

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

*As Engrossed: H3/2/17*

# A Bill

HOUSE BILL 1568

5 By: Representative Rushing  
6

## For An Act To Be Entitled

8 AN ACT TO GRANT VISITATION RIGHTS TO GRANDPARENTS  
9 WHEN A PARENT OF A CHILD IS DECEASED, MISSING, OR IN  
10 A PERMANENT VEGETATIVE STATE; AND FOR OTHER PURPOSES.  
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## Subtitle

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14 TO GRANT VISITATION RIGHTS TO  
15 GRANDPARENTS WHEN A PARENT OF A CHILD IS  
16 DECEASED, MISSING, OR IN A PERMANENT  
17 VEGETATIVE STATE.  
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19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 9-13-103(b)(1), concerning visitation  
23 rights of grandparents when the child is in the custody of a parent, is  
24 amended to read as follows:

25 (1) The marital relationship between the parents of the child  
26 has been severed by ~~death,~~ divorce, or legal separation;  
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28 SECTION 2. Arkansas Code Title 9, Chapter 13, Subchapter 1, is amended  
29 to add an additional section to read as follows:

30 9-13-111. Visitation rights of grandparents when a parent of the child  
31 is deceased, missing, or in a permanent vegetative state – Definitions.

32 (a) For purposes of this section:

33 (1) “Child” means a minor under eighteen (18) years of age who  
34 is the:

35 (A) Grandchild of the petitioner; or

36 (B) Great-grandchild of the petitioner;



1           (2)(A) "Emotional abuse" means subjecting or exposing a child to  
2 behavior that may result in psychological trauma, including anxiety, chronic  
3 depression, or post-traumatic stress disorder.

4           (B) "Emotional abuse" includes confinement, isolation,  
5 verbal assault , humiliation, or intimidation that may diminish the sense of  
6 a child's identity;

7           (3) "Emotional neglect" means the failure to provide adequate  
8 nurturing and affection to a child or the exposure of the child to chronic or  
9 extreme domestic violence;

10           (4) "Petitioner" means the parent or grandparent of a deceased  
11 parent of a child; and

12           (5) "Reasonable visitation" means a period of time that  
13 comfortable or agreeable to all parties involved in the proceeding and that  
14 is no less than one (1) week during a year and no more than four (4) weeks  
15 during a year.

16           (b) A great-grandparent or grandparent of a child whose parents  
17 are deceased, missing, or in a permanent vegetative state, or whose one (1)  
18 parent is deceased, missing, or in a permanent vegetative state may petition  
19 the court for reasonable visitation with the grandchild upon a finding that  
20 the visitation would be in the best interest of the child.

21           (c) To establish that visitation with the petitioner is in the best  
22 interest of the child, the petitioner shall prove by a preponderance of the  
23 evidence that:

24           (1) The petitioner has the capacity to give the child love,  
25 affection, emotional support, and guidance;

26           (2) The loss of the relationship between the petitioner and the  
27 child is likely to harm or emotionally distress the child, or that the loss  
28 of the relationship would result in emotional abuse or emotional neglect to  
29 the child; and

30           (3) The petitioner is willing to cooperate with the custodian of  
31 the child if visitation with the child is allowed.

32           (d) An order granting or denying visitation to a petitioner under this  
33 section shall be in writing and shall state all factors considered by the  
34 court in its decision to grant or deny visitation.

35           (e) The court may require the petitioner to pay attorney's fees of the  
36 other party if the court determines the case to be without merit.

