

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1839

4 By: Representatives J. Smith, McKissack, Owens, Schexnayder and Bennett

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7 For An Act To Be Entitled

8 "AN ACT AMENDING ARKANSAS CODE ANNOTATED § 9-13-103 TO
9 AUTHORIZE REASONABLE VISITATION RIGHTS FOR GRANDPARENTS
10 WHEN THE CHANCERY COURT FINDS VISITATION IS IN THE BEST
11 INTERESTS OF THE GRANDCHILDREN; AND FOR OTHER PURPOSES."

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13 Subtitle

14 "TO AMEND ARK. CODE § 9-13-103 TO
15 AUTHORIZE REASONABLE VISITATION RIGHTS
16 FOR GRANDPARENTS."

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

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20 SECTION 1. Arkansas Code Annotated § 9-13-103 is hereby amended to
21 read as follows:

22 "9-13-103. Visitation rights of grandparents.

23 (a)(1) Upon petition by a person properly before it, a chancery court
24 of this state may grant grandparents and great-grandparents reasonable
25 visitation rights with respect to their grandchild or grandchildren or
26 great-grandchild or great-grandchildren.

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

30 (3) An order denying visitation rights to grandparents and
31 great-grandparents shall be in writing and shall state the reasons for
32 denial. An order denying visitation rights is a final order for purposes of
33 appeal.

34 (b) If the court denies the petition requesting grandparent visitation
35 rights and determines that the petition for grandparent visitation rights is

1 not well-founded, was filed with malicious intent or purpose, or is not in
2 the best interest and welfare of the child, the court may, upon motion of the
3 respondent, order the petitioner to pay reasonable attorney's fees and court
4 costs to the attorney of the respondent, after taking into consideration the
5 financial ability of the petitioner and the circumstances involved."

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7 SECTION 2. All provisions of this act of a general and permanent
8 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
9 Code Revision Commission shall incorporate the same in the Code.

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

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

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/s/Rep. J. Smith, et al

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As Engrossed: 3/6/95

HB 1839

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