

Senate Bill 184

By: Senators Harp of the 16th and Harbison of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 19-9-6 of the Official Code of Georgia Annotated, relating to
2 definitions, so as to include the terms legal custody and physical custody; to provide for
3 related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Code Section 19-9-6 of the Official Code of Georgia Annotated, relating to definitions, is
7 amended by striking said Code section in its entirety and inserting in lieu thereof the
8 following:

9 "19-9-6.

10 As used in this article, the term:

11 (1) 'Joint custody' means joint legal custody, joint physical custody, or both joint legal
12 custody and joint physical custody. In making an order for joint custody, the court may
13 order joint legal custody without ordering joint physical custody.

14 (2) 'Joint legal custody' means both parents have equal rights and responsibilities for
15 major decisions concerning the child, including the child's education, health care, and
16 religious training; provided, however, that the court may designate one parent to have
17 sole power to make certain decisions while both parents retain equal rights and
18 responsibilities for other decisions.

19 (3) 'Joint physical custody' means that physical custody is shared by the parents in such
20 a way as to assure the child of substantially equal time and contact with both parents.

21 (4) 'Legal custody' means responsibility for major decisions concerning the child,
22 including but not limited to, the child's education, discipline, health care, and religious
23 training.

24 (5) 'Physical custody' means actual possession and control of the child.

25 ~~(4)~~(6) 'Sole custody' means a person, including, but not limited to, a parent, has been
26 awarded permanent custody of a child by a court order. Unless otherwise provided by

1 court order, the person awarded sole custody of a child shall have the rights and
2 responsibilities for major decisions concerning the child, including the child's education,
3 health care, and religious training, and the noncustodial parent shall have the right to
4 visitation. A person who has not been awarded custody of a child by court order shall not
5 be considered as the sole legal custodian while exercising visitation rights."

6 **SECTION 2.**

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