

House Bill 305

By: Representatives Beskin of the 54th, Willard of the 51st, Abrams of the 89th, Evans of the 42nd, Caldwell of the 131st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 19-7-1 of the Official Code of Georgia Annotated, relating to in
2 whom parental power lies, how such power is lost, and recover for homicide of child, so as
3 to add stepparents and former stepparents to the category of third parties who may be
4 awarded custody of a child in certain circumstances; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 19-7-1 of the Official Code of Georgia Annotated, relating to in whom parental
9 power lies, how such power is lost, and recover for homicide of child, is amended by revising
10 subsection (b.1) as follows:

11 "(b.1) Notwithstanding subsections (a) and (b) of this Code section or any other law to the
12 contrary, in any action involving the custody of a child between the parents or either parent
13 and a third party limited to stepparent or former stepparent, grandparent, great-grandparent,
14 aunt, uncle, great aunt, great uncle, sibling, or adoptive parent, parental power may be lost
15 by the parent, parents, or any other person if the court hearing the issue of custody, in the
16 exercise of its sound discretion and taking into consideration all the circumstances of the
17 case, determines that an award of custody to such third party is for the best interest of the
18 child or children and will best promote their welfare and happiness. There shall be a
19 rebuttable presumption that it is in the best interest of the child or children for custody to
20 be awarded to the parent or parents of such child or children, but this presumption may be
21 overcome by a showing that an award of custody to such third party is in the best interest
22 of the child or children. The sole issue for determination in any such case shall be what is
23 in the best interest of the child or children."

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.