

CHAPTER 752

GRANDPARENTAL VISITATION RIGHTS

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752.001 Definitions.--For purposes of this chapter, the term "grandparent" shall include great-grandparent.

History.--s. 5, ch. 90-273.

752.01 Action by grandparent for right of visitation; when petition shall be granted.--

(1) The court shall, upon petition filed by a grandparent of a minor child, award reasonable rights of visitation to the grandparent with respect to the child when it is in the best interest of the minor child if:

- (a) The marriage of the parents of the child has been dissolved;
- (b) A parent of the child has deserted the child; or
- (c) The minor child was born out of wedlock and not later determined to be a child born within wedlock as provided in s. 742.091.

(2) In determining the best interest of the minor child, the court shall consider:

- (a) The willingness of the grandparent or grandparents to encourage a close relationship between the child and the parent or parents.
- (b) The length and quality of the prior relationship between the child and the grandparent or grandparents.
- (c) The preference of the child if the child is determined to be of sufficient maturity to express a preference.
- (d) The mental and physical health of the child.
- (e) The mental and physical health of the grandparent or grandparents.
- (f) Such other factors as are necessary in the particular circumstances.

(3) This act does not provide for grandparental visitation rights for children placed for adoption under chapter 63 except as provided in s. 752.07 with respect to adoption by a stepparent.

History.--s. 1, ch. 84-64; s. 70, ch. 87-226; s. 6, ch. 90-273; s. 1, ch. 93-279; s. 2, ch. 2000-156.

752.015 Mediation of visitation disputes.--It shall be the public policy of this state that families resolve differences over grandparent visitation within the family. It shall be the further public policy of this state that when families are unable to resolve differences relating to grandparent visitation that the family participate in any formal or informal mediation services that may be available. When families are unable to resolve differences relating to grandparent visitation and a petition is filed pursuant to s. 752.01, the court shall, if such services are available in the circuit, refer the case to family mediation in accordance with rules promulgated by the Supreme Court.

History.--s. 7, ch. 90-273.

752.02 Persons who must be served notice of petition; manner of service.--Notice of the filing of, and a copy of, the petition for grandparental visitation rights shall be served on the parents of the minor child in the manner prescribed by chapter 48.

History.--s. 1, ch. 84-64; s. 64, ch. 85-62.

752.07 Effect of adoption of child by stepparent on right of visitation; when right may be terminated.--When there is a remarriage of one of the natural parents of a minor child for whom visitation rights may be or may have been granted to a grandparent pursuant to s. 752.01, any subsequent adoption by the stepparent will not terminate any grandparental rights. However, the court may determine that termination of such visitation rights is in the best interest of the child and rule accordingly, after affording the grandparent an opportunity to be heard.

History.--s. 1, ch. 84-64; s. 8, ch. 90-273.