

House Bill 1041

By: Representatives Scott of the 76<sup>th</sup>, Davis of the 87<sup>th</sup>, and Schofield of the 63<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,  
2 relating to general provisions relative to the juvenile code, so as to provide for the expedition  
3 of child custody and visitation modification hearings in certain circumstances; to provide for  
4 legislative findings; to provide for a definition; to provide for a rebuttable presumption that  
5 joint custody and equally shared parenting time is in the best interest of the child; to provide  
6 for notice; to amend Title 19 of the Official Code of Georgia Annotated, relating to domestic  
7 relations, so as to provide that denial of a court ordered visitation or parenting time may  
8 result in modification of custody or parenting time, suspension or reduction of child support,  
9 or other sanctions; to provide for definitions; to establish procedures and protections for  
10 enforcement; to provide for related matters; to provide for applicability; to repeal conflicting  
11 laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 The General Assembly finds that:

15 (1) Children benefit from meaningful relationships with both parents whenever safe and  
16 appropriate;

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- 17 (2) Visitation and parenting time orders issued by courts of this state are intended to  
18 provide such meaningful relationships, but are too often undermined by willful denial or  
19 interference by one parent;
- 20 (3) Parents who comply with financial obligations but are denied access to their children  
21 suffer injustice, and children suffer loss of parental involvement;
- 22 (4) Other states, including Tennessee, have recognized the importance of maximizing  
23 each parent's participation in the child's life and requiring courts to consider violations  
24 of a visitation in custody determinations; and
- 25 (5) Georgia should adopt clear statutory remedies to deter visitation interference, protect  
26 equal parental rights, and ensure child support obligations are paired with enforceable  
27 access to children.

## 28 SECTION 2.

29 Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to  
30 general provisions relative to the juvenile code, is amended by adding a new Code section  
31 to read as follows:

32 "15-11-26.1.

33 (a) As used in this Code section, the term 'visitation denial' shall have the same meaning  
34 as set forth in Code Section 19-9-3.1.

35 (b) The Council of Juvenile Court Judges of Georgia in partnership with the superior  
36 courts shall establish expedited procedures for hearings on motions alleging visitation  
37 denial, and such expedited hearings shall be calendared within 30 days of filing.

38 (c)(1) There shall be a rebuttable presumption that substantial, frequent, continuing, and  
39 meaningful contact with both parents is in the best interest of the child.

40 (2) This presumption may be rebutted by evidence of abuse, neglect, substance abuse,  
41 abandonment, or other factors rendering such arrangement contrary to the best interest  
42 of the child.

43 (d) There shall not be a modification of a custody agreement or suspension of an order of  
44 support under the provisions of this Code section without:

45 (1) Notice to the custodial parent alleged to have denied visitation;

46 (2) An opportunity for a hearing; and

47 (3) Written findings of fact by the court.

48 (e) Courts shall give priority to visitation denial petitions to minimize the disruption of  
49 parent-child relationships."

50 **SECTION 3.**

51 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
52 amended by adding two new subsections to Code Section 19-6-15, relating to child support  
53 guidelines for determining amount of award, continuation of duty of support, and duration  
54 of support, to read as follows:

55 "(a.2) Notwithstanding any other provision of law, where a court finds that a custodial  
56 parent has willfully and repeatedly denied visitation as provided in Code Section 19-9-3.1:

57 (1) The court may order temporary suspension or reduction of child support obligations  
58 during the period of noncompliance;

59 (2) Child support shall resume upon compliance, but arrearages shall not accrue for the  
60 period of suspension unless the court so orders; and

61 (3) Such suspension shall not exceed six months without further hearing.

62 (a.3) Nothing in this Code section shall reduce the obligation of either parent to provide  
63 for the child's basic needs; provided, however, that suspension or reduction of child support  
64 is a remedy available when the custodial parent has acted in contempt of court by denying  
65 visitation."

66 **SECTION 4.**

67 Said title is further amended by adding a new Code section to Article 1 of Chapter 9, relating  
68 to general provisions relative to child custody proceedings, to read as follows:

69 "19-9-3.1.

70 (a) As used in this Code section, the term:

71 (1) 'Just cause' includes circumstances where visitation is denied due to emergency  
72 medical needs, imminent risk of harm, or other circumstances later found by the court to  
73 be reasonable.

74 (2) 'Visitation denial' means a custodial parent's willful failure, without just cause, to  
75 permit court ordered visitation or parenting time.

76 (b) Upon petition of an aggrieved parent, if the court finds by clear and convincing  
77 evidence that visitation denial has occurred, the court shall:

78 (1) Order make-up parenting time of comparable duration within 60 days;

79 (2) Consider such denial as a substantial change in circumstances for purposes of  
80 modifying custody or parenting time, and may reassign residential custody or grant  
81 increased time to the aggrieved parent; and

82 (3) Impose sanctions, including, but not limited to, attorney's fees, fines, or contempt.

83 (c) Repeated or egregious visitation denial shall create a rebuttable presumption that it is  
84 in the best interest of the child to modify custody in favor of the aggrieved parent."

85 **SECTION 5.**

86 This Act shall apply to all custody and child support orders issued or modified on or after  
87 July 1, 2026.

88 **SECTION 6.**

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