

1 AN ACT relating to sibling visitation.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 405.021 is amended to read as follows:

- 4 (1) (a) The Circuit Court may grant reasonable visitation rights to either the paternal
5 or maternal grandparents of a child and issue any necessary orders to enforce
6 the decree if it determines that it is in the best interest of the child to do so.
7 Once a grandparent has been granted visitation rights under this subsection,
8 those rights shall not be adversely affected by the termination of parental
9 rights belonging to the grandparent's son or daughter, who is the father or
10 mother of the child visited by the grandparent, unless the Circuit Court
11 determines that it is in the best interest of the child to do so.
- 12 (b) If the parent of the child who is the son or daughter of the grandparent is
13 deceased, there shall be a rebuttable presumption that visitation with the
14 grandparent is in the best interest of the child if the grandparent can prove a
15 pre-existing significant and viable relationship with the child.
- 16 (c) In order to prove a significant and viable relationship under paragraph (b) of
17 this subsection, the grandparent shall prove by a preponderance of the
18 evidence that:
- 19 1. The child resided with the grandparent for at least six (6) consecutive
20 months with or without the current custodian present;
- 21 2. The grandparent was the caregiver of the child on a regular basis for at
22 least six (6) consecutive months;
- 23 3. The grandparent had frequent or regular contact with the child for at
24 least twelve (12) consecutive months; or
- 25 4. There exist any other facts that establish that the loss of the relationship
26 between the grandparent and the child is likely to harm the child.
- 27 (2) The action shall be brought in Circuit Court in the county in which the child resides.

1 (3) The Circuit Court may grant noncustodial parental visitation rights to the
2 grandparent of a child if the parent of the child who is the son or daughter of the
3 grandparent is deceased and the grandparent has assumed the financial obligation of
4 child support owed by the deceased parent, unless the court determines that the
5 visitation is not in the best interest of the child. If visitation is not granted, the
6 grandparent shall not be responsible for child support.

7 (4) (a) The Circuit Court may grant reasonable visitation rights to a sibling of a
8 child and issue any necessary orders to enforce the decree if it determines
9 through a hearing that it is in the best interest of the child to do so. The
10 action shall be brought in the Circuit Court in the county in which the child
11 with whom visitation is sought resides.

12 (b) For purposes of this subsection, "sibling" means any person with whom the
13 child has one (1) parent in common. If the sibling seeking visitation is a
14 minor, an adult may file the petition on the minor's behalf.