

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Representative Mahony

HOUSE BILL 1006

"AN ACT TO AMEND THE FIRST PARAGRAPH OF SECTION 1 OF ACT 403 OF 1985 [FIRST PARAGRAPH OF ARKANSAS STATUTE 34-1211.2] TO CLARIFY THE PROVISIONS THEREOF REGARDING GRANDPARENTS' VISITATION RIGHTS; AND FOR OTHER PURPOSES."

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

SECTION 1. The first paragraph of Section 1 of Act 403 of 1985, the same being the first paragraph of Arkansas Statute 34-1211.2, is hereby amended to read as follows:

"Upon petition by a person properly before it, the chancery courts of this State may grant grandparents reasonable visitation rights with respect to their grandchild or grandchildren at any time if the marital relationship between the parents of the child has been severed by either death, divorce or legal separation. Such visitation rights may only be granted when the court determines that such an order would be in the best interests and welfare of the minor. An order denying visitation rights to grandparents shall be in writing and shall state the reasons for denial. An order denying visitation rights is a final order for purposes of appeal."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. Emergency. It is hereby found and determined by the General Assembly that Act 403 of 1985 was intended to apply only when the marital relationship between the parents a child has been severed by death, divorce or legal separation; that Act 403 contains language which may result in confusion regarding its applicability; that this Act eliminates that confusing language; and that this Act should be given immediate effect in order to

prevent a misinterpretation of the law to the detriment of children. Therefore, and emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

