

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 413
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HOUSE PRINCIPAL CLERK

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HOUSE DRH10178-LU-37H (01/13)

Short Title: Expand Grandparent Visitation Rights. (Public)

Sponsors: Representatives Waddell, Iler, Horn, and Presnell (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING LAW
PERTAINING TO GRANDPARENT VISITATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 50-13.2(b1) reads as rewritten:

"(b1) An order for custody of a minor child may provide visitation rights for any grandparent of the child as the court, in its discretion, deems appropriate. As used in this subsection, "grandparent" includes a biological grandparent of a child adopted by a stepparent or a relative of the child where a substantial relationship exists between the grandparent and the child. 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. If there is no pending action regarding the custody of the child, a grandparent may institute an action or proceeding for visitation rights with the child as further provided herein.

A court may award visitation rights to a grandparent if the court determines by clear and convincing evidence (i) that there are compelling circumstances to overcome the presumption of the parent's right to determine what is in the child's best interest, (ii) a parent of the child is deceased, incapacitated due to physical or mental disability, or incarcerated, and (iii) visitation is in the best interest of the child. In determining whether visitation is in the best interest of the child, the court may consider each of the following:

- (1) The willingness of the grandparent to encourage a close relationship between the child and the child's parent.
- (2) The willingness of the child to develop a relationship with the grandparent, if the court determines that the child is of sufficient maturity to make that decision.
- (3) The reasonableness or lack of reasonableness of the custodial parent in allowing, restricting, or denying visitation to the grandparent in the past.
- (4) Whether the parties have participated or attempted to participate, in good faith, in mediation or other appropriate dispute resolution proceedings to resolve any dispute.
- (5) Any other relevant factors the court deems necessary in determining the best interest of the child."

SECTION 2. This act becomes effective October 1, 2015, and applies to actions for visitation rights commenced on or after that date.



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