

WITHDRAWN

Representative Efstration of the 104th et al. offer the following amendment:

1 *Amend the House Committee on Judiciary substitute to SB 132 (LC 41 1174S) by replacing*
 2 *lines 7 and 8 with the following:*

3 require annual reporting of certain information; to amend Article 1 of Chapter 7 of Title 19
 4 of the Official Code of Georgia Annotated, relating to general provisions relative to parent
 5 and child relationship generally, so as to change provisions relating to in whom parental
 6 power lies and how such power may be lost; to provide for definitions; to provide for a
 7 procedure to name a de facto custodian; to provide for related matters; to provide for
 8 effective dates; to repeal conflicting laws; and for other purposes.

9 *By replacing lines 401 and 402 with the following:*

10 Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to
 11 general provisions relative to parent and child relationship generally, is amended by revising
 12 subsection (b.1) of Code Section 19-7-1, relating to in whom parental power lies, how such
 13 power is lost, and recovery for homicide of child, as follows:

14 "(b.1)(1) As used in this subsection, the term:

15 (A) 'De facto custodian' means an individual named as such pursuant to the procedure
 16 set forth in Code Section 19-7-7.

17 (B) 'Third party' means a grandparent, great-grandparent, aunt, uncle, great aunt, great
 18 uncle, sibling, stepparent or former stepparent, adoptive parent, or de facto custodian.

19 (2) Notwithstanding subsections (a) and (b) of this Code section or any other law to the
 20 contrary, in any action involving the custody of a child between the parents or either
 21 parent and a third party ~~limited to grandparent, great-grandparent, aunt, uncle, great aunt,~~
 22 ~~great uncle, sibling, or adoptive parent,~~ parental power may be lost by the parent, parents,
 23 or ~~any other person~~ a third party if the court hearing the issue of custody, in the exercise
 24 of its sound discretion and taking into consideration all the circumstances of the case,
 25 determines that an award of custody to such third party is for the best interest of the child
 26 or children and will best promote their welfare and happiness. There shall be a rebuttable
 27 presumption that it is in the best interest of the child or children for custody to be
 28 awarded to the parent or parents of such child or children, but this presumption may be
 29 overcome by a showing that an award of custody to such third party is in the best interest
 30 of the child or children. The sole issue for determination in any such case shall be what
 31 is in the best interest of the child or children."

