

Senate Bill 80

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

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
2 relating to juvenile court proceedings, so as to provide juvenile court jurisdiction to order
3 temporary child support for a deprived child; to provide for matters related to payment of
4 child support and custody; to change and reorganize provisions relating to allegedly deprived
5 children; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "(c) Concurrent custody Custody and support jurisdiction.

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

16 (2)(A) In any case where a child is alleged to be a deprived child as defined in
17 paragraph (8) of Code Section 15-11-2, the juvenile court upon a finding of deprivation
18 shall have jurisdiction to order temporary child support for such child to be paid by that
19 person or those persons determined to be legally obligated to support such child. In
20 determining such temporary child support, the juvenile court shall apply the child
21 support guidelines provided in Code Section 19-6-15. Where there is an existing order
22 of a superior court or other court of competent jurisdiction setting child support for the
23 child, the juvenile court may order the child support obligor in the existing order to
24 make such payments instead to the caretaker of the child on a temporary basis but shall
25 not otherwise modify the terms of the existing order. A copy of the juvenile court's
26 order shall be filed in the clerk's office of the court that entered the existing order. The

juvenile court shall have jurisdiction to order temporary child support for the child to be paid by any other person determined to be legally obligated to support such child.

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

SECTION 2.

8 Said article is further amended by striking subsection (b) of Code Section 15-11-30.1,
9 relating to appointment of guardian and transfer of custody and child support questions from
10 superior court, and inserting in lieu thereof the following:

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

SECTION 3.

21 Said article is further amended by inserting a new Code section to follow Code Section
22 15-11-58, relating to family reunification, reports and plans, custody orders, duration of
23 orders, review of determinations, hearings, and supplemental orders, to read as follows:
24 "15-11-58.1.

25 (a) Except as otherwise provided by law, an order of disposition in a proceeding involving
26 deprivation, except an order involving the appointment of a guardian of the person or
27 property of a child, continues in force for not more than two years. The court may sooner
28 terminate its order or extend its duration for further periods. An order of extension may
29 be made if:

30 (1) A hearing is held prior to the expiration of the order upon motion of a party or on the
31 court's own motion;

32 (2) Reasonable notice of the factual basis of the motion and of the hearing and
33 opportunity to be heard are given to the parties affected;

34 (3) The court finds that the extension is necessary to accomplish the purposes of the
35 order extended; and

1 (4) The extension does not exceed two years from the expiration of the prior order.

2 (b) The court may terminate an order of disposition of a child adjudicated as deprived or

3 an extension of such a disposition order prior to its expiration, on or without an application

4 of a party, if it appears to the court that the purposes of the order have been accomplished.

5 (c) Unless otherwise provided by law, when a child adjudicated as deprived reaches 18

6 years of age all orders affecting him or her then in force terminate and he or she is

7 discharged from further obligation or control."

SECTION 4.

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