

Senate Bill 404

By: Senators Setzler of the 37th, Robertson of the 29th, Albers of the 56th, Hodges of the 3rd, Hickman of the 4th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 9 of Title 19 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to child custody proceedings, so as to provide for joint
3 legal and physical custody as the default child custody arrangement; to provide for the
4 presumption that joint legal and physical custody is in the best interests of the child; to
5 provide for an exception; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to
10 general provisions relative to child custody proceedings, is amended in Code Section 19-9-3,
11 relating to establishment and review of child custody and visitation, by revising paragraph
12 (1) of subsection (a) as follows:

13 "(1) In all cases in which the custody of any child is at issue between the parents, there
14 shall be no prima-facie right to the custody of the child in the father or mother. ~~There~~
15 ~~shall be no presumption in favor of any particular form of custody, legal or physical, nor~~
16 ~~in favor of either parent.~~ Joint custody ~~may,~~ legal and physical, shall be considered as an
17 ~~alternative~~ the default form of custody by the judge and there shall be a presumption,

18 rebuttable by a preponderance of the evidence, that joint legal and physical custody and
19 equally shared parenting time are in the best interests of the child. If a deviation from
20 equally shared parenting time is warranted, the court shall construct a parenting time
21 schedule that is consistent with the best interests of the child and the judge at any
22 temporary or permanent hearing may grant sole custody, joint custody, joint legal
23 custody, or joint physical custody as appropriate.”

24

SECTION 2.

25 All laws and parts of laws in conflict with this Act are repealed.