

House Bill 397

By: Representative Waites of the 60th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-11-94 and Title 19 of the Official Code of Georgia Annotated,
2 relating to grounds for termination of parental rights and domestic relations, respectively, so
3 as to provide for additional grounds for terminating parental rights; to provide for
4 circumstances when visitation rights shall be denied; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 15-11-94 of the Official Code of Georgia Annotated, relating to grounds for
9 termination of parental rights, is amended by revising paragraph (5) of subsection (b) as
10 follows:

11 "(5) The parent has been convicted of the murder of the child's other parent or the parent
12 caused the child to be conceived as a result of rape in violation of Code Section 16-6-1,
13 statutory rape in violation of Code Section 16-6-3, child molestation in violation of Code
14 Section 16-6-4, sexual assault in violation of Code Section 16-6-5.1, or incest in violation
15 of Code Section 16-6-22."

16 **SECTION 2.**

17 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
18 amended by revising subsection (b) of Code Section 19-7-1, relating to in whom parental
19 power lies, as follows:

20 "(b) Parental power shall be lost by:

- 21 (1) Voluntary contract releasing the right to a third person;
22 (2) Consent to the adoption of the child by a third person;
23 (3) Failure to provide necessities for the child or abandonment of the child;
24 (4) Consent to the child's receiving the proceeds of his or her own labor, which consent
25 shall be revocable at any time;

26 (5) Consent to the marriage of the child, who thus assumes inconsistent responsibilities;
 27 or
 28 (6) Cruel treatment of the child; or
 29 (7) Causing the child to be conceived as a result of rape in violation of Code Section
 30 16-6-1, statutory rape in violation of Code Section 16-6-3, child molestation in violation
 31 of Code Section 16-6-4, sexual assault in violation of Code Section 16-6-5.1, or incest
 32 in violation of Code Section 16-6-22."

33 **SECTION 3.**

34 Said title is further amended by revising paragraph (4) of subsection (a) of Code Section
 35 19-8-10, relating to when surrender or termination of parental rights is not required in the
 36 context of adoption, as follows:

37 "(4) Parent has failed to exercise proper parental care or control due to misconduct or
 38 inability, as set out in paragraph (2), (3), or (4), or (5) of subsection (b) of Code Section
 39 15-11-94,"

40 **SECTION 4.**

41 Said title is further amended by revising subparagraph (a)(3)(D) of Code Section 19-8-11,
 42 relating to petitioning superior court to terminate parental rights, as follows:

43 "(D) Parent has failed to exercise proper parental care or control due to misconduct or
 44 inability, as set out in paragraph (2), (3), or (4), or (5) of subsection (b) of Code Section
 45 15-11-94,"

46 **SECTION 5.**

47 Said title is further amended by adding a new subsection to Code Section 19-9-3, relating to
 48 the discretion of the judge in custody disputes and review of visitation rights, to read as
 49 follows:

50 "(a.1)(1) In any proceeding in which visitation of a child is being sought by a parent, if
 51 such child was conceived as a result of rape in violation of Code Section 16-6-1, statutory
 52 rape in violation of Code Section 16-6-3, child molestation in violation of Code Section
 53 16-6-4, sexual assault in violation of Code Section 16-6-5.1, or incest in violation of
 54 Code Section 16-6-22, the parent who committed such act shall be denied visitation rights
 55 with such child.
 56 (2) In any proceeding in which visitation of a child is being sought by any person who
 57 the court determines by a preponderance of the evidence intentionally caused the death
 58 of such child's parent, such person shall be denied visitation rights with such child."

59

SECTION 6.

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