

House Bill 1412

By: Representatives Stokes of the 92nd, Parham of the 122nd, Keen of the 174th, Byrd of the 170th and Jamieson of the 22nd

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 6 of Title 19 of the Official Code of Georgia Annotated, relating to
2 alimony and child support generally, so as to create a duty to provide child support for a
3 mentally or physically disabled child beyond the age of majority; to provide for modification
4 of postmajority child support; to provide that a child's eligibility to receive public benefits
5 shall not be impacted by an award of postmajority child support; to provide for related
6 matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Chapter 6 of Title 19 of the Official Code of Georgia Annotated, relating to alimony and
10 child support generally, is amended by adding a new subsection (g) to Code Section 19-6-15,
11 relating to child support in final verdict or decree, computation of award, guidelines for
12 determining amount of award, continuation of duty to provide support, and duration of
13 support, to read as follows:

14 "(g) Notwithstanding the provisions of subsection (e) of this Code section, the trier of fact
15 at its discretion may find that a duty exists to provide child support for a mentally or
16 physically disabled child who has attained the age of majority but lacks the ability to
17 otherwise support himself or herself independently, based upon the financial ability of the
18 parties to provide support and based upon the financial resources and public benefits and
19 assistance available to the child; provided, however, that the obligation for postmajority
20 child support shall be modified for either party if the trier of fact determines, in the exercise
21 of its sound discretion, that (1) there has been a substantial change in the income, financial
22 condition, or income and financial condition of either parent, the child, or both and (2)
23 there has been a substantial change in the child's ability to provide support for himself or
24 herself or there has been a substantial change in the child's ability to provide support for
25 himself or herself. The child support provided pursuant to this subsection shall be in
26 addition to and not in lieu of the benefits or assistance a child may receive from a source

1 other than his or her parents. No duty created pursuant to this subsection nor any other
2 provisions of this subsection shall impact the eligibility of a child awarded postmajority
3 child support to receive the maximum benefits provided by any federal, state, local, and
4 other governmental and public agencies. The provisions of this subsection shall be
5 applicable only to a final decree of divorce entered on or after July 1, 2002."

6 **SECTION 2.**

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