

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

As Engrossed: H3/2/17 H3/7/17
A Bill

HOUSE BILL 1568

5 By: Representative Rushing
6 *By: Senator Irvin*
7

For An Act To Be Entitled

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

15 TO GRANT VISITATION RIGHTS TO
16 GRANDPARENTS WHEN A PARENT OF A CHILD IS
17 DECEASED, MISSING, OR IN A PERMANENT
18 VEGETATIVE STATE.
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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(b)(1), concerning visitation
24 rights of grandparents when the child is in the custody of a parent, is
25 amended to read as follows:

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

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

33 (a) For purposes of this section:

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

36 (A) Grandchild of the petitioner; or



1 (B) Great-grandchild of the petitioner;

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

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

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

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

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

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

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

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

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

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

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

36 (e) The court may require the petitioner to pay attorney's fees of the

1 other party if the court determines the case to be without merit.
2 (f) This section does not apply to dependency-neglect proceedings
3 conducted under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.
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5 /s/Rushing
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