

**Hall of the House of Representatives**  
87th General Assembly - Regular Session, 2009  
**Amendment Form**

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**Subtitle of House Bill No. 2013**

"TO PROVIDE GRANDPARENTS WITH ACCESS TO THEIR GRANDCHILDREN."

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**Amendment No. 1 to House Bill No. 2013.**

Amend House Bill No. 2013 as originally introduced:

Delete the title entirely and substitute:

"AN ACT TO PROVIDE A MECHANISM FOR NONPARENTAL RELATIVES TO CONTINUE THEIR RIGHTS AND VISITATION WITH A CHILD WHO IS INVOLVED IN TERMINATION OF PARENTAL RIGHTS PROCEEDINGS AND IN THE CUSTODY OF THE DIVISION OF CHILDREN AND FAMILY SERVICES; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO PROVIDE A MECHANISM FOR NONPARENTAL RELATIVES TO CONTINUE THEIR RIGHTS AND VISITATION WITH A CHILD WHO IS INVOLVED IN TERMINATION OF PARENTAL RIGHTS PROCEEDINGS."

AND

Delete all language after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 9-9-223 is amended to read as follows:  
9-9-223. ~~Termination of rights~~ Rights of nonparental relatives -  
Nonparental relative report.

(a) Except as provided in this subchapter with regard to parental rights and subsection (b) of this section, any rights to a child which a nonparental relative may derive through a parent or by court order may, if the best interests of the child so require, be terminated in connection with a proceeding for adoption or for termination of parental rights if it is in the best interests of the child.

(b)(1) To determine if it is in the best interests of the child to continue the rights and relationship of a nonparental relative with a child, a nonparental relative report shall be conducted in a proceeding involving



the termination of parental rights of a child in the custody of the Division of Children and Family Services of the Department of Human Services if the termination of parental rights proceeding involves a child who is at least two (2) years of age but younger than eighteen (18) years of age.

(2)(A) The nonparental relative report shall include a description of each nonparental relative with whom the child has had a significant and viable relationship with the child.

(B) For the purposes of the nonparental relative report, if any of the following apply, the nonparental relative shall qualify as having a significant and viable relationship with the child:

(i)(a) The child resided with the nonparental relative for at least six (6) consecutive months;

(b) The nonparental relative was the caregiver to the child on a regular basis for at least six (6) consecutive months; or

(c) The nonparental relative had frequent or regular contact with the child for at least twelve (12) consecutive months; or

(ii) Any other facts that establish that maintaining the relationship and contact with the nonparental relative is in the best interest of the child.

(3)(A) The preparer of the nonparental relative report shall include in the report a recommendation on whether visitation with a nonparental relative is in the best interest of the child.

(B) The recommendation shall identify each nonparental relative that was evaluated for visitation or continued contact with the child.

(C) If a child that is the subject of the nonparental relative report is ten (10) years of age or older, the preparer of the nonparental relative report and the court may consider the child's preference in regards to continuing contact with the nonparental relative.

(4) A nonparental relative may choose to have his or her own nonparental relative report prepared with the cost of the report to be paid by the nonparental relative.

(5) An order terminating parental rights may order nonparental relative visitation and rights if the court finds that it is in the best interest of the child to continue his or her relationship with the nonparental relative.

(6) The division shall promulgate rules for the implementation and administration of this subsection (b)."

The Amendment was read \_\_\_\_\_  
By: Representative M. Burris  
JSE/JSE - 03-18-2009 15:58  
JSE284

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Chief Clerk