

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE DRS15223-LU-126 (03/23)

Short Title: Study Grandparents' Rights/Child Custody. (Public)

Sponsors: Senator McKissick.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON  
3 GRANDPARENTS' VISITATION RIGHTS AND CHILD CUSTODY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** There is created the Joint Legislative Study Committee on  
6 Grandparents' Visitation Rights and Child Custody (Committee). The Committee shall consist  
7 of 10 members to be appointed as follows:

- 8 (1) Five members of the Senate appointed by the President Pro Tempore of the  
9 Senate.  
10 (2) Five members of the House of Representatives appointed by the Speaker of  
11 the House of Representatives.

12 The President Pro Tempore of the Senate shall designate one senator as cochair, and  
13 the Speaker of the House of Representatives shall designate one representative as cochair.  
14 Vacancies on the Committee shall be filled by the same appointing authority who made the  
15 initial appointment.

16 The Committee, while in the discharge of its official duties, may exercise all powers  
17 provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Committee may  
18 meet at any time upon the joint call of the cochairs. The Committee may meet in the Legislative  
19 Building or the Legislative Office Building. The Committee may contract for professional,  
20 clerical, or consultant services as provided by G.S. 120-32.02.

21 The Legislative Services Commission, through the Legislative Services Officer,  
22 shall assign professional staff to assist the Committee in its work. The Senate's and House of  
23 Representatives' Directors of Legislative Assistants shall assign clerical staff to the Committee,  
24 and the expenses relating to the clerical employees shall be borne by the Committee. Members  
25 of the Committee shall receive subsistence and travel expenses at the rates set forth in  
26 G.S. 120-3.1, 138-5, or 138-6, as appropriate.

27 **SECTION 2.** The Committee shall study grandparents' visitation rights and the use  
28 of health-related conditions as a factor in determining child custody. In conducting the study,  
29 the Committee shall consider issues related to the following:

- 30 (1) The State's current laws regarding custody and visitation.  
31 (2) The State's current laws regarding the factors a court may consider in  
32 determining custody, specifically as related to the health of the custodial  
33 parent.  
34 (3) The State's current laws regarding grandparents' visitation rights.  
35 (4) Legislation adopted by other states addressing grandparents' visitation rights.



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- 1           (5)    Legislation adopted by other states addressing the factors other states' courts
- 2                    consider in determining custody, specifically as related to the health of the
- 3                    custodial parent.
- 4           (6)    The circumstances under which grandparents should be granted visitation
- 5                    rights in this State.
- 6           (7)    The legal impact of expanding grandparents' visitation rights in this State.
- 7           (8)    Whether grandparent visitation, if granted, should be supervised or
- 8                    unsupervised.
- 9           (9)    Whether, and to what extent, the health of the custodial parent should be
- 10                   used as a factor in determining child custody.
- 11           (10)   Any other issues the Committee deems relevant to the study.

12           **SECTION 3.** The Committee shall make a final report of its findings and  
13 recommendations to the 2013 General Assembly, prior to its convening. The Committee shall  
14 terminate upon the filing of its final report.

15           **SECTION 4.** This act is effective when it becomes law.