

By: Representative Hale

To: Judiciary A

HOUSE BILL NO. 930

1 AN ACT TO AMEND SECTION 93-16-3, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE GRANDPARENT VISITATION FOR THOSE GRANDPARENTS WHO HAD
3 EXPRESS AUTHORIZATION TO ATTEND A CHILD'S SCHOOL OR
4 EXTRACURRICULAR ACTIVITIES AND THE PARENT OR CUSTODIAN OF THE
5 CHILD UNREASONABLY WITHHELD THE GRANDPARENT VISITATION; AND FOR
6 RELATED PURPOSES.

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

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

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

19 (2) (a) Any grandparent who is not authorized to petition
20 for visitation rights pursuant to subsection (1) of this section



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

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

28 * * * (ii) That visitation rights of the
29 grandparent with the child would be in the best interests of the
30 child.

31 (b) Any grandparent who is not authorized to petition
32 for visitation rights pursuant to subsection (1) of this section
33 may petition the chancery court and seek visitation rights with
34 his or her grandchild, and the court shall grant visitation rights
35 to the grandparent, provided the court finds:

36 (i) That the parent or custodian of the child had
37 previously given the grandparent of the child express visitation
38 rights at the child's school or extracurricular activities and the
39 parent or custodian of the child unreasonably denied the
40 grandparent visitation rights with the child; and

41 (ii) That visitation rights of the grandparent
42 with the child would be in the best interests of the child.

43 (3) For purposes of subsection (2) of this section, the term
44 "viable relationship" means a relationship in which the
45 grandparents or either of them have voluntarily and in good faith



46 supported the child financially in whole or in part for a period
47 of not less than six (6) months before filing any petition for
48 visitation rights with the child, the grandparents have had
49 frequent visitation including occasional overnight visitation with
50 said child for a period of not less than one (1) year, or the
51 child has been cared for by the grandparents or either of them
52 over a significant period of time during the time the parent has
53 been in jail or on military duty that necessitates the absence of
54 the parent from the home.

55 (4) Any petition for visitation rights under subsection (2)
56 of this section shall be filed in the county where an order of
57 custody as to the child has previously been entered. If no
58 custody order has been entered, then the grandparents' petition
59 shall be filed in the county where the child resides or may be
60 found. The court shall on motion of the parent or parents direct
61 the grandparents to pay reasonable attorney's fees to the parent
62 or parents in advance and prior to any hearing, except in cases in
63 which the court finds that no financial hardship will be imposed
64 upon the parents. The court may also direct the grandparents to
65 pay reasonable attorney's fees to the parent or parents of the
66 child and court costs regardless of the outcome of the petition.

67 **SECTION 2.** This act shall take effect and be in force from
68 and after July 1, 2018.

