

By: Representative Evans (91st)

To: Judiciary A

HOUSE BILL NO. 1061

1 AN ACT TO AMEND SECTION 93-16-3, MISSISSIPPI CODE OF 1972, TO  
2 EXPAND THE AVAILABILITY OF GRANDPARENTS' VISITATION RIGHTS; AND  
3 FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 93-16-3, Mississippi Code of 1972, is  
6 amended as follows:

7 93-16-3. (1) Whenever a court of this state enters a decree  
8 or order awarding custody of a minor child to one (1) of the  
9 parents of the child or terminating the parental rights of one (1)  
10 of the parents of a minor child, or whenever one (1) of the  
11 parents of a minor child dies, or whenever the court determines  
12 that it would be in the best interest of the child, either parent  
13 of the child's parents may petition the court in which the decree  
14 or order was rendered or, in the case of the death of a parent,  
15 petition the chancery court in the county in which the child  
16 resides, and seek visitation rights with the child.

17 (2) Any grandparent who is not authorized to petition for  
18 visitation rights pursuant to subsection (1) of this section may



19 petition the chancery court and seek visitation rights with his or  
20 her grandchild, and the court may grant visitation rights to the  
21 grandparent, provided the court finds:

22           (a) That the grandparent of the child had established a  
23 viable relationship with the child and the parent or custodian of  
24 the child unreasonably denied the grandparent visitation rights  
25 with the child; and

26           (b) That visitation rights of the grandparent with the  
27 child would be in the best interests of the child.

28           (3) For purposes of subsection (2) of this section, the term  
29 "viable relationship" means a relationship in which the  
30 grandparents or either of them have voluntarily and in good faith  
31 supported the child financially in whole or in part for a period  
32 of not less than six (6) months before filing any petition for  
33 visitation rights with the child, the grandparents have had  
34 frequent visitation including occasional overnight visitation with  
35 said child for a period of not less than one (1) year, or the  
36 child has been cared for by the grandparents or either of them  
37 over a significant period of time during the time the parent has  
38 been in jail or on military duty that necessitates the absence of  
39 the parent from the home.

40           (4) Any petition for visitation rights under subsection (2)  
41 of this section shall be filed in the county where an order of  
42 custody as to the child has previously been entered. If no  
43 custody order has been entered, then the grandparents' petition



44 shall be filed in the county where the child resides or may be  
45 found. The court shall on motion of the parent or parents direct  
46 the grandparents to pay reasonable attorney's fees to the parent  
47 or parents in advance and prior to any hearing, except in cases in  
48 which the court finds that no financial hardship will be imposed  
49 upon the parents. The court may also direct the grandparents to  
50 pay reasonable attorney's fees to the parent or parents of the  
51 child and court costs regardless of the outcome of the petition.

52 **SECTION 2.** This act shall take effect and be in force from  
53 and after July 1, 2014.

