

House Bill 1431

By: Representatives Camp of the 135<sup>th</sup>, Burchett of the 176<sup>th</sup>, Rhodes of the 124<sup>th</sup>, Burnough of the 77<sup>th</sup>, Horner of the 3<sup>rd</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 19-9-3 of the Official Code of Georgia Annotated, relating to  
2 establishment and review of child custody and visitation, so as to provide for a presumption  
3 of joint physical custody in divorce proceedings; to provide for exceptions; to provide for  
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 19-9-3 of the Official Code of Georgia Annotated, relating to establishment  
8 and review of child custody and visitation, is amended by revising paragraph (1) of  
9 subsection (a) as follows:

10 "(a)(1) In all cases in which the custody of any child is at issue between the parents, there  
11 shall be no prima-facie right to the custody of the child in the father or mother. There  
12 shall be no presumption in favor of any particular form of custody, legal or physical, nor  
13 in favor of either parent; provided, however, that, in a proceeding for divorce, there shall  
14 be a presumption of joint physical custody by the father and mother until such time as the  
15 matter comes before a judge for a temporary or permanent hearing, unless there exists a  
16 history of family violence or it is not practicable for the father and mother to exercise

17 joint physical custody. Joint custody may be considered as an alternative form of custody  
18 by the judge and the judge at any temporary or permanent hearing may grant sole  
19 custody, joint custody, joint legal custody, or joint physical custody as appropriate.”

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**SECTION 2.**

21 All laws and parts of laws in conflict with this Act are repealed.