1	State of Arkansas
2	80th General Assembly ABII ACT 1200 OF 1995
3	Regular Session, 1995 HOUSE BILL 1734
4	By: Representative Baker
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7	For An Act To Be Entitled
8	"AN ACT TO AMEND ARKANSAS CODE 9-13-103 TO ALLOW
9	GRANDPARENT VISITATION RIGHTS FOR ILLEGITIMATE CHILDREN;
10	AND FOR OTHER PURPOSES."
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13	C-1-4241
14	Subtitle
15	"AN ACT TO ALLOW GRANDPARENT VISITATION
16	RIGHTS FOR ILLEGITIMATE CHILDREN."
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19	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20	SECTION 1. Arkansas Code 9-13-103 is amended to read as follows:
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23	"9-13-103. Visitation rights of grandparents. (a)(1) Upon petition by a person properly before it, a chancery court
	of this state may grant grandparents and great-grandparents reasonable
	visitation rights with respect to their grandchild or grandchildren or great-
	grandchild or great -grandchildren at any time if:
27	(A) the marital relationship between the parents of the child has
	been severed by death, divorce, or legal separation; or
29	(B) the child is in the custody or under the guardianship of a
	person other than one (1) or both of his natural or adoptive parents; or
31	(C) the child is illegitimate and the person is a maternal
32	grandparent of the illegitimate child; or
33	(D) the child is illegitimate and the person is a paternal
34	grandparent of the illegitimate child, and paternity has been established by a
35	court of competent jurisdiction.
36	(2) The visitation rights may only be granted when the court
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1 determines that such an order would be in the best interest and welfare of the 2 minor. (3) An order denying visitation rights to grandparents and 4 great-grandparents shall be in writing and shall state the reasons for denial. 5 An order denying visitation rights is a final order for purposes of appeal. If the court denies the petition requesting grandparent visitation 7 rights and determines that the petition for grandparent visitation rights is 8 not well-founded, was filed with malicious intent or purpose, or is not in the 9 best interest and welfare of the child, the court may, upon motion of the 10 respondent, order the petitioner to pay reasonable attorney's fees and court 11 costs to the attorney of the respondent, after taking into consideration the 12 financial ability of the petitioner and the circumstances involved. 13 (c) The provisions of subsections (a) and (b) of this section shall 14 only be applicable in situations in which there is a severed marital 15 relationship between the parents of the natural or adoptive children by either 16 death, divorce, or legal separation or in which the child is in the custody or 17 under the guardianship of a person other than one (1) or both of his natural 18 or adoptive parents, or if the child is illegitimate." 19 20 SECTION 2. All provisions of this act of a general and permanent 21 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas 22 Code Revision Commission shall incorporate the same in the Code. 23 SECTION 3. If any provision of this act or the application thereof to 2.4 25 any person or circumstance is held invalid, such invalidity shall not affect 26 other provisions or applications of the act which can be given effect without 27 the invalid provision or application, and to this end the provisions of this 28 act are declared to be severable. 29 SECTION 4. All laws and parts of laws in conflict with this act are 30 31 hereby repealed. 32 33 /s/Rep. Thomas Baker

APPROVED: 4-11-95