

House Bill 273

By: Representatives Skipper of the 116th, Oliver of the 56th, Post 2 and Bordeaux of the 125th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia
2 Annotated, relating to jurisdiction and venue of juvenile courts, so as to change certain
3 provisions relating to jurisdiction of juvenile courts; to change certain provisions relating to
4 appointment of guardians and transfer of custody and support questions from superior courts;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 3 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
9 relating to jurisdiction and venue of juvenile courts, is amended by striking subsection (c)
10 of Code Section 15-11-28, relating to jurisdiction of juvenile courts, and inserting in lieu
11 thereof the following:

12 *"(c) ~~Concurrent custody~~ Custody and support jurisdiction.*

13 (1) Where custody is the subject of controversy, except in those cases where the law
14 gives the superior courts exclusive jurisdiction, in the consideration of these cases the
15 juvenile court shall have concurrent jurisdiction to hear and determine the issue of
16 custody and support when the issue is transferred by proper order of the superior court.

17 (2)(A) In any case where a child is alleged to be a deprived child as defined in
18 paragraph (8) of Code Section 15-11-2, the juvenile court upon a finding of deprivation
19 shall have jurisdiction to order temporary child support for such child to be paid by that
20 person or those persons determined to be legally obligated to support such child.
21 Where there is an existing order of a superior court or other court of competent
22 jurisdiction setting child support for the child, the juvenile court may order the child
23 support obligor in the existing order to make such payments to the caretaker of the child
24 on a temporary basis but shall not otherwise modify the terms of the existing order. A
25 copy of the juvenile court's order shall be filed in the clerk's office of the court that
26 entered the existing order. The juvenile court shall have jurisdiction to order temporary

1 child support for the child to be paid by any other person determined to be legally
 2 obligated to support such child. In determining such temporary child support, the
 3 juvenile court shall apply the child support guidelines provided in Code Section
 4 19-6-15.

5 (B) Temporary child support orders entered pursuant to subparagraph (A) of this
 6 paragraph shall be enforceable by the juvenile court through the contempt powers of
 7 the juvenile court as provided in Code Section 15-11-5 so long as the juvenile court is
 8 entitled to exercise jurisdiction over the deprivation case."

9 SECTION 2.

10 Said part is further amended by striking subsection (b) of Code Section 15-11-30.1, relating
 11 to appointment of guardians and transfer of custody and support questions from superior
 12 courts, and inserting in lieu thereof the following:

13 "~~(b) Courts of record~~ Other courts, in handling divorce, alimony, ~~or habeas corpus,~~ or other
 14 cases involving the custody of a child or children, may transfer the question of the
 15 determination of custody, support, or custody and support to the juvenile court for
 16 investigation and a report back to the superior court or for investigation and determination.
 17 If the referral is for investigation and determination, then the juvenile court shall proceed
 18 to handle the matter in the same manner as though the action originated under this article
 19 in compliance with the order of the superior court. At any time prior to the determination
 20 of any such question, the juvenile court may transfer the jurisdiction of the question back
 21 to the referring superior court."

22 SECTION 3.

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