

House Bill 540

By: Representatives Smith of the 168<sup>th</sup>, Manning of the 32<sup>nd</sup>, Randall of the 138<sup>th</sup>, and Lindsey of the 54<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations,  
2 so as to change certain provisions relating to voluntary separation, abandonment, or driving  
3 off of spouse; to create a duty in certain circumstances to provide child support for a mentally  
4 or physically disabled child beyond the age of 18; to provide for postmajority child support  
5 in final verdict or divorce decree; to provide that a child's eligibility to receive public  
6 benefits shall not be impacted by an award of postmajority child support; to change certain  
7 provisions relating to inclusion of life insurance in order of support; to provide for related  
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
12 amended by striking Code Section 19-6-9, relating to voluntary separation, abandonment, or  
13 driving off of spouse as it relates to equity compelling support, in its entirety and inserting  
14 in its place the following:

15 "19-6-9.

16 Absent the making of a voluntary contract or other agreement, as provided in Code Section  
17 19-6-8, and on the application of a party, the court, exercising its equitable powers, may  
18 compel the spouse of the party to make provision for the support of the party and such  
19 minor children and other children who:

20 (1) Are 18 years of age or older;

21 (2) Have a mental or physical disability which manifested itself prior to the age of 18;

22 and

23 (3) Are incapable of self-support and require substantial care and supervision due to the  
24 mental or physical disability,

25 as may be in the custody of the party."



1 ~~Child~~ child who has not previously married or become emancipated, who is enrolled in  
 2 and attending a secondary school, and who has attained ~~the age of majority~~ 18 years of  
 3 age before completing his or her secondary school education, provided that such financial  
 4 assistance shall not be required after a ~~Child~~ child attains 20 years of age; or

5 (2) Entered on or after July 1, 2007, the court, in the exercise of sound discretion, may  
 6 direct either or both parents to provide financial assistance to a child who:

7 (A) Is 18 years of age or older;

8 (B) Has a mental or physical disability which manifested itself prior to the age of 18;  
 9 and

10 (C) Is incapable of self-support and requires substantial care and supervision due to the  
 11 mental or physical disability.

12 Provided, however, that the obligation for postmajority child support under this paragraph  
 13 shall be modified for either party if the trier of fact determines, in the exercise of its  
 14 sound discretion, that there has been a substantial change in the child's ability to provide  
 15 support for himself or herself. The child support provided pursuant to this paragraph  
 16 shall be in addition to and not in lieu of the benefits or assistance a child may receive  
 17 from a source other than his or her parents. No duty created pursuant to this paragraph  
 18 nor any other provisions of this subsection shall impact the eligibility of a child awarded  
 19 postmajority child support to receive the maximum benefits provided by any federal,  
 20 state, local, and other governmental and public agencies.

21 The provisions for child support provided in this subsection may be enforced by either  
 22 ~~Parent~~ parent, by any ~~Nonparent Custodian~~ nonparent custodian, by a guardian appointed  
 23 to receive child support for the ~~Child~~ child for whose benefit the child support is ordered,  
 24 or by the ~~Child~~ child for whose benefit the child support is ordered."

#### 25 SECTION 4.

26 Said title is further amended in Code Section 19-6-34, relating to inclusion of life insurance  
 27 in order of support, by striking subsection (d) in its entirety and inserting in its place the  
 28 following:

29 "(d)(1) The trier of fact, in the exercise of sound discretion, may direct either or both  
 30 parents to maintain life insurance for the benefit of a child who has not previously  
 31 married or become emancipated, who is enrolled in and attending a secondary school, and  
 32 who has attained ~~the age of majority~~ 18 years of age before completing his or her  
 33 secondary school education, provided that maintenance of such life insurance for the  
 34 benefit of the child shall not be required after a child attains 20 years of age.

35 (2) The trier of fact, in the exercise of sound discretion, may direct either or both parents  
 36 to maintain life insurance for the benefit of a child who:

- 1 (A) Is 18 years of age or older;  
2 (B) Has a mental or physical disability which manifested itself prior to the age of 18;  
3 and  
4 (C) Is incapable of self-support and requires substantial care and supervision due to the  
5 mental or physical disability."

- 6 **SECTION 5.**  
7 All laws and parts of laws in conflict with this Act are repealed.