

Senate Bill 53

By: Senators Smith of the 52nd, Harp of the 29th, Hill of the 32nd, Wiles of the 37th and Weber of the 40th

**AS PASSED SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 19-7-22 of the Official Code of Georgia Annotated, relating to  
2 petition for legitimation of a child, notice to mother, court order, effect, and intervention by  
3 father, so as to provide that legitimation of a child may take place contemporaneously with  
4 the establishment of paternity with the consent of the mother and the father; to provide for  
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 19-7-22, relating to petition for legitimation of a child, notice to mother, court  
9 order, effect, and intervention by father, is amended by striking subsection (g) and inserting  
10 in lieu thereof the following:

11 ~~"(g)(1) Consistent with the purpose of subsection (a) of this Code section, whenever the~~  
12 ~~Department of Human Resources petitions the superior court or other authorized trier of~~  
13 ~~fact to establish paternity In any petition to establish paternity pursuant to Code Section~~  
14 ~~19-7-43, the alleged father may include or intervene to include in such petition for the~~  
15 ~~legitimation of the child born out of wedlock if the mother of the child consents to the~~  
16 ~~filing of such legitimation petition. Upon the determination of paternity or if a voluntary~~  
17 ~~acknowledgment of paternity has been made and has not been rescinded pursuant to Code~~  
18 ~~Section 19-7-46.1, the court or trier of fact as a matter of law and pursuant to the~~  
19 ~~provisions of Code Section 19-7-51 may enter an order or decree legitimating a child~~  
20 ~~born out of wedlock, provided that such is in the best interest of the child.~~

21 (2) In any voluntary acknowledgment of paternity which has been made and has not been  
22 rescinded pursuant to Code Section 19-7-46.1, when both the mother and father freely  
23 agree and consent, the child may be legitimated by the inclusion of a statement indicating  
24 a voluntary acknowledgment of legitimation.

25 Issues of name change, visitation, and custody shall not be determined by the court until  
26 such time as a separate petition is filed by one of the parents or by the legal guardian of the

1 child. Custody of the child shall remain with the mother until a court order is entered  
2 addressing the issue of custody."

3 **SECTION 2.**

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