

SENATE BILL NO. 1450

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR THOMPSON REHDER.

5866S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 452.402, RSMo, and to enact in lieu thereof one new section relating to great-grandparent visitation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 452.402, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 452.402,
3 to read as follows:

452.402. 1. The court may grant reasonable visitation
2 rights to the grandparents of the child and issue any
3 necessary orders to enforce the decree when a grandparent
4 has been unreasonably denied visitation for a period
5 exceeding sixty days, and:

6 (1) The parents of the child have filed for a
7 dissolution of their marriage. A grandparent shall have the
8 right to intervene in any dissolution action solely on the
9 issue of visitation rights. Grandparents shall also have
10 the right to file a motion to modify the original decree of
11 dissolution to seek visitation rights when visitation has
12 been denied to them;

13 (2) One parent of the child is deceased and the
14 surviving parent denies reasonable visitation to a parent of
15 the deceased parent of the child; or

16 (3) The child has resided in the grandparent's home
17 for at least six months within the twenty-four month period
18 immediately preceding the filing of the petition.

19 Except as otherwise provided in subdivision (1) of this
20 subsection, if the natural parents are legally married to
21 each other and are living together with the child, a
22 grandparent may not file for visitation pursuant to this
23 subsection.

24 2. Before ordering visitation, the court shall, in
25 addition to the requirements of subsection 1 of this
26 section, determine if the visitation by the grandparent
27 would be in the child's best interests. Visitation may only
28 be ordered when the court finds such visitation to be in the
29 best interests of the child. The court may order reasonable
30 conditions or restrictions on grandparent visitation.

31 3. If the court finds it to be in the best interests
32 of the child, the court may appoint a guardian ad litem for
33 the child. The guardian ad litem shall be an attorney
34 licensed to practice law in Missouri. The guardian ad litem
35 may, for the purpose of determining the question of
36 grandparent visitation rights, participate in the
37 proceedings as if such guardian ad litem were a party. The
38 court shall enter judgment allowing a reasonable fee to the
39 guardian ad litem.

40 4. A home study, as described by section 452.390, may
41 be ordered by the court to assist in determining the best
42 interests of the child.

43 5. The court may, in its discretion, consult with the
44 child regarding the child's wishes in determining the best
45 interest of the child.

46 6. The right of a grandparent to maintain visitation
47 rights pursuant to this section may terminate upon the
48 adoption of the child.

49 7. The court may award reasonable attorneys fees and
50 expenses to the prevailing party.

51 8. As used in this section and section 452.403, the
52 term "grandparent" shall include a great-grandparent.

✓