GRANDPARENT RIGHTS AMENDMENTS
2015 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: LaVar Christensen
Senate Sponsor:
LONG TITLE
General Description:
This bill amends provisions concerning the visitation rights of a grandparent.
Highlighted Provisions:
This bill:
amends definitions; and
 provides that a grandparent may petition for visitation after a parent's rights have
been terminated, unless the grandchild is adopted by a nonrelative.
Money Appropriated in this Bill:
None
Other Special Clauses:
None
Utah Code Sections Affected:
AMENDS:
30-5-2, as last amended by Laws of Utah 2005, Chapter 129
Be it enacted by the Legislature of the state of Utah:
Section 1. Section 30-5-2 is amended to read:
30-5-2. Visitation rights of grandparents.
(1) As used in this section:
(a) "Grandparent" means the same as that term is defined in Section 30-5-1 and



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28	includes a grandparent of a child:
29	(i) whose parent's rights are terminated under Title 78A, Chapter 6, Part 5, Termination
30	of Parental Rights Act; and
31	(ii) who is adopted by a relative of the child at the time of adoption.
32	(b) "Nonrelative" means an individual who is not a relative of the grandchild at the
33	time of adoption.
34	(c) "Relative" means an individual related to the grandchild by marriage or blood as:
35	(i) a sibling;
36	(ii) an aunt;
37	(iii) an uncle; or
38	(iv) a grandparent.
39	[(1)] (2) Grandparents have standing to bring an action in district court by petition,
40	requesting visitation in accordance with the provisions and requirements of this section.
41	Grandparents may also file a petition for visitation rights in a pending divorce proceeding or
42	other proceeding involving custody and visitation issues.
43	$\left[\frac{(2)}{(3)}\right]$ There is a rebuttable presumption that a parent's decision with regard to
44	grandparent visitation is in the grandchild's best interests. However, the court may override the
45	parent's decision and grant the petitioner reasonable rights of visitation if the court finds that
46	the petitioner has rebutted the presumption based upon factors which the court considers to be
47	relevant, such as whether:
48	(a) the petitioner is a fit and proper [person] individual to have visitation with the
49	grandchild;
50	(b) visitation with the grandchild has been denied or unreasonably limited;
51	(c) the parent is unfit or incompetent;
52	(d) the petitioner has acted as the grandchild's custodian or caregiver, or otherwise has
53	had a substantial relationship with the grandchild, and the loss or cessation of that relationship
54	is likely to cause harm to the grandchild;
55	(e) the petitioner's child, who is a parent of the grandchild, has died, or has become a
56	noncustodial parent through divorce or legal separation;
57	(f) the petitioner's child, who is a parent of the grandchild, has been missing for an
58	extended period of time; or

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59	(g) visitation is in the best interest of the grandchild.
60	[(3)] (4) The adoption of a grandchild by the grandchild's stepparent does not diminish
61	or alter visitation rights previously ordered under this section.
62	[4] (5) Subject to the provisions of Subsections $[2]$ (3) and $[3]$ (4), the court may
63	inquire of the grandchild and take into account the grandchild's desires regarding visitation.
64	[(5)] (6) On the petition of a grandparent or the legal custodian of a grandchild the
65	court may, after a hearing, modify an order regarding grandparent visitation if:
66	(a) the circumstances of the grandchild, the grandparent, or the custodian have
67	materially and substantially changed since the entry of the order to be modified, or the order
68	has become unworkable or inappropriate under existing circumstances; and
69	(b) the court determines that a modification is appropriate based upon the factors set
70	forth in Subsection $\left[\frac{(2)}{(3)}\right]$.
71	[(6)] (7) Grandparents may petition the court to remedy a parent's wrongful
72	noncompliance with a visitation order.
73	(8) Unless the child is adopted by a nonrelative, when a parent's rights are terminated
74	under Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act:
75	(a) the rights of a grandparent of a child are not extinguished; and
76	(b) a grandparent of a child may:
77	(i) bring an action or file a petition for visitation rights as described in Subsection (2);
78	<u>or</u>
79	(ii) file a petition for visitation rights in a pending adoption matter in juvenile court or
80	district court.

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Office of Legislative Research and General Counsel