

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**

# A Bill

**HOUSE BILL**

4 **By: Representative Dawson, Steele and Carter**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE §9-13-103 TO ESTABLISH  
9 GRANDPARENT'S AND GREAT-GRANDPARENT'S VISITATION RIGHTS IN  
10 CASES OF CUSTODY OR TERMINATION OF THE RIGHTS OF PARENTS;  
11 TO PERMIT THE GRANDPARENTS OR GREAT-GRANDPARENTS TO  
12 INTERVENE IN CASES INVOLVING CUSTODY OF MINOR CHILDREN; TO  
13 ESTABLISH VISITATION RIGHTS FOR GRANDPARENTS OR GREAT-  
14 GRANDPARENTS AND ALLOW THEM TO INTERVENE IN CASES  
15 INVOLVING CHILD CUSTODY OR DIVORCE; TO ALLOW GRANDPARENTS  
16 OR GREAT-GRANDPARENTS TO PETITION FOR VISITATION RIGHTS  
17 WHEN A CHILD HAS LIVED WITH THEM FOR TWELVE (12) OR MORE  
18 MONTHS; TO ALLOW GRANDPARENTS OR GREAT-GRANDPARENTS TO  
19 PETITION FOR VISITATION RIGHTS IN THE COUNTY OF THE  
20 RESIDENCE OF THE CHILD OR A PENDING DIVORCE ACTION; AND  
21 FOR OTHER PURPOSES."

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

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25 SECTION 1. Arkansas Code § 9-13-103 is hereby amended to read as  
26 follows:

27 "9-13-103. Visitation rights of grandparents.

28 (a) Whenever any Chancery Court in this state has before it any  
29 question concerning the custody of any minor child or whenever one parent dies  
30 or whenever one parent dies and the survivor remarries, whether or not the  
31 minor child is adopted by its stepparent or whenever any court has terminated  
32 the parental rights of one or both of the natural parents of the minor child,  
33 the court may, in its discretion grant reasonable visitation rights to the  
34 grandparents or great-grandparents of the child. Any court granting such  
35 rights may issue its necessary order to enforce the visitation.

1           (b)(1) Any grandparent or great-grandparent shall have the right to  
2 intervene in an action involving the custody of any minor grandchild or great-  
3 grandchild to obtain visitation rights; provided, it shall be within the  
4 discretion of the court to grant the request.

5           (2) When the parent of a grandchild or great-grandchild has died,  
6 the grandparent or great-grandparent of the grandchild or great-grandchild  
7 shall have the right to file an original pleading to establish visitation  
8 rights.

9           (3) The grandparent or great-grandparent of a grandchild or  
10 great-grandchild whose parent's have had their parental rights terminated  
11 shall have the right to file an original pleading for visitation.

12           (c) Whenever any court in this state shall have before it any question  
13 concerning the custody of any minor child or whenever the parents of a minor  
14 child have been divorced or are engaged in legal proceedings to obtain a  
15 divorce, any grandparent or great- grandparent of the child may be granted  
16 reasonable visitation rights whenever the court determines it would be in the  
17 best interests and welfare of the grandchild or great-grandchild. The court  
18 shall have discretion to deny such visitation rights. The grandparent or  
19 great-grandparent shall have the right to intervene and petition for  
20 visitation rights in any action involving any divorce action or legal  
21 separation of the grandchild's or great-grandchild's parents. After  
22 visitation rights have been granted to any grandparent or great-grandparent,  
23 the legal custodian or guardian or parent of the child may petition the court  
24 for revocation or modification of such visitation rights, for good cause  
25 shown, which the court, in its discretion, may grant or deny.

26           (d) When an unmarried minor grandchild or great-grandchild has resided  
27 with his or her grandparents or great-grandparents for a period of twelve (12)  
28 months or more, and is subsequently removed from the home by his or her  
29 parents, the grandparents or great-grandparents may petition the chancery  
30 court for an order granting them reasonable visitation rights to the  
31 grandchild or great-grandchild as long as he or she remains a minor. The  
32 court shall grant the petition if it finds it would be in the best interests  
33 and welfare of the grandchild or great-grandchild.

34           (e) The provisions of subsections (a), (b), (c), and (d) shall be  
35 applicable regardless of the condition of the marital relationship, or whether

1 the child has been adopted by the stepparent.

2 (f) The grandparents or great-grandparents of any minor child may  
3 petition for visitation rights in the chancery court in the county of  
4 residence of the grandchild or great-grandchild or, if the petition to  
5 intervene is in a divorce action, in the court where the divorce action is  
6 pending.

7 (g) All questions involving grandparent or great-grandparent visitation  
8 rights shall be filed in the chancery court."

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10 SECTION 2. All provisions of this act of general and permanent nature  
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
12 Revision Commission shall incorporate the same in the Code.

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

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

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