

By: Representative Henley

To: Judiciary A

HOUSE BILL NO. 1031

1 AN ACT TO AMEND SECTION 93-16-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE REQUIREMENTS FOR GRANDPARENT VISITATION PETITIONS; 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, either parent of the child's
12 parents may petition the court in which the decree or order was
13 rendered or, in the case of the death of a parent, petition the
14 chancery court in the county in which the child resides, and seek
15 visitation rights with the child.

16 (2) Any grandparent who is not authorized to petition for
17 visitation rights pursuant to subsection (1) of this section may
18 petition the chancery court and seek visitation rights with his or



19 her grandchild, and the court may grant visitation rights to the
20 grandparent, provided the court finds:

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

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

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

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



44 found. * * * The court may, in its discretion, consider an award
45 of attorney's fees to the prevailing party.

46 **SECTION 2.** This act shall take effect and be in force from
47 and after July 1, 2019.

