

HB 1488 -- CHILD VISITATION

SPONSOR: Walton Gray

This bill specifies that upon the motion of a relative or family member of an incarcerated parent who has a court order granting temporary custody or visitation with his or her minor child or children, the court may delegate an incarcerated parent's temporary custody or visitation rights, or a portion of those rights, to a relative or family member who has a close and substantial relationship to the incarcerated parent's minor child or children for the duration of the incarceration if it is in the best interest of the child.

Delegated visitation rights under these provisions do not create an entitlement or standing for a relative or family member to assert separate rights to temporary custody or visitation, or entitlement to temporary custody or visitation for any person other than the custodial parent or guardian, and must terminate upon the end of the parent's incarceration. Delegated visitation rights do not authorize the person or persons with temporary custody or visitation rights to transport the child or children for visitation with the incarcerated parent without the prior consent of the custodial parent or guardian of the child who is not incarcerated.

Delegated temporary custody or visitation time must not exceed the temporary custody or visitation time granted to the incarcerated parent under the existing custody order; except the court may take into consideration the travel time necessary to transport the child.

There is a rebuttable presumption that an incarcerated parent's temporary custody or visitation rights will not be delegated to a relative or family member, or a relative or family member that has an individual in that relative's or family member's household, who has a history of perpetrating domestic violence against a spouse, child, or a domestic living partner; has been adjudicated for a violent offense or an offense involving a minor child; is listed on the Child Abuse and Neglect Registry; has had a full order of protection involving a child issued against that relative or family member; or any other documented incidents of child abuse or neglect have been documented against the relative or family member, such as police reports or court filings.

The person or persons to whom delegated visitation time has been granted has full legal standing to enforce those rights.

This bill is similar to HB 620 (2015).