

**Judiciary Committee on  
Senate Bill 431  
September 17, 1991**

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**Testimony Provided By  
Representative Thomas E. Armstrong  
98th Legislative District**

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First of all I want to take the opportunity to thank Representative Caltagirone, Chairman of the Judiciary Committee; Representative Jeffrey Piccola, Republican Chairman, and the rest of the members of the Judiciary Committee for this opportunity to appear before them to address the issue of grandparent visitation rights.

For the record, I would like to state that I would much prefer to be addressing something that reflects the positive elements of our society, rather than the negative, such as the circumstances that have arisen which had called for the need to try to correct bad situations within the family structure. This is a sad commentary of the demise and the disintegration of our family structure. However, the matter is before us, and we need to address it. Hopefully, we can address it in a fair and compassionate manner.

I became aware of this bill quite a few months ago, and have been following its development through the Senate. It is my understanding that the Senate has worked diligently to draft a bill that will try to be fair to all those involved, and I believe that they have done an extraordinary job in drafting a piece of legislation that provides consistency in our law. However, there are a couple of points that I would like to raise that I feel we need to address, that I believe have been mistakenly overlooked in the Senate.

The first such point that I would like to raise, is that smattered throughout the legislation is reference to great-grandparents, in other words the law provides the opportunity for great-grandparents to also petition the courts for visitation rights. This I believe, in conversation with various individuals including grandparents in my own district, is going too far.

I would kindly ask for you to consider deleting the reference to great-grandparents in this legislation. As a matter of fact, I have an amendment for your consideration in trying to solve this particular situation.

The second and third points have to deal with how these visitation rights for grandparents impact upon the adoption process. Before I go any further, I would like to state that I believe it is the intention of the Senate and the House to recognize that an adoption is an adoption, and that once that new family has been formally recognized through the adoption process, that we all should provide that new family unit the time and environment whereby all of the family members, especially that of the adopted individual to adapt to their new family unit.

The first of these next two points that I would like to raise, can be found on page 5 lines 14-17. This particular part of the legislation specifies that the visitation rights will be terminated once there is a petition filed for a child's adoption, this I believe is premature. For example, what would happen if visitation rights were terminated because a petition was filed, and then the adoption fell apart? Do the grandparents then petition the courts for visitation rights all over again? I believe that the grandparent(s) should maintain those visitation rights until "the last t is crossed and the i is dotted" in the adoption process.

Mr. Chairman, I also have for your consideration an amendment which will correct a particular flaw that I see in the legislation relating to the point that I just raised.

The second point in the legislation that deals with the adoption process pertains to the termination of the grandparents' visitation rights. As the legislation now stands, it merely states that the grandparents visitation rights will be terminated once an adoption is realized. My concern about this particular aspect deals with that of trying to make the law somewhat compassionate in dealing with the emotions of the grandparents themselves. I tried to put myself in the shoes of a grandparent who had such visitation rights, and I asked myself how I would feel if I were to wake up one day and realize that I would no longer be able to see my grandchild or grandchildren again, because my grandchild or grandchildren were adopted, and I was not aware of the fact that I would not be able to see them again once the adoption was completed.

I have very strong feelings that this would actually serve as a cold reality of the law, (a slap in the face, have you). Let us, Mr. Chairman and committee, stop and consider the emotions that one may go through. Mr. Chairman, I am of the very strong opinion that once a petition is filed for an adoption, that the grandparents should be notified that their visitation rights may be terminated upon the completion of an adoption. This, Mr. Chairman, will give the grandparents the opportunity to emotionally prepare themselves to the reality that a certain chapter in their lives will shortly be closing. I believe that it is our responsibility in drafting this legislation that we consider all the

sensitivities involved. For your consideration also, there is a third amendment to Senate Bill 431 which will provide for the notification to a grandparent holding visitation rights that the adoption proceedings have been started on their grandchild and that their own visitation rights may be terminated once the adoption is completed.

I will gladly work with you or any one else in your committee in amending this piece of legislation to better address the situation that now faces us.

I would appreciate the opportunity to assist in this matter.

Finally, Mr. Chairman, since I have been following Senate Bill 431, I have also taken the liberty to re-draft the legislation, and in so doing that, it would contain the amendments that I have just spoken of today. I have circulated a memo as of August 2nd, asking for co-sponsorship of this piece of legislation, to which forty-six legislators have relayed their desire to attach their names. It is not my desire to claim ownership of this bill, but in addressing it, I believe it is important to realize that many members from both sides of the aisle and in both chambers of the legislature believe that it is a matter that needs to be addressed. Should you decide to move Senate Bill 431, I as well as many other members of the House would appreciate your consideration of the three amendments that I have raised.

Should you wish to move the bill that I would like to introduce shortly, to show the support of this issue in the House, then so be it. You have the authority to do what you would like on this issue, but again I believe it is an issue that needs to be remedied.

One final point that I would like to raise, is, should the bill be retro-active to apply to those grandparents that now have visitation rights, who are now not recognized by the law as grandparents? I do not have a strong opinion, at this point, on this issue, but I do believe it is something that you should consider.

Once again, thank you very much for this opportunity to appear before you and to participate in the process of this piece of legislation.