32 (2) When a parent's rights are involuntarily terminated under this part and when there
33 has been an adoption of the child by a relative, a grandparent may file a one-time petition under
34 this section for determination of reasonable grandparent visitation in the same manner and to
35 the same extent as provided in Section 30-5-2, subject to the same rebuttable presumption of a
36 parent's decision and the same consideration of a child's and family's best interests.

37 (3) An adoptive parent may request and a court may require that grandparent visitation
38 be supervised, in accordance with the applicable guidelines provided in Section 30-3-34.5.

39 (4) For all involuntary terminations of parental rights and subsequent adoptions by a
40 relative made after October 1, 2017, the one-time petition described in Subsection (2) shall be
41 heard and decided at or before the time of the final adoption decision, with notice given to the
42 proposed adoptive parents.

43 (5) If a court has issued a final adoption decree, a court may not consider under this
44 section a petition for grandparent visitation that is filed after October 1, 2017.

45 (6) An individual who files an action under this section for grandparent visitation of a
46 child and who does not prevail in the action is barred from bringing a subsequent action for
47 grandparent visitation of the same child.

48 (7) The provisions of this section do not apply to a private adoption by a nonrelative of
49 a child.

50 (8) Grandparent visitation may also be determined by a post adoption contract
51 agreement, as described in Section 78B-6-146.