

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

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

HOUSE BILL 1568

By: Representative Rushing

By: Senator Irvin

For An Act To Be Entitled

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

Subtitle

TO GRANT VISITATION RIGHTS TO
GRANDPARENTS WHEN A PARENT OF A CHILD IS
DECEASED, MISSING, OR IN A PERMANENT
VEGETATIVE STATE.

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

SECTION 1. Arkansas Code § 9-13-103(b)(1), concerning visitation rights of grandparents when the child is in the custody of a parent, is amended to read as follows:

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

SECTION 2. Arkansas Code Title 9, Chapter 13, Subchapter 1, is amended to add an additional section to read as follows:

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

(a) For purposes of this section:

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

(A) Grandchild of the petitioner; or



(B) Great-grandchild of the petitioner;

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

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

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

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

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

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

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

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

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

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

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

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

other party if the court determines the case to be without merit.

(f) This section does not apply to dependency-neglect proceedings conducted under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

/s/Rushing