

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

SENATE BILL 267

4  
5 By: Senator T. Smith  
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## For An Act To Be Entitled

8  
9 AN ACT TO AMEND ARKANSAS CODE 9-13-103 TO MAKE IT  
10 CONSISTENT WITH THE U. S. SUPREME COURT DECISION  
11 IN TROXEL V. GRANVILLE; AND FOR OTHER PURPOSES.  
12

## Subtitle

13  
14 AN ACT TO AMEND ARKANSAS CODE 9-13-103  
15 TO MAKE IT CONSISTENT WITH THE U. S.  
16 SUPREME COURT DECISION IN TROXEL V.  
17 GRANVILLE.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

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

23 9-13-103. Visitation rights of grandparents.

24 (a)(1) Upon petition by ~~a person~~ the grandparent or great-grandparent  
25 of a minor child properly before it, a circuit court of this state may grant  
26 grandparents and great-grandparents reasonable visitation rights with respect  
27 to their grandchild or grandchildren or great-grandchild or great-  
28 grandchildren ~~at any time~~ if:

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

31 (B) The child is in the custody or under the guardianship  
32 of a person other than one (1) or both of his natural or adoptive parents; or

33 (C) The child is illegitimate, and the person is a  
34 maternal grandparent of the illegitimate child; ~~or~~

35 (D) The child is illegitimate, and the person is a  
36 paternal grandparent of the illegitimate child, and paternity has been



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1 established by a court of competent jurisdiction; ~~or~~

2 (E) The parents or custodian of the child have denied or  
3 prevented the grandparent or great-grandparent from visiting with the child.

4 (2)(A) After giving due consideration and weight to the wishes  
5 of the child's parents, The visitation rights may only be granted to the  
6 grandparents or great-grandparents over the objections of the child's parents  
7 when the court determines that ~~such~~ an order of visitation would:

8 (B) be Be in the best interest and welfare of the ~~minor~~  
9 child;

10 (C) Be justified by compelling reasons and special  
11 factors;

12 (D) Not cause harm to the child; and

13 (E) Not interfere with the parent-child relationship.

14 ~~(3)(A) An order denying visitation rights to grandparents and~~  
15 ~~great-grandparents shall be in writing and shall state the reasons for~~  
16 ~~denial.~~

17 ~~(B) An order denying visitation rights is a final order~~  
18 ~~for purposes of appeal.~~

19 (b) If the court denies the petition requesting grandparent or great-  
20 grandparent visitation rights and determines that the petition for  
21 grandparent or great-grandparent visitation rights is not well-founded, was  
22 filed with malicious intent or purpose, ~~or~~ and that granting grandparent or  
23 great-grandparent visitation rights is not in the best interest and welfare  
24 of the child, would cause harm to the child, or would interfere with the  
25 parent-child relationship, the court may, upon motion of the respondent,  
26 order the petitioner to pay reasonable attorney's fees and court costs to the  
27 attorney of the respondent, after taking into consideration the financial  
28 ability of the petitioner and the circumstances involved.

29 ~~(c) The provisions of subsections (a) and (b) of this section shall~~  
30 ~~only be applicable in situations:~~

31 ~~(1) In which there is a severed marital relationship between the~~  
32 ~~parents of the natural or adoptive children by either death, divorce, or~~  
33 ~~legal separation; or~~

34 ~~(2) In which the child is in the custody or under the~~  
35 ~~guardianship of a person other than one (1) or both of his natural or~~  
36 ~~adoptive parents; or~~

~~(3) If the child is illegitimate.~~

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