

By: Representative DeBar

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 707

1 AN ACT TO AMEND SECTIONS 93-16-1, 93-16-3, 93-16-5 AND
2 93-16-7, MISSISSIPPI CODE OF 1972, TO INCLUDE GREAT-GRANDPARENTS
3 IN THE GRANDPARENTS' VISITATION RIGHTS LAW; AND FOR RELATED
4 PURPOSES.

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

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

8 93-16-1. Any court of this state which is competent to
9 decide child custody matters shall have jurisdiction to grant
10 visitation rights with a minor child or children to the
11 grandparents or great-grandparents of such minor child or children
12 as provided in this chapter.

13 **SECTION 2.** Section 93-16-3, Mississippi Code of 1972, is
14 amended as follows:

15 93-16-3. (1) Whenever a court of this state enters a decree
16 or order awarding custody of a minor child to one (1) of the
17 parents of the child or terminating the parental rights of one (1)
18 of the parents of a minor child, or whenever one (1) of the
19 parents of a minor child dies, either parent of the child's



20 parents may petition the court in which the decree or order was
21 rendered or, in the case of the death of a parent, petition the
22 chancery court in the county in which the child resides, and seek
23 visitation rights with the child.

24 (2) * * * Grandparents or great-grandparents who * * * are
25 not authorized to petition for visitation rights pursuant to
26 subsection (1) of this section may petition the chancery court and
27 seek visitation rights with his or her grandchild or
28 great-grandchild, and the court may grant visitation rights to the
29 grandparent or great-grandparent, provided the court finds:

30 (a) That the grandparent or great-grandparent of the
31 child had established a viable relationship with the child and the
32 parent or custodian of the child unreasonably denied the
33 grandparent or great-grandparent visitation rights with the child;
34 and

35 (b) That visitation rights of the grandparent or
36 great-grandparent with the child would be in the best interests of
37 the child.

38 (3) For purposes of subsection (2) of this section, the term
39 "viable relationship" means a relationship in which the
40 grandparents or either of them or the great-grandparents have
41 voluntarily and in good faith supported the child financially in
42 whole or in part for a period of not less than six (6) months
43 before filing any petition for visitation rights with the child,
44 the grandparents or great-grandparents have had frequent



45 visitation including occasional overnight visitation with said
46 child for a period of not less than one (1) year, or the child has
47 been cared for by the grandparents or either of them or the
48 great-grandparents over a significant period of time during the
49 time the parent has been in jail or on military duty that
50 necessitates the absence of the parent from the home.

51 (4) Any petition for visitation rights under subsection (2)
52 of this section shall be filed in the county where an order of
53 custody as to the child has previously been entered. If no
54 custody order has been entered, then the grandparents' or
55 great-grandparents' petition shall be filed in the county where
56 the child resides or may be found. * * * In the event any
57 petition authorized herein is denied, in whole or in part, the
58 court may * * * order the * * * petitioners to pay reasonable
59 attorney's fees to the parent or parents of the child and court
60 costs * * *.

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

63 93-16-5. All persons required to be made parties in child
64 custody proceedings or proceedings for the termination of parental
65 rights shall be made parties to any proceeding in which a
66 grandparent or great-grandparent of a minor child or children
67 seeks to obtain visitation rights with such minor child or
68 children; and the court may, in its discretion, if it finds that
69 such visitation rights would be in the best interest of the child,



70 grant to a grandparent or great-grandparent reasonable visitation
71 rights with the child. Whenever visitation rights are granted to
72 a grandparent or great-grandparent, the court may issue such
73 orders as shall be necessary to enforce such rights and may modify
74 or terminate such visitation rights for cause at any time.

75 **SECTION 4.** Section 93-16-7, Mississippi Code of 1972,
76 is amended as follows:

77 93-16-7. This chapter shall not apply to the granting of
78 visitation rights to the natural grandparents or
79 great-grandparents of any child who has been adopted by order or
80 decree of any court unless: (a) one (1) of the legal parents of
81 such child is also a natural parent of such child; or (b) one (1)
82 of the legal parents of such child was related to the child by
83 blood or marriage prior to the adoption. This chapter shall apply
84 to persons who become grandparents or great-grandparents of a
85 child by virtue of adoption.

86 **SECTION 5.** This act shall take effect and be in force from
87 and after July 1, 2015.

