

Senator Unterman of the 45th and Jackson of the 2nd offers the following amendment:

1 *Amend HB 825 (LC 41 0810S) by inserting after "enforcement;" on line 7 "to provide for*  
 2 *fictive kin to be added to the third party involving the custody of a child between the parents*  
 3 *and such third party;"*

4 *By inserting between lines 56 and 57 the following:*

5 Said article is further amended in Code Section 19-7-1, relating to in whom parental power  
 6 lies, how much power lost, and recovery for homicide of a child, by revising subsection (b.1)  
 7 as follows:

8 "(b.1) Notwithstanding subsections (a) and (b) of this Code section or any other law to the  
 9 contrary, in any action involving the custody of a child between the parents or either parent  
 10 and a third party limited to grandparent, great-grandparent, aunt, uncle, great aunt, great  
 11 uncle, sibling, ~~or~~ adoptive parent, or fictive kin as such term is defined in paragraph (33)  
 12 of Code Section 15-11-2, parental power may be lost by the parent, parents, or any other  
 13 person if the court hearing the issue of custody, in the exercise of its sound discretion and  
 14 taking into consideration all the circumstances of the case, determines that an award of  
 15 custody to such third party is for the best interest of the child or children and will best  
 16 promote their welfare and happiness. There shall be a rebuttable presumption that it is in  
 17 the best interest of the child or children for custody to be awarded to the parent or parents  
 18 of such child or children, but this presumption may be overcome by a showing that an  
 19 award of custody to such third party is in the best interest of the child or children. The sole  
 20 issue for determination in any such case shall be what is in the best interest of the child or  
 21 children."

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#### SECTION 4.