

# HOUSE . . . . . No. 1540

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## 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>1/15/2015</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/26/2015</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/26/2015</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>1/15/2015</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/22/2015</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/4/2015</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>1/20/2015</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/29/2015</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>2/4/2015</i>

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By Mrs. Poirier of North Attleborough, a petition (accompanied by bill, House, No. 1540) of Elizabeth A. Poirier and others for legislation to provide visitation rights for great grandparents. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1564 OF 2013-2014.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

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 2012 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.