

Senate Bill 545

By: Senator Harbison of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 9 of Title 19 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding child custody proceedings, so as to provide for
3 judicial discretion in determining the right of a surviving parent to custody of a child when
4 such surviving parent is criminally charged with the murder or voluntary manslaughter of the
5 other parent; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to
9 general provisions regarding child custody proceedings, is amended by revising Code Section
10 19-9-2, relating to right of surviving parent to custody of child and discretion of judge, as
11 follows:

12 "19-9-2.

13 Upon the death of either parent, the survivor is entitled to custody of the child; provided,
14 however, that the judge, upon petition:

15 (1) May exercise discretion as to the custody of the child, looking solely to the child's
16 best interest and welfare; and

17 (2) In the case of a surviving parent being criminally ~~indicted for~~ charged with the
18 offense of murder or voluntary manslaughter of the other parent, ~~can proceed in the~~
19 ~~court's discretion~~ may exercise discretion to delay a final determination until after the
20 resolution of such criminal charge."

21 **SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.