



**House
Legislative
Analysis
Section**

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GRANDPARENT VISITATION

House Bills 4930 & 4931
Sponsor: Rep. David M. Gubow
Committee: Judiciary

Complete to 9-20-93

A SUMMARY OF HOUSE BILLS 4930 AND 4931 AS INTRODUCED 7-8-93

While Michigan statute allows grandparents to seek court-ordered visitation with their grandchildren, it generally limits the ability to seek visitation to basically two situations: (1) when a child custody dispute has arisen either through divorce, annulment, or separation, or through the legal placement of a child outside the parent's home, and (2) when the grandparent's child who was the natural parent of the grandchild has died.

House Bill 4930 would amend the Child Custody Act (MCL 722.27b) to allow a grandparent, whether natural or adoptive, to seek a grandchild visitation order under any of the following circumstances:

- *an action for divorce, separate maintenance, or annulment involving the parent was pending;
- *the parents were divorced or legally separated, or their marriage had been annulled;
- *the grandparent's child who was the parent of the grandchild had died;
- *legal custody had been given to a person other than the grandchild's parent or the grandchild had been placed outside the parent's home;
- *the grandparent had provided an established custodial environment for the grandchild at any time during the grandchild's life;
- *a parent had denied visitation as retaliation for the grandparent reporting child abuse or neglect, when the grandparent had reasonable cause to suspect abuse or neglect;
- *a parent was living separate and away from the other parent and grandchild for more than one year;
- *the parents had never been married and were not residing in the same household (however, as with current law, a parent of a putative father could not seek court-ordered visitation unless the father had acknowledged paternity in writing, had been determined to be the father in court, or had contributed regularly to the support of the child).

As with current law, a grandchild visitation would be ordered if it was in the best interests of the grandchild; the bill would specify that it would be up to the grandparent to show that visitation would be in the grandchild's best interests. The law at present requires the court to state the reasons for a denial on the record; the bill would also require the reasons for granting visitation to be recorded. The court could refer a grandchild visitation request to the friend of the court mediation service, but if no settlement was reached within 30 days, the request would be heard by the court.

If, upon the motion of a person, the court found that a person had asserted an unfounded or harassing claim or defense, the court could award court costs and reasonable attorney fees to the prevailing party.

Both present law and the bill would limit grandparent filings, absent a showing of good cause, to once every two years.

Placement of a grandchild for adoption generally would terminate the right of a grandparent to commence an action for visitation. However, adoption by a stepparent or other relative would not terminate a grandparent's right to seek visitation.

House Bill 4931 would amend the adoption code (MCL 710.60) to delete language which is inconsistent with House Bill 4153 and that says that a parent of a natural parent may, during the pendency of a stepparent adoption proceeding, seek grandchild visitation. Language acknowledging grandchild visitation under the Child Custody Act would be retained.

Neither bill could take effect unless both were enacted.