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SENATE MEMORIAL 37

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Eric G. Griego

A MEMORIAL

REQUESTING THE ADMINISTRATIVE OFFICE OF THE COURTS TO CONDUCT A STUDY OF STATUTES GOVERNING GRANDPARENTS' VISITATION RIGHTS IN OTHER STATES AND MAKE RECOMMENDATIONS REGARDING OPPORTUNITIES TO SUPPORT GREATER INVOLVEMENT OF GRANDPARENTS IN THE LIVES OF THEIR GRANDCHILDREN IN NEW MEXICO.

WHEREAS, grandparents represent a grandchild's personal connection to the past and a link to a family's history; and

WHEREAS, grandparents can serve as role models for grandchildren and can educate and care for them in ways that parents cannot; and

WHEREAS, in today's mobile society, grandparents and grandchildren are often separated by great distances and are only able to see each other on an infrequent basis; and

WHEREAS, many family situations threaten the ability of

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1 grandparents to see their grandchildren, including divorce,
2 death, drug and alcohol abuse, incarceration and child custody
3 cases; and

4 WHEREAS, an increasing number of grandparents are facing
5 court battles to ensure their continued ability to see and be
6 in a relationship with their grandchildren, and grandparents
7 may go years without the prospect of a visit with their
8 grandchildren; and

9 WHEREAS, state laws governing grandparent visitation
10 rights vary greatly, with some states having permissive laws
11 and others having much more stringent requirements; and

12 WHEREAS, in June 2006, the United States supreme court
13 issued a decision on grandparents' visitation rights in the
14 *Troxel v. Granville* case, holding that a Washington state law
15 allowing judges to grant visitation rights to grandparents
16 violated a parent's right to make decisions regarding the care,
17 custody and control of their children; and

18 WHEREAS, New Mexico laws allow grandparents to petition
19 the courts for the right to visit a grandchild; however,
20 grandparents are required to meet thresholds that demonstrate
21 the amount of time previously spent with the grandchild and
22 that are affected by the age of the child; and

23 WHEREAS, all state laws require grandparents to prove that
24 the visits they seek are in the best interests of the
25 grandchild and that their visits will not be harmful in any

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1 way; and

2 WHEREAS, proponents of laws that strengthen the rights of
3 grandparents to visit their grandchildren contend that
4 grandparents generally exert a stabilizing effect in the lives
5 of their grandchildren, offsetting any trauma experienced
6 through divorce, death or other disruptive situations; and

7 WHEREAS, the relationship between grandchildren and
8 grandparents is one that should be nurtured whenever
9 circumstances allow;

10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
11 OF NEW MEXICO that the administrative office of the courts be
12 requested to conduct a study of statutes governing
13 grandparents' visitation rights in other states and make
14 recommendations regarding opportunities to support greater
15 involvement of grandparents in the lives of their grandchildren
16 in New Mexico; and

17 BE IT FURTHER RESOLVED that the administrative office of
18 the courts consult with the children, youth and families
19 department, the aging and long-term services department and
20 others to examine opportunities and barriers to expanding
21 grandparents' visitation rights in New Mexico; and

22 BE IT FURTHER RESOLVED that a report of the findings and
23 recommendations of the study be presented to the appropriate
24 interim legislative committee by October 2011; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

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1 transmitted to the administrative office of the courts, the
2 secretary of children, youth and families and the secretary of
3 aging and long-term services.

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