

Chart 6: Third-Party Visitation

STATE	Stepparents	Grandparents— generally*	Grandparents— Death of their child	Grandparents— Child divorced	Grandparents— Parents never married	Any Interested Party
Alabama			x ¹	x ¹		
Alaska	x		x	x	x	
Arizona			x	x	x	x ²
Arkansas	x		x	x	x	
California	x ¹		x ¹	x ¹		
Colorado	x ²		x	x	x	x ²
Connecticut						x ¹
Delaware		x				x ^{2,4}
District of Columbia						
Florida			x ¹	x ¹	x ¹	
Georgia		x				
Hawaii		x				
Idaho	x ^{2,4}	x				
Illinois	x ¹		x	x	x	
Indiana ³			x	x	x	
Iowa ³			x ¹	x ¹	x ¹	
Kansas ³	x	x ¹				
Kentucky		x				
Louisiana	x ^{2,4}		x	x		
Maine		x	x			x ^{2,4}
Maryland		x ¹				
Massachusetts		x	x	x		x ^{2,4}
Michigan		x	x	x		
Minnesota	x		x	x	x	
Mississippi		x	x	x		
Missouri ³		x	x	x		
Montana		x				
Nebraska			x	x	x	
Nevada			x	x	x	x ⁵
New Hampshire		x				
New Jersey		x ¹				x ^{2,4,7}
New Mexico		x	x	x		
New York		x	x			x ^{2,4}
North Carolina				x		
North Dakota		x				
Ohio			x ¹	x ¹	x ¹	
Oklahoma		x ¹	x ¹	x ¹	x ¹	
Oregon		x ⁶				x ²
Pennsylvania	x ^{2,4}	x		x		x ^{2,4,7}
Rhode Island		x	x	x		x ^{2,4}
South Carolina						
South Dakota		x				x ²
Tennessee	x	x	x	x		
Texas			x	x		x ^{2,4}
Utah		x				
Vermont			x	x		
Virginia	x	x				x
Washington						x ⁸
West Virginia ³		x				
Wisconsin	x ¹	x ¹	x ¹		x	x ^{2,4}
Wyoming		x				x ²

* Grandparents may obtain visitation when the parents are alive and regardless of their marital status. Many of these statutes contain requirements such as the establishment of a substantial relationship, the best interests of the child, the existence of a residential relationship, the parent's unreasonable denial of visitation, or a combination of these.

1. A court of the state has declared the statute unconstitutional either on its face or as applied.
2. A person who stands "in loco parentis," who is a "de facto," "equitable" or "psychological parent," or who has a substantial residential relationship with a child may seek visitation or custody without showing that a parent is unfit or other extraordinary circumstances.
3. Pending legislation would substantially revise existing statute.
4. By case law where stepparent is a de facto parent.
5. Any person may seek visitation if they have resided with the child and formed a "meaningful relationship."
6. Grandparent may petition for visitation in stepparent adoption situations.
7. Case law is mixed.
8. Washington's third-party visitation statute has been declared unconstitutional, but its supreme court has recognized that de facto parents have custody & visitation rights.