

Senate Bill 576

By: Senator Strickland of the 17th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 19-7-3 of the Official Code of Georgia Annotated, relating to actions
2 by grandparents or other family members for visitation rights or intervention, revocation or
3 amendment of visitation rights, appointment of guardian ad litem, mediation, hearing, and
4 notification to family members of child's participation in events, so as to revise provisions
5 regarding visitation actions brought by certain grandparents of minor children; to provide for
6 a rebuttable presumption; to provide for a response to *Patten v. Ardis*, 304 Ga. 140 (2018);
7 to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 19-7-3 of the Official Code of Georgia Annotated, relating to actions by
11 grandparents or other family members for visitation rights or intervention, revocation or
12 amendment of visitation rights, appointment of guardian ad litem, mediation, hearing, and
13 notification to family members of child's participation in events, is amended by revising
14 subsection (d) as follows:

15 "(d)(1) Notwithstanding the provisions of subsections (b) and (c) of this Code section,
16 if one of the parents of a minor child dies, is incapacitated, or is incarcerated, the court

may award the parent of the deceased, incapacitated, or incarcerated parent of such minor child reasonable visitation to such child during his or her minority if the court ~~in its discretion finds by clear and convincing evidence that the health or welfare of the child would be harmed unless that such visitation is granted and if would be in the best interests of the child would be served by such visitation. The mere absence of an opportunity for a child to develop a relationship with a grandparent shall not be considered as harming the health or welfare of the child when there is no substantial preexisting relationship between the child and such grandparent.~~ The custodial parent's judgment as to the best interests of the child regarding visitation shall be given deference by the court but shall not be conclusive. In considering whether the health or welfare of the child would be harmed without such visitation, the court shall consider and may find that harm to the child is reasonably likely to result when, prior to the death, incapacitation, or incarceration of the child's parent:

- (A) The minor child resided with the grandparent for six months or more;
- (B) The grandparent provided financial support for the basic needs of the child for at least one year;
- (C) There was an established pattern of regular visitation or child care by the grandparent with the child; or
- (D) Any other circumstance exists indicating that emotional or physical harm would be reasonably likely to result if such visitation is not granted.

The court shall make specific written findings of fact in support of its rulings.

(2) While a custodial parent's decision regarding grandparent visitation shall be given deference by the court, the parent's decision shall not be conclusive when failure to provide grandparent contact would result in emotional harm to the child. A court may presume that a child who is denied any contact with his or her grandparent or who is not provided some minimal opportunity for contact with his or her grandparent when there is a preexisting

43 relationship between the child and such grandparent may suffer emotional injury that is
44 harmful to such child's health. Such presumption shall be a rebuttable presumption."

45

SECTION 2.

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