

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative Baker

# A Bill

HOUSE BILL 1734

## For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 9-13-103 TO ALLOW  
GRANDPARENT VISITATION RIGHTS FOR ILLEGITIMATE CHILDREN;  
AND FOR OTHER PURPOSES."

## Subtitle

"AN ACT TO ALLOW GRANDPARENT VISITATION  
RIGHTS FOR ILLEGITIMATE CHILDREN."

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

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

"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:

(A) the marital relationship between the parents of the child has been severed by death, divorce, or legal separation; or

(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

(C) the child is illegitimate and the person is a maternal grandparent of the illegitimate child; or

(D) the child is illegitimate and the person is a paternal grandparent of the illegitimate child, and paternity has been established by a court of competent jurisdiction.

1           (2) The visitation rights may only be granted when the court  
2 determines that such an order would be in the best interest and welfare of  
3 the minor.

4           (3) An order denying visitation rights to grandparents and  
5 great-grandparents shall be in writing and shall state the reasons for  
6 denial. An order denying visitation rights is a final order for purposes of  
7 appeal.

8           (b) If the court denies the petition requesting grandparent visitation  
9 rights and determines that the petition for grandparent visitation rights is  
10 not well-founded, was filed with malicious intent or purpose, or is not in  
11 the best interest and welfare of the child, the court may, upon motion of the  
12 respondent, order the petitioner to pay reasonable attorney's fees and court  
13 costs to the attorney of the respondent, after taking into consideration the  
14 financial ability of the petitioner and the circumstances involved.

15           (c) The provisions of subsections (a) and (b) of this section shall  
16 only be applicable in situations in which there is a severed marital  
17 relationship between the parents of the natural or adoptive children by  
18 either death, divorce, or legal separation or in which the child is in the  
19 custody or under the guardianship of a person other than one (1) or both of  
20 his natural or adoptive parents, or if the child is illegitimate."  
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22           SECTION 2. All provisions of this act of a general and permanent  
23 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
24 Code Revision Commission shall incorporate the same in the Code.

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26           SECTION 3. If any provision of this act or the application thereof to  
27 any person or circumstance is held invalid, such invalidity shall not affect  
28 other provisions or applications of the act which can be given effect without  
29 the invalid provision or application, and to this end the provisions of this  
30 act are declared to be severable.

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

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*/s/Rep. Thomas Baker*

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