

(g) visitation is in the best interest of the grandchild.

~~[(3)]~~ (4) The adoption of a grandchild by the grandchild's stepparent does not diminish or alter visitation rights previously ordered under this section.

~~[(4)]~~ (5) Subject to the provisions of Subsections ~~[(2)]~~ (3) and ~~[(3)]~~ (4), the court may inquire of the grandchild and take into account the grandchild's desires regarding visitation.

~~[(5)]~~ (6) On the petition of a grandparent or the legal custodian of a grandchild the court may, after a hearing, modify an order regarding grandparent visitation if:

(a) the circumstances of the grandchild, the grandparent, or the custodian have materially and substantially changed since the entry of the order to be modified, or the order has become unworkable or inappropriate under existing circumstances; and

(b) the court determines that a modification is appropriate based upon the factors set forth in Subsection ~~[(2)]~~ (3).

~~[(6)]~~ (7) Grandparents may petition the court to remedy a parent's wrongful noncompliance with a visitation order.

(8) Unless the child is adopted by a nonrelative, when a parent's rights are terminated under Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act:

(a) the rights of a grandparent of a child are not extinguished; and

(b) a grandparent of a child may:

(i) bring an action or file a petition for visitation rights as described in

Subsection ~~H→ s ←H~~ (2) ~~H→~~ and (3) ~~←H~~ ;

or

(ii) file a petition for visitation rights in a pending adoption matter in juvenile court or district court.

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### Legislative Review Note

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