

2022 -- S 2642

LC005386

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO DOMESTIC RELATIONS -- DIVORCE AND SEPARATION

Introduced By: Senators McCaffrey, Murray, and Goodwin

Date Introduced: March 10, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 15-5 of the General Laws entitled "Divorce and Separation" is hereby
2 amended by adding thereto the following section:

3 **15-5-24.6. Visitation rights - Great-Grandparents.**

4 (a) The family court, upon miscellaneous petition of a great-grandparent seeking visitation
5 rights with the petitioner's great-grandchild, and upon notice to both parents of the child and notice
6 to the child, and after a hearing on the petition, may grant reasonable rights of visitation of the
7 great-grandchild to the petitioner.

8 (b) The court in order to grant the petitioner reasonable rights of visitation, must find and
9 set forth in a court order, the following findings of fact:

10 (i) That it is in the best interest of the great-grandchild that the petitioner be granted
11 visitation rights with the great-grandchild;

12 (ii) That the petitioner is a fit and proper person to have visitation rights with the great-
13 grandchild;

14 (iii) That the petitioner has repeatedly attempted to visit his or her great-grandchild during
15 the thirty (30) days immediately preceding the date the petition was filed and had not been allowed
16 to visit the great-grandchild, during the thirty (30) day period, as a direct result of the actions of
17 either, or both, parents of the great-grandchild;

18 (iv) That there is no other way the petitioner is able to visit his or her great-grandchild,
19 without court intervention; and

1 (v) That the petitioner, by clear and convincing evidence, has successfully rebutted the
2 presumption that the parent's decision to refuse the great-grandparent visitation with the great-
3 grandchild, was reasonable.

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO DOMESTIC RELATIONS -- DIVORCE AND SEPARATION

- 1 This act would grant to great-grandparents the right to file a petition in family court seeking
- 2 visitation rights with their great-grandchildren, under certain circumstances, after visitation has
- 3 been denied as a direct result of the actions of either, or both, parents of the great-grandchild.
- 4 This act would take effect upon passage.

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