

SENATE No. 1743

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act further regulating certain visitation rights..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 119 of the General Laws is hereby amended by striking out section
2 39D and inserting in place thereof the following section:- Section 39D. If the parents of an
3 unmarried minor child are divorced, under a temporary order or judgment of separate support, or
4 if either or both parents are deceased, or if the unmarried minor child was born out of wedlock
5 whose paternity has been adjudicated by a court of competent jurisdiction or whose father has
6 signed an acknowledgement of paternity, the grandparents or great grandparents of the minor
7 child may be granted reasonable visitation rights to the minor child during his minority by the
8 probate and family court department of the trial court upon a written finding that the visitation
9 rights would be in the best interest of the minor child; but, the adjudication of paternity or
10 acknowledgment of paternity shall not be required in order to proceed under this section where
11 maternal grandparents or maternal great grandparents are seeking the visitation rights. Visitation
12 rights shall not be granted if the minor child has been adopted by a person other than a stepparent
13 of the child and any visitation rights granted pursuant to this section before the adoption of the
14 minor child shall be terminated upon the adoption without any further action of the court.

15 A petition for grandparents or great grandparents visitation authorized under this section
16 shall, where applicable, be filed in the county within the commonwealth in which the divorce or
17 separate support complaint or the complaint to establish paternity was filed. If the divorce,
18 separate support or paternity judgment was entered without the commonwealth but the child
19 presently resides within the commonwealth, the petition may be filed in the county where the
20 child resides.