

House Bill 191

By: Representatives Moore of the 91<sup>st</sup>, Cummings of the 39<sup>th</sup>, Crawford of the 89<sup>th</sup>, Park of the 107<sup>th</sup>, Westbrook of the 163<sup>rd</sup>, and others

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 provide for substitute service when respondent is avoiding service to delay a hearing;  
3 to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
7 amended in Chapter 13, relating to family violence, by revising subsection (e) of Code  
8 Section 19-13-3, relating to petition seeking relief from family violence, temporary relief ex  
9 parte, hearing, dismissal of petition upon failure to hold hearing, procedural advice for  
10 victims, and delays, as follows:

11 "(e) If the court finds a party is avoiding service to delay a hearing, the court may delay  
12 dismissal of the petition for an additional 30 days or may authorize service:

13 (1) By delivering the citation with a copy of the petition to the respondent in person or  
14 by registered or certified mail, return receipt requested;

15 (2) Upon motion supported by affidavit, by leaving a true copy of the citation with a  
16 copy of the petition attached with anyone over 16 years of age at the location specified

17 in the affidavit that can be an employee of the respondent's place of employment or a  
 18 known relative; or  
 19 (3) By publication or any other manner that the affidavit or other evidence before the  
 20 court shows will be reasonably effective to give the defendant notice of the petition."

21 **SECTION 2.**

22 Said title is further amended in Chapter 13A, relating to dating violence protective orders,  
 23 by revising subsection (d) of Code Section 19-13A-3, relating to temporary relief to protect  
 24 from dating violence, hearing and evidentiary standard, non-attorney assistance, and delays,  
 25 as follows:

26 "(d) If the court finds a party is avoiding service to delay a hearing, the court may delay  
 27 dismissal of the petition for an additional 30 days or may authorize service:

28 (1) By delivering the citation with a copy of the petition to the respondent in person or  
 29 by registered or certified mail, return receipt requested;

30 (2) Upon motion supported by affidavit, by leaving a true copy of the citation with a  
 31 copy of the petition attached with anyone over 16 years of age at the location specified  
 32 in the affidavit that can be an employee of the respondent's place of employment or a  
 33 known relative; or

34 (3) By publication or any other manner that the affidavit or other evidence before the  
 35 court shows will be reasonably effective to give the defendant notice of the petition."

36 **SECTION 3.**

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