

## **Vermont**

### **Title 15: Domestic Relations**

#### **Chapter 18: Grandparents' Visitation**

##### **§ 1011. Jurisdiction**

(a) A superior, juvenile or probate court which has considered or is considering the custody or visitation of a minor child may award visitation rights to a grandparent of the child, upon written request of the grandparent filed with the court, if the court finds that to do so would be in the best interest of the child.

(b) No grandparent shall be afforded party status, but may be called as a witness by the court, and shall be subject to cross-examination by the parties.

(c) No appeal may be taken by any grandparent from the court's decision on visitation as it pertains to any grandparent.

(d) A grandparent who has visitation rights under this section may move the court for enforcement of the court's order in the same manner as would a party. A hearing shall be held thereon, and notice thereof shall be given to the parties pursuant to the Vermont Rules of Civil Procedure. (Added 1983, No. 219 (Adj. Sess.), eff. May 9, 1984.)

##### **§ 1012. If a parent is deceased or cannot decide**

If a parent of a minor child is deceased, physically or mentally incapable of making a decision or has abandoned the child, a grandparent of the child may commence an action in superior court in the county in which the custodian of the child resides to obtain visitation rights. The action shall promptly be tried without a jury in the same manner as a divorce case. The custodian of the child shall be the party defendant. In the event that the custodian of the child is not the parent of the child, the parent shall also be joined as a party defendant. (Added 1983, No. 219 (Adj. Sess.), eff. May 9, 1984.)

## **§ 1013. Decision**

(a) The court shall grant the petitioner reasonable visitation or access to the grandchild upon determining that to do so would be in the best interests of the child.

(b) In determining the best interests of the child, the court shall consider the following factors:

- (1) the love, affection and other emotional ties existing between the grandparents involved and the child;
- (2) the capacity and disposition of the parties involved to give the child love, affection and guidance;
- (3) the nature of the relationship between the petitioner and the grandchild and the desirability of maintaining that relationship;
- (4) the moral fitness of the parties;
- (5) the mental and physical health of the parties;
- (6) the reasonable preference of the child, if the court deems the child to be of sufficient age to express a preference;
- (7) the willingness and ability of the petitioner to facilitate and encourage a close and continuing relationship between the child and the other parties; and
- (8) any other factor which the court considers to be relevant to a just determination regarding visitation or access. (Added 1983, No. 219 (Adj. Sess.), eff. May 9, 1984.)

## **§ 1014. Modification**

A court may modify or terminate any order granted under this section, issue any orders necessary to the enforcement of rights or the protection of parties under this section, and award costs for defending or prosecuting actions under this section. (Added 1983, No. 219 (Adj. Sess.), eff. May 9, 1984.)

### **§ 1015. Limit on refiling**

Absent a real, substantial and unanticipated change of circumstances, no person whose petition under this section is denied with prejudice may file another petition under this section sooner than one year after that denial. (Added 1983, No. 219 (Adj. Sess.), eff. May 9, 1984.)

### **§ 1016. Automatic expiration**

When a child subject to an order under this chapter is later adopted, the order under this chapter expires, except when the adopting parent is a stepparent, grandparent or other relative of the child. (Added 1983, No. 219 (Adj. Sess.), eff. May 9, 1984.)