

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS45276-LU-37G* (01/13)

Short Title: Expand Grandparent Visitation Rights. (Public)

Sponsors: Senators McKissick and Cook (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING LAW
3 PERTAINING TO GRANDPARENT VISITATION.

4 The General Assembly of North Carolina enacts:

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

6 "(b1) An order for custody of a minor child may provide visitation rights for any
7 grandparent of the child as the court, in its discretion, deems appropriate. As used in this
8 subsection, "grandparent" includes a biological grandparent of a child adopted by a stepparent
9 or a relative of the child where a substantial relationship exists between the grandparent and the
10 child. Under no circumstances shall a biological grandparent of a child adopted by adoptive
11 parents, neither of whom is related to the child and where parental rights of both biological
12 parents have been terminated, be entitled to visitation rights. If there is no pending action
13 regarding the custody of the child, a grandparent may institute an action or proceeding for
14 visitation rights with the child as further provided herein.

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

- 21 (1) The willingness of the grandparent to encourage a close relationship between
22 the child and the child's parent.
23 (2) The willingness of the child to develop a relationship with the grandparent,
24 if the court determines that the child is of sufficient maturity to make that
25 decision.
26 (3) The reasonableness or lack of reasonableness of the custodial parent in
27 allowing, restricting, or denying visitation to the grandparent in the past.
28 (4) The mental and physical health of the child.
29 (5) The mental and physical health of the grandparent.
30 (6) Whether the parties have participated or attempted to participate, in good
31 faith, in mediation or other appropriate dispute resolution proceedings to
32 resolve any dispute.
33 (7) Any other relevant factors the court deems necessary in determining the best
34 interest of the child."

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



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