

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 842

Short Title: Grandparent Visitation.

(Public)

Sponsors: Senators Forrester, Kerr, and Carpenter.

Referred to: Judiciary II/Election Laws

April 26, 1995

A BILL TO BE ENTITLED

AN ACT PERTAINING TO VISITATION RIGHTS OF GRANDPARENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-13.2 is amended by adding the following new subsection to read:

"(b2) A biological or adoptive grandparent of a minor child may institute an action or proceeding for visitation rights with the child, except that under no circumstances shall a biological grandparent of a child adopted by adoptive parents, neither of whom is related to the child and where parental rights of both biological parents have been terminated, be entitled to visitation rights. In an action or proceeding instituted pursuant to this subsection, if the grandparent instituting the action or proceeding shows to the satisfaction of the court (i) substantial care and concern for the child's well-being and (ii) that during visitation between the grandparent and the child the grandparent will respect and abide by the wishes of the parents of the child with respect to caring for the child, then there shall arise a rebuttable presumption that visitation between the grandparent and the minor child is in the best interests of the minor child and that some meaningful visitation, with due consideration to the particular facts and circumstances of the case, should be allowed. An order awarding or denying visitation under this section shall contain findings of fact supporting the award or denial of visitation based on the child's

- 1 best interests. Procedure, venue, and jurisdiction of actions or proceedings instituted
2 pursuant to this subsection shall be the same as in an action for custody."
3 Sec. 2. This act becomes effective October 1, 1995.