

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Menard, Joan (SEN)**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act further regulating certain visitation rights.

PETITION OF:

NAME:

Menard, Joan (SEN)

DISTRICT/ADDRESS:

First Bristol and Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00946 OF 2007-2008.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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**AN ACT FURTHER REGULATING CERTAIN VISITATION RIGHTS.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 119 of the General Laws is hereby amended by striking out section  
2   39D and inserting in place thereof the following section:-

3   Section 39D. If the parents of an unmarried minor child are divorced, under a temporary order or  
4   judgment of separate support, or if either or both parents are deceased, or if the unmarried minor  
5   child was born out of wedlock whose paternity has been adjudicated by a court of competent  
6   jurisdiction or whose father has signed an acknowledgement of paternity, the grandparents or  
7   great grandparents of the minor child may be granted reasonable visitation rights to the minor  
8   child during his minority by the probate and family court department of the trial court upon a  
9   written finding that the visitation rights would be in the best interest of the minor child; but, the  
10   adjudication of paternity or acknowledgment of paternity shall not be required in order to  
11   proceed under this section where maternal grandparents or maternal great grandparents are

12 seeking the visitation rights. Visitation rights shall not be granted if the minor child has been  
13 adopted by a person other than a stepparent of the child and any visitation rights granted pursuant  
14 to this section before the adoption of the minor child shall be terminated upon the adoption  
15 without any further action of the court.

16 A petition for grandparents or great grandparents visitation authorized under this section shall,  
17 where applicable, be filed in the county within the commonwealth in which the divorce or  
18 separate support complaint or the complaint to establish paternity was filed. If the divorce,  
19 separate support or paternity judgment was entered without the commonwealth but the child  
20 presently resides within the commonwealth, the petition may be filed in the county where the  
21 child resides.

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