

House Bill 1094

By: Representative Sholar of the 179<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 19-7-3 of the Official Code of Georgia Annotated, relating to  
2 original actions for visitation rights or intervention by grandparents, the revocation or  
3 amendment of visitation rights, the appointment of a guardian ad litem, mediation, and a  
4 hearing, so as to provide a period for filing a petition for visitation by a grandparent; to  
5 provide for the payment of costs and an attorney's fee; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 19-7-3 of the Official Code of Georgia Annotated, relating to original actions  
10 for visitation rights or intervention by grandparents, the revocation or amendment of  
11 visitation rights, the appointment of a guardian ad litem, mediation, and a hearing, is  
12 amended by striking in its entirety subsection (c) and inserting in lieu thereof the following:  
13 "(c) Upon the filing of an original action or upon intervention in an existing proceeding  
14 under subsection (b) of this Code section, the court may grant any grandparent of the child  
15 reasonable visitation rights if the court finds the health or welfare of the child would be  
16 harmed unless such visitation is granted, and if the best interests of the child would be  
17 served by such visitation. The court shall make specific written findings of fact in support  
18 of its rulings. There shall be no presumption in favor of visitation by any grandparent. An  
19 original action requesting visitation rights shall not be filed by any grandparent more than  
20 ~~once during any two-year period~~ two years after the denial of visitation by the legal  
21 custodian, guardian of the person, or parent of the child and shall not be filed during any  
22 year in which another custody action has been filed concerning the child. After visitation  
23 rights have been granted to any grandparent, the legal custodian, guardian of the person,  
24 or parent of the child may petition the court for revocation or amendment of such visitation  
25 rights, for good cause shown, which the court, in its discretion, may grant or deny; but such  
26 a petition shall not be filed more than once in any two-year period. Upon a finding by the

1 court that an action filed under this Code section is without merit or demonstrates no new  
2 basis other than that cited in a previous filing, the nonprevailing party shall pay the costs  
3 and a reasonable attorney's fee to the prevailing party."

4 **SECTION 2.**

5 All laws and parts of laws in conflict with this Act are repealed.