

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

As Engrossed: H3/14/17

A Bill

HOUSE BILL 2058

5 By: Representative Hammer
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING ADOPTION, CHILD
9 PLACEMENT AND CUSTODY, AND THE RIGHTS OF
10 GRANDPARENTS; AND FOR OTHER PURPOSES.
11

Subtitle

14 TO AMEND THE LAW CONCERNING ADOPTION,
15 CHILD PLACEMENT AND CUSTODY, AND THE
16 RIGHTS OF GRANDPARENTS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code Title 9, Chapter 13, Subchapter 1, is amended*
22 *to add an additional section to read as follows:*

23 *9-13-111. Custody rights of grandparents – Definitions.*

24 *(a) For purposes of this section:*

25 *(1) "Child" means the same as defined under § 9-13-107; and*

26 *(2) "Petitioner" means an individual who may petition for*
27 *custody of a child under this section.*

28 *(b)(1) A grandparent or great-grandparent may petition a court for*
29 *change of custody of a child whose parents have deserted the child without*
30 *affording means of identification or have abandoned the child if before the*
31 *date on which the petition is filed the:*

32 *(A) Child has not been placed in the custody of the*
33 *Department of Human Services; and*

34 *(B) Department has not received a report concerning the*
35 *desertion or abandonment of the child by the child's parents.*

36 *(2)(A) A court may grant a petition for change of custody of a*



1 child under this section if it is in the best interest of the child.

2 (B) The court shall not deny a petition for change of
3 custody of a child under this section based solely on the department's
4 receipt of a report concerning the desertion or abandonment of the child by
5 the child's parents or the child being placed in the custody of the
6 department after the petition is filed.

7 (3)(A) A petition for change of custody of a child under this
8 section shall be served on the parents or the respective attorneys of the
9 parents of the child who is the subject of the petition.

10 (B) A parent who is served with a petition for change of
11 custody of a child under this section may file an objection to the petition.

12 (c) A petitioner's home is not required to be approved as a regular
13 foster home or provisional foster home of the department before a petition
14 for change of custody of a child under this section may be granted by the
15 court.

16 (d)(1) The court may order a criminal records check through the
17 Arkansas Crime Information Center, including a check of the sex offender
18 registry under the Sex Offender Registration Act of 1997, 12-12-901 et seq.,
19 and a child maltreatment check of a petitioner.

20 (2) The petitioner shall be responsible for paying all costs
21 associated with the criminal records check and the child maltreatment check.

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23 /s/Hammer
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