

Senate Bill 80

By: Senators Clay of the 37th, Tanksley of the 32nd, Smith of the 52nd and Harp of the 16th

**AS PASSED SENATE**

## 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 court proceedings, so as to provide  
 3 juvenile court jurisdiction to order temporary child support for a deprived child; to provide  
 4 for matters related to payment of child support and custody; to provide for related matters;  
 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 court proceedings, is amended by striking  
 10 subsection (c) of Code Section 15-11-28, relating to jurisdiction of juvenile court, and  
 11 inserting in lieu thereof the following:

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

1 juvenile court shall have jurisdiction to order temporary child support for the child to  
 2 be paid by any other person determined to be legally obligated to support the child. In  
 3 determining the amount of the temporary child support, the juvenile court shall apply  
 4 the child support guidelines as set forth in Code Section 19-6-15.

5 (B) Temporary child support orders which are issued pursuant to subparagraph (A) of  
 6 this paragraph shall be enforceable by the juvenile court through the contempt powers  
 7 of the juvenile court, as provided in Code Section 15-11-5, for the period of time that  
 8 the juvenile court is 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 guardian and transfer of custody and child support questions from superior  
 12 court, and inserting in lieu thereof the following:

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

## 22 SECTION 3.

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