

As Amended by House Committee

Session of 2007

HOUSE BILL No. 2241

By Committee on Federal and State Affairs

1-25

10 AN ACT concerning children; relating to visitation by grandparents;
11 amending K.S.A. 38-129 and 60-1616 and repealing the existing
12 sections.

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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 38-129 is hereby amended to read as follows: 38-
16 129. (a) The district court may grant the grandparents of an unmarried
17 minor child reasonable visitation rights to the child during the child's
18 minority. *In pending litigation which involves child custody or visitation*
19 *rights, the grandparents of such child shall have the right to intervene*
20 *and request the court to consider granting the grandparents visitation*
21 *rights based upon a finding that the visitation rights would be in the child's*
22 *best interests and when a substantial relationship between the child and*
23 *the grandparent has been established.*

24 (b) The district court may grant the parents of a deceased person
25 visitation rights, or may enforce visitation rights previously granted, pur-
26 suant to this section, even if the surviving parent has remarried and the
27 surviving parent's spouse has adopted the child. Visitation rights may be
28 granted pursuant to this subsection without regard to whether the adop-
29 tion of the child occurred before or after the effective date of this act.

30 Sec. 2. K.S.A. 60-1616 is hereby amended to read as follows: 60-
31 1616. (a) *Parents.* A parent is entitled to reasonable parenting time unless
32 the court finds, after a hearing, that the exercise of parenting time would
33 seriously endanger the child's physical, mental, moral or emotional health.

34 (b) *Grandparents and stepparents.* Grandparents and stepparents
35 may be granted visitation rights **based upon a finding that the visita-**
36 **tion rights would be in the child's best interest and when a sub-**
37 **stantial relationship between the child and the grandparent or**
38 **stepparent has been established.** *In pending litigation which involves*
39 *child custody or visitation rights, the grandparents of the child shall have*
40 *the right to intervene and request the court to consider granting the*
41 *grandparents visitation rights ~~based upon a finding that the visitation~~*
42 *rights ~~would be in the child's best interests and when a substantial rela-~~*
43 *tionship between the child and the grandparent has been established.*

- 1 (c) *Modification*. The court may modify an order granting or denying
2 parenting time or visitation rights whenever modification would serve the
3 best interests of the child.
- 4 (d) *Enforcement of rights*. An order granting visitation rights or par-
5 enting time pursuant to this section may be enforced in accordance with
6 the uniform child custody jurisdiction and enforcement act, or K.S.A. 23-
7 701, and amendments thereto.
- 8 (e) *Repeated denial of rights, effect*. Repeated unreasonable denial of
9 or interference with visitation rights or parenting time granted pursuant
10 to this section may be considered a material change of circumstances
11 which justifies modification of a prior order of legal custody, residency,
12 visitation or parenting time.
- 13 (f) *Court ordered exchange or visitation at a child exchange and vis-
14 itation center*. (1) The court may order exchange or visitation to take place
15 at a child exchange and visitation center, as established in K.S.A. 75-720
16 and amendments thereto.
- 17 (2) Any party may petition the court to modify an order granting
18 visitation rights or parenting time to require that the exchange or transfer
19 of children for visitation or parenting time take place at a child exchange
20 and visitation center, as established in K.S.A. 75-720 and amendments
21 thereto. The court may modify an order granting visitation whenever
22 modification would serve the best interests of the child.
- 23 Sec. 3. K.S.A. 38-129 and 60-1616 are hereby repealed.
- 24 Sec. 4. This act shall take effect and be in force from and after its
25 publication in the statute book.