

House Bill 800

By: Representative Harbin of the 113<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 19-9-3 of the Official Code of Georgia Annotated, relating to  
2 discretion of court in custody disputes, so as to provide additional factors for consideration  
3 by the court in determining child custody; 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 19-9-3 of the Official Code of Georgia Annotated, relating to discretion of  
7 court in custody disputes, is amended by striking paragraph (2) of subsection (a) in its  
8 entirety and inserting in lieu thereof a new paragraph (2) to read as follows:

9 "(2) The court hearing the issue of custody, in exercise of its sound discretion, may take  
10 into consideration all the circumstances of the case, including the improvement of the  
11 health of the party seeking a change in custody provisions, in determining to whom  
12 custody of the child or children should be awarded. Additionally, the court shall consider  
13 each parent's past and potential for future performance of parenting responsibilities,  
14 including the willingness and ability of each of the parents to facilitate and encourage a  
15 frequent, close, and continuing parent-child relationship between the child and the other  
16 parent, consistent with the best interest of the child. The duty of the court in all such  
17 cases shall be to exercise its discretion to look to and determine solely what is for the best  
18 interest of the child or children and what will best promote their welfare and happiness  
19 and to make its award accordingly."

20 style="text-align:center">**SECTION 2.**

21 All laws and parts of laws in conflict with this Act are repealed.