

ADOPTED

Representative Strickland of the 111th offers the following amendment:

1 *Amend the Senate substitute to HB 229 (LC 37 2216ERS) by replacing lines 1 through 410*
 2 *with the following:*

3 To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations,
 4 so as to change provisions relating to a grandparent's right to intervention in certain domestic
 5 relation cases; to allow for intervention by great-grandparents and siblings of parents; to
 6 provide for definitions; to provide for an evidentiary standard; to conform cross-references
 7 relating to adoption; to provide for related matters; to repeal conflicting laws; and for other
 8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
 12 amended by revising Code Section 19-7-3, relating to grandparent visitation rights and
 13 intervention, as follows:

14 "19-7-3.

15 (a) As used in this Code section, the term 'grandparent':

16 (1) 'Family member' means a grandparent, great-grandparent, or sibling.

17 (2) 'Grandparent' means the parent of a parent of a minor child, the parent of a minor
 18 child's parent who has died, and the parent of a minor child's parent whose parental rights
 19 have been terminated.

20 (3) 'Great-grandparent' means the parent of the parent of a parent of a minor child, the
 21 parent of the parent of a minor child's parent who has died, and the parent of the parent
 22 of a minor child's parent whose parental rights have been terminated.

23 (4) 'Sibling' means the brother or sister of a parent of a minor child, the brother or sister
 24 of a minor child's parent who has died, and the brother or sister of a minor child's parent
 25 whose parental rights have been terminated.

26 (b)(1) Except as otherwise provided in paragraph (2) of this subsection, ~~any~~:

27 (A) Any grandparent shall have the right to file an original action for visitation rights
 28 to a minor child ~~or~~ and

29 (B) Any family member shall have the right to intervene in and seek to obtain
 30 visitation rights in any action in which any court in this state shall have before it any
 31 question concerning the custody of a minor child, a divorce of the parents or a parent

32 of such minor child, a termination of the parental rights of either parent of such minor
 33 child, or visitation rights concerning such minor child or whenever there has been an
 34 adoption in which the adopted child has been adopted by the child's blood relative or
 35 by a stepparent, notwithstanding the provisions of Code Section 19-8-19.

36 (2) This subsection shall not authorize an original action ~~where~~ when the parents of the
 37 minor child are not separated and the child is living with both parents.

38 (c)(1) Upon the filing of an original action or upon intervention in an existing proceeding
 39 under subsection (b) of this Code section, the court may grant any grandparent family
 40 member of the child reasonable visitation rights if the court finds by clear and convincing
 41 evidence that the health or welfare of the child would be harmed unless such visitation
 42 is granted and if the best interests of the child would be served by such visitation. The
 43 mere absence of an opportunity for a child to develop a relationship with a family
 44 member shall not be considered as harming the health or welfare of the child when there
 45 is no substantial preexisting relationship between the child and such family member. In
 46 considering whether the health or welfare of the child would be harmed without such
 47 visitation, the court shall consider and may find that harm to the child is reasonably likely
 48 to result ~~where~~ when, prior to the original action or intervention:

49 (A) The minor child resided with the grandparent family member for six months or
 50 more;

51 (B) The grandparent family member provided financial support for the basic needs of
 52 the child for at least one year;

53 (C) There was an established pattern of regular visitation or child care by the
 54 grandparent family member with the child; or

55 (D) Any other circumstance exists indicating that emotional or physical harm would
 56 be reasonably likely to result if such visitation is not granted.

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

58 (2) An original action requesting visitation rights shall not be filed by any grandparent
 59 more than once during any two-year period and shall not be filed during any year in
 60 which another custody action has been filed concerning the child. After visitation rights
 61 have been granted to any grandparent, the legal custodian, guardian of the person, or
 62 parent of the child may petition the court for revocation or amendment of such visitation
 63 rights, for good cause shown, which the court, in its discretion, may grant or deny; but
 64 such a petition shall not be filed more than once in any two-year period.

65 (3) While a parent's decision regarding grandparent family member visitation shall be
 66 given deference by the court, the parent's decision shall not be conclusive when failure
 67 to provide grandparent family member contact would result in emotional harm to the
 68 child. A court may presume that a child who is denied any contact with his or her

69 ~~grandparent family member~~ or who is not provided some minimal opportunity for contact
 70 with his or her ~~grandparent family member~~ when there is a preexisting relationship
 71 between the child and such family member may suffer emotional injury that is harmful
 72 to such child's health. Such presumption shall be a rebuttable presumption.

73 (4) In no case shall the granting of visitation rights to a ~~grandparent family member~~
 74 interfere with a child's school or regularly scheduled extracurricular activities.

75 (5) Visitation time awarded to a ~~grandparent family member~~ shall not be less than 24
 76 hours in any one-month period; provided, however, that when more than one individual
 77 seeks visitation under this Code section, the court shall determine the amount of time to
 78 award to each petitioner which shall not be less than 24 hours in any one-month period
 79 in the aggregate.

80 (d) Notwithstanding the provisions of subsections (b) and (c) of this Code section, if one
 81 of the parents of a minor child dies, is incapacitated, or is incarcerated, the court may award
 82 the parent of the deceased, incapacitated, or incarcerated parent of such minor child
 83 reasonable visitation to such child during his or her minority if the court in its discretion
 84 finds that such visitation would be in the best interests of the child. The custodial parent's
 85 judgment as to the best interests of the child regarding visitation shall be given deference
 86 by the court but shall not be conclusive.

87 (e) If the court finds that the ~~grandparent or grandparents~~ family member can bear the cost
 88 without unreasonable financial hardship, the court, at the sole expense of the petitioning
 89 ~~grandparent or grandparents~~ family member, may:

90 (1) Appoint a guardian ad litem for the minor child; and

91 (2) Assign the issue of visitation rights of a ~~grandparent~~ family member for mediation.

92 (f) In the event that the court does not order mediation or upon failure of the parties to
 93 reach an agreement through mediation, the court shall fix a time for the hearing of the issue
 94 of visitation rights of the ~~grandparent or grandparents~~ family member.

95 (g) Whether or not visitation is awarded to a ~~grandparent~~ family member, the court may
 96 direct a custodial parent, by court order, to notify such ~~grandparent~~ family member of every
 97 performance of the minor child to which the public is admitted, including, but not limited
 98 to, musical concerts, graduations, recitals, and sporting events or games.

99 (h) When more than one family member files an action pursuant to this Code section, the
 100 court shall determine the priority of such actions."

101 SECTION 2.

102 Said title is further amended by revising subsection (f) of Code Section 19-8-13, relating to
 103 the petition for adoption, filing, and contents, as follows:

104 "(f)(1) As used in this subsection, the term 'family member' shall have the same meaning
 105 as set forth in Code Section 19-7-3.
 106 (2) Whenever a petitioner is a blood relative of the child to be adopted and a grandparent
 107 family member other than the petitioner has visitation rights to the child granted pursuant
 108 to Code Section 19-7-3, the petitioner shall cause a copy of the petition for adoption to
 109 be served upon the grandparent family member with the visitation rights or upon such
 110 person's counsel of record."

111 **SECTION 3.**

112 Said title is further amended by revising Code Section 19-8-15, relating to when objections
 113 may be filed by relatives to petition for adoption, as follows:

114 "19-8-15.

115 (1) As used in this Code section, the term 'family member' shall have the same meaning
 116 as set forth in Code Section 19-7-3.

117 (2) If the child sought to be adopted has no legal father or legal mother living, it shall be
 118 the privilege of any person related by blood to the child to file objections to the petition
 119 for adoption. A grandparent family member with visitation rights to a child granted
 120 pursuant to Code Section 19-7-3 shall have the privilege to file objections to the petition
 121 of adoption if neither parent has any further rights to the child and if the petition for
 122 adoption has been filed by a blood relative of the child. The court, after hearing such
 123 objections, shall determine, in its discretion, whether or not the same constitute a good
 124 reason for denying the petition and the court shall have the authority to grant or continue
 125 such visitation rights of the grandparent to family member of the child in the adoption
 126 order in the event the adoption by the blood relative is approved by the court."

127 **SECTION 4.**

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