

House Bill 1269

By: Representatives Forster of the 3rd, Post 1, Hill of the 81st, Greene-Johnson of the 60th, Post 3, Stephens of the 124th, Post 2, Rice of the 64th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 19-13-3 of the Official Code of Georgia Annotated, relating to
2 granting of temporary relief ex parte, so as to require that temporary relief ex parte shall not
3 be granted unless the facts alleged in the petition for temporary relief are supported by an
4 official police report or unless the person against whom such relief is sought is given at least
5 two hours notice of the petitioner's intent to seek such relief and is given an opportunity to
6 appear and be heard in response; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 19-13-3 of the Official Code of Georgia Annotated, relating to granting of
10 temporary relief ex parte, is amended by striking subsection (b) and inserting in lieu thereof
11 a new subsection (b) to read as follows:

12 "(b) Upon the filing of a verified petition in which the petitioner alleges with specific facts
13 that probable cause exists to establish that family violence has occurred in the past and may
14 occur in the future, the court may order such temporary relief ex parte as it deems
15 necessary to protect the petitioner or a minor of the household from violence. If the court
16 issues an ex parte order, a copy of the order shall be immediately furnished to the
17 petitioner. The court shall not order temporary relief ex parte unless either the facts alleged
18 in the petition for temporary relief are supported by one or more police reports or the
19 person against whom temporary relief is sought is given at least two hours notice of the
20 intent of the petitioner to seek such temporary relief and is given an opportunity to appear
21 and respond to such request for temporary relief."

22 **SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.