

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 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H2/12/09

# A Bill

HOUSE BILL 1008

5 By: Representative R. Green  
6  
7

## For An Act To Be Entitled

9 AN ACT ALLOWING GRANDPARENTS AND GREAT-  
10 GRANDPARENTS VISITATION TO OCCUR WITHOUT REGARD  
11 TO WHICH PARENT HAS PHYSICAL CUSTODY OF THE  
12 CHILD; AND FOR OTHER PURPOSES.  
13

### Subtitle

14 ALLOWING GRANDPARENTS AND GREAT-  
15 GRANDPARENTS VISITATION TO OCCUR WITHOUT  
16 REGARD TO WHICH PARENT HAS PHYSICAL  
17 CUSTODY OF THE CHILD.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 9-13-103(f), concerning grandparents  
24 visitation rights, is amended to read as follows:

25 (f)(1) An order granting or denying visitation rights to grandparents  
26 and great-grandparents shall be in writing and shall state any and all  
27 factors considered by the court in its decision to grant or deny visitation  
28 under this section.

29 (2)(A) If the court grants visitation to the petitioner or  
30 petitioners, the visits may occur without regard to which parent has physical  
31 custody of the child.

32 (B) Visits with a paternal grandparent or great-  
33 grandparent may occur even when the child is in the custody of the mother,  
34 and visits with a maternal grandparent or great-grandparent may occur even  
35 when the child is in the custody of the father.

36 ~~(2)(A)~~(3)(A) If the court grants visitation to the petitioner



1 under this section, then the visitation shall be exercised in a manner  
2 consistent with all orders regarding custody of or visitation with the child  
3 unless the court makes a specific finding otherwise.

4 (B) If the court finds that the petitioner's visitation  
5 should be restricted or limited in any way, then the court shall include the  
6 restrictions or limitations in the order granting visitation.

7 ~~(3)~~(4) An order granting or denying visitation rights under this  
8 section is a final order for purposes of appeal.

9 ~~(4)~~(5) After an order granting or denying visitation has been  
10 entered under this section, the custodian or petitioner may petition the  
11 court for the following:

12 (A) Contempt proceedings if one (1) party to the order  
13 fails to comply with the order;

14 (B) To address the issue of visitation based on a change  
15 in circumstances; or

16 (C) To address the need to add or modify restrictions or  
17 limitations to visitation previously awarded under this section.

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/s/ R. Green