

HB 486-FN - AS INTRODUCED

2025 SESSION

25-0802

11/08

HOUSE BILL **486-FN**

AN ACT relative to grandparents' visitation rights.

SPONSORS: Rep. Nelson, Rock. 13; Rep. Ball, Rock. 25; Rep. DeSimone, Rock. 18; Rep. Markell, Rock. 18; Rep. Panek, Hills. 1; Rep. Post, Hills. 42; Rep. Rice, Hills. 38; Rep. Seidel, Hills. 29

COMMITTEE: Children and Family Law

ANALYSIS

This bill expands criteria for a court's consideration of grandparent visitation.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to grandparents' visitation rights.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Grandparent Visitation; Criteria. Amend RSA 461-A:13 to read as follows:

2 461-A:13 Grandparents' Visitation Rights.

3 I. Grandparents, whether adoptive or natural, may petition the court for reasonable rights
4 of visitation with the minor child as provided in paragraph III. The provisions of this section shall
5 not apply in cases where access by the grandparent or grandparents to the minor child has been
6 restricted for any reason prior to or contemporaneous with the divorce, death, relinquishment or
7 termination of parental rights, or other cause of the absence of a nuclear family.

8 II. The court shall consider the following criteria in making an order relative to a
9 grandparent's visitation rights to the minor child:

10 (a) Whether such visitation would be in the best interest of the child.

11 (b) Whether such visitation would interfere with any parent-child relationship or with a
12 parent's authority over the child.

13 (c) The nature of the relationship between the grandparent and the minor child,
14 including but not limited to, the frequency of contact, and whether the child has lived with the
15 grandparent [~~and length of time of such residence~~] **for at least 6 months with or without the**
16 **parent, or the grandparent acted as a primary caretaker of the child for at least 6 months,**
17 **or the grandparent previously had regular visitation with the child for at least 12 months,**
18 and when there is no reasonable cause to believe that the child's physical and emotional health
19 would be endangered by such visitation or lack of it.

20 (d) The nature of the relationship between the grandparent and the parent of the minor
21 child, including friction between the grandparent and the parent, and the effect such friction would
22 have on the child.

23 (e) The circumstances which resulted in the absence of a nuclear family, [~~whether~~]
24 **including** divorce, death, **separate parental living arrangements, inability to determine the**
25 **whereabouts of one or both parents,** relinquishment or termination of parental rights, or other
26 cause.

27 (f) The recommendation regarding visitation made by any guardian ad litem appointed
28 for the child pursuant to RSA 461-A:16.

29 (g) Any preference or wishes expressed by the child.

30 (h) Any such other factors as the court may find appropriate or relevant to the petition
31 for visitation.

HB 486-FN - AS INTRODUCED

- Page 2 -

1 III. The petition for visitation shall be entered in the court which has jurisdiction over the
2 divorce, legal separation, or a proceeding brought under this chapter. In the case of death of a
3 parent, stepparent adoption, or unwed parents, subject to paragraph IV, the petition shall be entered
4 in the court having jurisdiction to hear divorce cases from the town or city where the child resides.

5 IV. If the parent of the minor child is unwed, then any grandparent filing a petition under
6 this section shall attach with the petition proof of legitimation by the parent pursuant to RSA 460:29
7 or establishment of paternity pursuant to RSA 168-A.

8 V. Upon the motion of any original party, the court may modify or terminate any order made
9 pursuant to this section to reflect changed circumstances of the parties involved. ***Changed***
10 ***circumstances shall not include changes in frequency of contact due to a parent's***
11 ***noncompliance with a prior grandparent's visitation order.***

12 VI. Nothing contained in this section shall be construed to affect the rights of a child or
13 natural parent or guardian under RSA 463 or adoptive parent under RSA 170-B:20.

14 2 Effective Date. This act shall take effect 60 days after its passage.

LBA
25-0802
12/28/24

**HB 486-FN- FICAL NOTE
AS INTRODUCED**

AN ACT relative to grandparents' visitation rights.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2025 through 2028.

AGENCIES CONTACTED:

Judicial Branch