

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Snyder**

# A Bill

**ACT 1231 OF 1993**  
**SENATE BILL 601**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 9-13-103 TO ALLOW  
9 GRANDPARENTS TO PETITION FOR VISITATION RIGHTS WHEN THE  
10 GRANDCHILD IS IN THE CUSTODY OF A PERSON OTHER THAN HIS  
11 LEGAL PARENT; AND FOR OTHER PURPOSES."

## Subtitle

14 "TO EXPAND THE CIRCUMSTANCES WHEN GRANDPARENTS MAY  
15 PETITION FOR VISITATION RIGHTS."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. Arkansas Code 9-13-103 is amended to read as follows:

20 "9-13-103. Visitation rights of grandparents.

21 (a) (1) Upon petition by a person properly before it, the chancery  
22 courts of this state may grant grandparents and great-grandparents reasonable  
23 visitation rights with respect to their grandchild or grandchildren or  
24 great-grandchild or great-grandchildren at any time if the marital  
25 relationship between the parents of the child has been severed by death,  
26 divorce, or legal separation or if the child is in the custody or *under the*  
27 *guardianship* of a person other than one or both of his natural or adoptive  
28 parents.

29 (2) The visitation rights may only be granted when the court  
30 determines that such an order would be in the best interests and welfare of  
31 the minor.

32 (3) An order denying visitation rights to grandparents and  
33 great-grandparents shall be in writing and shall state the reasons for denial.  
34 An order denying visitation rights is a final order for purposes of appeal.

35 (b) If the court denies the petition requesting grandparents visitation  
36 rights and determines that the petition for grandparent visitation rights is

1 not well-founded, was filed with malicious intent or purpose, or is not in the  
2 best interest and welfare of the child, the court may, upon motion of the  
3 respondent, order the petitioner to pay reasonable attorney's fees and court  
4 costs to the attorney of the respondent, after taking into consideration the  
5 financial ability of the petitioner and the circumstances involved.

6 (c) The provisions of subsections (a) and (b) of this section shall  
7 only be applicable in situations in which there is a severed marital  
8 relationship between the parents of the natural or adoptive children by either  
9 death, divorce, or legal separation or *in which* the child is in the custody or  
10 *under the guardianship* of a person other than one or both of his natural or  
11 adoptive parents."

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13 SECTION 2. All provisions of this act of a general and permanent nature  
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 3. If any provision of this act or the application thereof to  
18 any person or circumstance is held invalid, such invalidity shall not affect  
19 other provisions or applications of the act which can be given effect without  
20 the invalid provision or application, and to this end the provisions of this  
21 act are declared to be severable.

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23 SECTION 4. All laws and parts of laws in conflict with this act are  
24 hereby repealed.

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*/s/Senator Snyder*

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APPROVED: 4/20/93

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