

HB 620 -- CHILD VISITATION

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 the incarcerated parent 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 of the incarcerated person who has a close and substantial relationship to the incarcerated parent's minor child or children for the duration of the incarcerated parent's 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 by operation of law upon the end of the parent's incarceration. Delegated visitation rights do not authorize the person or persons to whom delegated temporary custody or visitation rights have been granted to transport the incarcerated parent's 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 order or judgment of the court; except that, the court may take into consideration the travel time necessary to transport the child for the delegated temporary custody or visitation time.

There is a rebuttable presumption that an incarcerated parent's temporary custody or visitation rights must not be delegated to a relative or family member, or a relative or family member with an individual in the 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 must have full legal standing to enforce the rights.