

House Bill 883

By: Representatives Hanson of the 80th, Powell of the 171st, Oliver of the 82nd, Park of the 101st, Kelley of the 16th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 19-13-3 of the Official Code of Georgia Annotated, relating to filing
2 of petition seeking relief from family violence, granting of temporary relief ex parte, hearing,
3 dismissal of petition upon failure to hold hearing, and procedural advice for victims, so as
4 to clarify matters concerning the effect of a temporary ex parte order and the length of time
5 it is effective; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 19-13-3 of the Official Code of Georgia Annotated, relating to filing of petition
10 seeking relief from family violence, granting of temporary relief ex parte, hearing, dismissal
11 of petition upon failure to hold hearing, and procedural advice for victims, is amended by
12 revising subsections (b) and (c) as follows:

13 "(b) Upon the filing of a verified petition in which the petitioner alleges with specific facts
14 that probable cause exists to establish that family violence has occurred in the past and may
15 occur in the future, the court may order such temporary relief ex parte as it deems
16 necessary to protect the petitioner or a minor of the household from violence. If the court
17 issues an ex parte order, a copy of the order shall be immediately furnished to the petitioner
18 and such order shall remain in effect until the court issues an order dismissing such order
19 or a hearing as set forth in subsection (c) of this Code section occurs, whichever occurs
20 first.

21 (c) Within ten days of the filing of the petition under this article or as soon as practical
22 thereafter, but ~~in no case~~ not later than ~~30~~ 45 days after the filing of the petition, a hearing
23 shall be held at which the petitioner must prove the allegations of the petition by a
24 preponderance of the evidence as in other civil cases. In the event a hearing cannot be
25 scheduled within the county where the case is pending within the ~~30~~ 45 day period the
26 same shall be scheduled and heard within any other county of that circuit. If a hearing is

27 not held within ~~30~~ 45 days of the filing of the petition, the petition shall stand dismissed
28 unless the parties otherwise agree."

29 **SECTION 2.**

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