

# Connecticut GPV statute

<http://www.cga.ct.gov/2005/pub/Chap815j.htm#Sec46b-59.htm>

**Sec. 46b-59. Court may grant right of visitation to any person.** The Superior Court may grant the right of visitation with respect to any minor child or children to any person, upon an application of such person. Such order shall be according to the court's best judgment upon the facts of the case and subject to such conditions and limitations as it deems equitable, provided the grant of such visitation rights shall not be contingent upon any order of financial support by the court. In making, modifying or terminating such an order, the court shall be guided by the best interest of the child, giving consideration to the wishes of such child if he is of sufficient age and capable of forming an intelligent opinion. Visitation rights granted in accordance with this section shall not be deemed to have created parental rights in the person or persons to whom such visitation rights are granted. The grant of such visitation rights shall not prevent any court of competent jurisdiction from thereafter acting upon the custody of such child, the parental rights with respect to such child or the adoption of such child and any such court may include in its decree an order terminating such visitation rights.

(P.A. 78-69; P.A. 79-8; P.A. 83-95.)

History: P.A. 79-8 added proviso specifying that grant of visitation rights is not contingent upon order for financial support; P.A. 83-95 deleted provisions re visitation rights of grandparents and permitted court to grant right of visitation to any person.

See chapter 815j, part III re support of child and spouse and transfer of property.

See chapter 815o re Uniform Child Custody Jurisdiction Act.

Cited. 208 C. 404, 408, 410. Cited. 209 C. 407, 413, 414. Constitutional validity of section not ripe for adjudication without fact-specific balancing of interests. 214 C. 232, 233, 235, 236, 240. Cited. 217 C. 459, 475. Cited. 234 C. 51, 59. Sec. 46b-56 et seq. cited. 236 C. 582, 593. Trial court lacked jurisdiction to decide issue of visitation. Court discussed provisions of section as they related to provisions of Secs. 46b-56 and 46b-57. 239 C. 336. Implicit in statute is rebuttable presumption that visitation that is opposed by a fit parent is not in child's best interest; for a court to have jurisdiction over petition for visitation contrary to wishes of a parent and to grant such petition, petition must contain specific, good faith allegations that petitioner has a relationship with the child that is similar in nature to a parent-child relationship and specific, good faith allegations that denial of visitation will cause real and significant harm to the child, analogous to the kind of harm contemplated by Secs. 46b-120 and 46b-129, that child is neglected, uncared-for or dependent, and petitioner must prove allegations by clear and convincing evidence; statute is unconstitutional as applied to facts in this case. 259 C. 202. Trial court did not have jurisdiction over petition for visitation pursuant to statute that is contrary to the wishes of a fit parent in the absence of allegations and proof that plaintiff had a parent-

like relationship with the child and that the child would suffer real and significant harm if deprived of visitation with plaintiff. *Id.*, 240.

Cited. 11 CA 43, 46. An encompassing, not limiting, statute. 17 CA 427-429. Cited. 34 CA 129, 137; judgment reversed, see 234 C. 51 et seq. Action for abuse of process under statute does not lie. 52 CA 123.

Separation of parties in same sex relationship constituted disruption of family unit and conferred standing upon plaintiff noncustodial parent to petition for visitation rights with minor child conceived through artificial insemination who had been jointly raised by coguardian same sex partners. 46 CS 165.