

HOUSE No. 1564

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Poirier

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing visitation rights for great-grandparents.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/13/2013</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>1/14/2013</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>1/14/2013</i>

HOUSE No. 1564

By Ms. Poirier of North Attleborough, a petition (accompanied by bill, House, No. 1564) of Elizabeth A. Poirier, Paul J. Donato and Stephen L. DiNatale for legislation to provide visitation rights for great grandparents. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 479 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act providing visitation rights for great-grandparents.

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 2010 General Laws is hereby amended by striking out
2 section 39D and inserting in place thereof the following section:

3 Section 39D. If the parents of an unmarried minor child are divorced, married but living
4 apart, under a temporary order or judgment of separate support, or if either or both parents are
5 deceased, or if said unmarried minor child was born out of wedlock whose paternity has been
6 adjudicated by a court of competent jurisdiction or whose father has signed an acknowledgement
7 of paternity, and the parents do not reside together, the grandparents or great-grandparents of
8 such minor child may be granted reasonable visitation rights to the minor child during his
9 minority by the probate and family court department of the trial court upon a written finding that
10 such visitation rights would be in the best interest of the said minor child; provided, however,
11 that such adjudication of paternity or acknowledgment of paternity shall not be required in order
12 to proceed under this section where maternal grandparents or maternal great-grandparents are
13 seeking such visitation rights. No such visitation rights shall be granted if said minor child has
14 been adopted by a person other than a step-parent of such child and any visitation rights granted
15 pursuant to this section prior to such adoption of the said minor child shall be terminated upon
16 such adoption without any further action of the court.

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