

House Bill 884

By: Representatives Dukes of the 136th and Fludd of the 48th, Post 4

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated,
2 relating to the parent and child relationship in general, so as to change provisions relating to
3 grandparents' visitation rights; to specify the circumstances under which an original action
4 or intervention may be filed for such visitation rights; to specify the standard under which
5 such rights may be awarded; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to the
10 parent and child relationship in general, is amended by striking Code Section 19-7-3, relating
11 to grandparents' visitation, and inserting in its place a new Code section to read as follows:
12 "19-7-3.

13 (a) As used in this Code section, the term 'grandparent' means the parent of a parent of a
14 minor child, the parent of a minor child's parent who has died, and the parent of a minor
15 child's parent whose parental rights have been terminated.

16 (b) ~~Except as otherwise provided in this subsection, any~~ Any grandparent shall have the
17 right to ~~file~~:

18 (1) File an original action for visitation rights to a minor child; ~~or to intervene~~

19 (2) Intervene in and seek to obtain visitation rights in any action in which any court in
20 this state shall have before it any question concerning ~~the~~:

21 (A) The custody of a minor child; ~~a~~

22 (B) A divorce of the parents or a parent of such minor child; ~~a~~

23 (C) A termination of the parental rights of either parent of such minor child; ~~or~~
24 visitation; ~~or~~

25 (D) Visitation rights concerning such minor child ~~or~~.

1 This subsection shall apply whenever there has been an adoption in which the adopted
 2 child has been adopted by the child's blood relative or by a stepparent, notwithstanding the
 3 provisions of Code Section 19-8-19. ~~This subsection shall not authorize an original action~~
 4 ~~where the parents of the minor child are not separated and the child is living with both of~~
 5 ~~the parents.~~

6 (c) Upon the filing of an original action or upon intervention in an existing proceeding
 7 under subsection (b) of this Code section, the court may grant any grandparent of the child
 8 reasonable visitation rights if the court finds ~~the health or welfare of the child would be~~
 9 ~~harmful unless such visitation is granted,~~ and if the best interests of the child would be
 10 served by such visitation. The court shall make specific written findings of fact in support
 11 of its rulings. ~~There shall be no presumption in favor of visitation by any grandparent.~~ An
 12 original action requesting visitation rights shall not be filed by any grandparent more than
 13 once during any two-year period and shall not be filed during any year in which another
 14 custody action has been filed concerning the child. After visitation rights have been granted
 15 to any grandparent, the legal custodian, guardian of the person, or parent of the child may
 16 petition the court for revocation or amendment of such visitation rights, for good cause
 17 shown, which the court, in its discretion, may grant or deny; but such a petition shall not
 18 be filed more than once in any two-year period.

19 (d) If the court finds that the grandparent or grandparents can bear the cost without
 20 unreasonable financial hardship, the court, at the sole expense of the petitioning
 21 grandparent or grandparents, may:

22 (1) Appoint a guardian ad litem for the minor child; and

23 (2) Assign the issue of visitation rights of a grandparent for mediation.

24 (e) In the event that the court does not order mediation or upon failure of the parties to
 25 reach an agreement through mediation, the court shall fix a time for the hearing of the issue
 26 of visitation rights of the grandparent or grandparents."

27 SECTION 2.

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