

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH50322-LU-106 (4/11)

Short Title: Grandparent Visitation by Special Proceeding.

(Public)

Sponsors: Representative Culp.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SPECIAL PROCEEDING WHEREBY THE GRANDPARENT OF A MINOR CHILD MAY OBTAIN VISITATION RIGHTS OR CUSTODY WITH RESPECT TO THE CHILD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 50-13.5 is amended by adding the following new subsection to read:

"(k) Special Proceeding to Obtain Visitation Rights or Custody by Grandparent. – Where either or both of the parents of a minor child, residing within this State, is or are deceased, or where circumstances show that conditions exist where equity would see fit to intervene, a grandparent of a minor child may apply to the court by commencing a special proceeding to have the child brought before the court, and the court may, in its discretion, after due notice to the parent or any other person or party having care, custody, and control of the child and as the court determines is in the best interest of the child, grant visitation rights to the grandparent with respect to the minor child.

Where a grandparent of a minor child, residing within this State, demonstrates to the court's satisfaction the existence of extraordinary circumstances regarding the minor child, as determined by the court, the grandparent of the minor child may apply to the court by commencing a special proceeding to have the child brought before the court, and the court may, in its discretion, after due notice to the parent or any other person or party having the care, custody, and control of the child and as the court determines is in the best interest of the child, grant custody rights to the grandparent with respect to the minor child. An extended disruption of custody shall constitute an extraordinary circumstance.

For purposes of this subsection, an 'extended disruption of custody' shall include a prolonged separation of the parent and the child for at least 24 continuous months during which the parent voluntarily relinquished care and control of the child and the

1 child resided in the household of the grandparent commencing the special proceeding.
2 However, the court may, in its discretion, find that extraordinary circumstances exist
3 even if the prolonged separation lasted less than 24 months.

4 Nothing in this subsection shall limit the ability of parties to enter into consensual
5 agreements absent the existence of extraordinary circumstances."

6 **SECTION 2.** This act is effective when it becomes law.