

Bill for visitation rights signed into Georgia law

The Henry Herald By Asia Ashley Apr 29, 2016



ATLANTA— A bill extending visitation and intervention rights to family members was signed into law by Gov. Nathan Deal Tuesday morning.

“Because of family issues, a lot of times they no longer get to see the children,” said state Rep. Brian Strickland, who sponsored House Bill 229. “My proposal opens up the door for aunts, uncles and grandparents to get their chance in court, but you have to have that kind of relationship with the kid. It’s good for the kids.”

The bill was created to address issues that may arise typically during a divorce or separation when a parent or guardian prevents family members from seeing and visiting a child. It gives certain circumstances to which a court could grant visitation or intervention rights to extended family members—specifically grandparents, great-grandparents, and aunts and uncles of the child.

Family members would be allowed to seek visitation rights in any court case in the state involving the custody of the child, a divorce of the parents, the termination of parental rights of either parent, or visitation rights concerning the child or when there has been an adoption in which the adopted child has been adopted by the child’s blood relative or stepparent. Only grandparents will have the right to file an original action for visitation rights of the child.

The court can grant a family member reasonable visitation rights if there’s evidence that the child’s welfare would be harmed without such visitation, according to the bill. Visitation could be granted by the court if: the child resided with the family member for six months or more; the family member provided financial support for the basic needs of the child for at least one year; there was an established pattern of regular visitation or child care by the family member with the child; or

any other circumstance indicating that emotional or physical harm would be likely if visitation weren’t granted.

The child’s parent or guardian can petition the court for revocation or an amendment to visitation rights.

Jessica Patton, a Henry County resident who has been advocating for the bill for over a year, was on hand Tuesday during the signing of the bill. She is one of few who reached out to state officials for a bill addressing the issue after she was denied visitation rights to her nephew, Nicholas. She has dubbed HB 229 “Nicholas’ Law.”

“Thank you Governor Deal, Brian and Lindsay Strickland, my family and God for your love and support,” read a status update on the Nicholas’ Law Facebook page, which is operated by Patton. “Today we made history and changed the law for the better when it comes to the best interest of our children.

“I’m ecstatic, I’m glad it went so smoothly this year,” Patton told the *Herald*, of the bill that was initially introduced during the 2015 legislative session. “I was honored to be able to witness it with my family. I’m still overwhelmed.”

HB 229 is co-sponsored by state Reps. Andy Welch (R-McDonough), John Meadows (R-Calhoun), Barry Fleming (R-Harlem), Dustin Hightower (R-Carollton) and LaDawn Jones (D-Atlanta).

To see the bill in its entirety, visit legis.ga.gov. It goes into effect July 1.