

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: H2/1/01 S3/20/01

## A Bill

Act 1497 of 2001  
HOUSE BILL 1047

5 By: Representatives Judy, Oglesby, Eason, Hendren, T. Steele, Goss  
6 By: Senator Faris  
7

### For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE 9-13-101 TO PROVIDE  
11 THAT GRANDPARENTS WHO HAVE HAD CONTINUOUS CUSTODY  
12 OF GRANDCHILDREN SHALL RECEIVE NOTICE AND AN  
13 OPPORTUNITY TO BE HEARD IN CHILD CUSTODY  
14 PROCEEDINGS AND DEPENDENCY-NEGLECT PROCEEDINGS;  
15 AND FOR OTHER PURPOSES.

### Subtitle

17 TO AMEND ARKANSAS CODE 9-13-101 TO  
18 PROVIDE THAT GRANDPARENTS WHO HAVE HAD  
19 CONTINUOUS CUSTODY OF GRANDCHILDREN  
20 SHALL RECEIVE NOTICE AND AN OPPORTUNITY  
21 TO BE HEARD IN CHILD PROCEEDING AND  
22 DEPENDENCY-NEGLECT PROCEEDINGS.  
23

24  
25  
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code 9-13-101(a) and (b) are amended to read as  
29 follows:

30 (a)(1)(A) A grandparent shall be entitled to notice and shall be  
31 granted an opportunity to be heard in any child custody proceeding involving  
32 the grandchild who is twelve (12) months or younger when:

33 (i) A grandchild resides with this grandparent for at  
34 least six (6) continuous months prior to its first birthday;

35 (ii) The grandparent was the primary caregiver for  
36 and financial supporter of the grandchild during the time the grandchild

1 resided with the grandparent; and

2 (iii) The continuous custody occurred within one (1)  
3 year of the date the child custody proceeding was initiated.

4 (B) A grandparent shall be entitled to notice and shall be  
5 granted an opportunity to be heard in any child custody proceeding involving  
6 the grandchild who is twelve (12) months or older when

7 (i) A grandchild resides with this grandparent for at  
8 least one (1) continuous year regardless of age;

9 (ii) The grandparent was the primary caregiver for  
10 and financial supporter of the grandchild during the time the grandchild  
11 resided with the grandparent;

12 (iii) The continuous custody occurred within one (1)  
13 year of the date the child custody proceeding was initiated.

14 (C) Notice to a grandparent shall be given by the moving  
15 party.

16 (2)(A) In an action for divorce, the award of custody of the  
17 children of the marriage shall be made without regard to the sex of the  
18 parent, but solely in accordance with the welfare and best interests of the  
19 children.

20 (B) When a court order holds that it is in the best  
21 interest of the child to award custody to a grandparent, the award of custody  
22 shall be made without regard to the sex of the grandparent.

23 (b) Upon petition by a grandparent who meets the requirements of  
24 subsection (a) of this section, a court shall grant the grandparent a right to  
25 intervene pursuant to Rule 24(a) of the Arkansas Rules of Civil Procedure.

26 ~~(b)(1)(c)(1)~~ (1) When in the best interests of a child, custody shall be  
27 awarded in such a way so as to assure the frequent and continuing contact of  
28 the child with both parents.

29 (2) If a grandparent meets the requirements of subsection (a) of  
30 this section and is a party to the proceedings, the court may consider the  
31 continuing contact between the child and a grandparent who is a party, and the  
32 court may consider orders to assure the continuing contact between the  
33 grandparent and the child.

34 ~~(2)(3)~~ (3) To this effect, in making an order for custody, to either  
35 ~~parent~~ the court may consider, among other facts, which parent party is more  
36 likely to allow the child or children frequent and continuing contact with the

1 noncustodial parent and the noncustodial grandparent who meets the  
2 requirements of subsection (a) of this section.

3 (d) For purposes of this section, "grandparent" does not mean a parent  
4 of a putative father of a child.

5 (e)(1) The party that initiates a child custody proceeding shall notify  
6 the court of the name and address of any grandparent who is entitled to notice  
7 under the provisions of subsection (a) of this section.

8 (2) The notice shall be in accordance with § 16-55-114.

9  
10 SECTION 2. Arkansas Code 9-27-325 is amended to add the following new  
11 subsection:

12 (1)(1) A grandparent shall be entitled to notice and shall be granted an  
13 opportunity to be heard in any dependency-neglect proceeding involving the  
14 grandchild who is twelve (12) months or younger when:

15 (A) A grandchild resides with this grandparent for at least  
16 six (6) continuous months prior to its first birthday;

17 (B) The grandparent was the primary caregiver for and  
18 financial supporter of the grandchild during the time the grandchild resided  
19 with the grandparent;

20 (C) The continuous custody occurred within one (1) year of  
21 the date the child custody proceeding was initiated; and

22 (D) Notice to a grandparent under this subsection (1) shall  
23 be given by the Department of Human Services.

24 (2) A grandparent shall be entitled to notice and shall be  
25 granted an opportunity to be heard in any dependency-neglect proceeding  
26 involving the grandchild who is twelve (12) months or older when:

27 (A) A grandchild resides with this grandparent for at least  
28 one (1) continuous year regardless of age;

29 (B) The grandparent was the primary caregiver for and  
30 financial supporter of the grandchild during the time the grandchild resided  
31 with the grandparent;

32 (C) The continuous custody occurred within one (1) year of  
33 the date the child custody proceeding was initiated.

34 (3) For purposes of this subsection (1), "grandparent" does not  
35 mean a parent of a putative father of a child.

36 /s/ **Jud**

**APPROVED: 4/12/2001y**