

HB 1756 -- CHILD VISITATION FOR INCARCERATED PERSONS

SPONSOR: Walton Gray

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

Any 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 to temporary custody or visitation for any person other than the custodial parent or guardian. The delegated visitation rights must terminate upon the end of the parent's incarceration.

Any person who has been granted temporary custody or visitation rights must obtain the consent of the custodial parent or guardian who is not incarcerated prior to transporting the child or children for visitation with the incarcerated parent.

Any delegated temporary custody or visitation time granted under these provisions must not exceed the temporary custody or visitation time granted to the incarcerated parent under the existing order or judgment of the court; however, the court may take into consideration the travel time necessary to transport the child for the delegated temporary custody or visitation time.

The bill establishes a rebuttable presumption that an incarcerated parent's temporary custody or visitation rights must not be delegated to certain specified individuals. Any person who has been granted visitation time has the full legal standing to enforce those rights.