

HB 1094 **GRANDPARENTS: VISITATION RIGHTS.** OCGA § 19-7-3. Sholar; 179th; 1/28 ...  
**grandparent** more than two years after the denial of ...  
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**HB 1094 GRANDPARENTS: VISITATION RIGHTS**  
**OCGA § 19-7-3**

**Sholar; 179th; 1/28**

Provides that an original action requesting visitation rights will not be filed by any grandparent more than two years after the denial of visitation by the legal custodian, guardian of the person, or parent of the child; provides penalties for filing of actions without merit.

**Visitation (non-divorce) Case**

A major classification category of domestic relations cases that includes cases in which an individual requests that a court schedule the time the individual will spend with the minor children. Such requests can be brought before the court by parents, grandparents, or other family members. Do not include in this category cases in which custody/visitation issues are part of a marriage dissolution/divorce proceeding.

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19-7-3.

(a) As used in this Code section, the term 'grandparent' means the parent of a parent of a minor child, the parent of a minor child's parent who has died, and the parent of a minor child's parent whose parental rights have been terminated.

(b) Except as otherwise provided in this subsection, any grandparent shall have the right to file an original action for visitation rights to a minor child or to intervene in and seek to obtain visitation rights in any action in which any court in this state shall have before it any question concerning the custody of a minor child, a divorce of the parents or a parent of such minor child, a termination of the parental rights of either parent of such minor child, or visitation rights concerning such minor child or whenever there has been an adoption in which the adopted child has been adopted by the child's blood relative or by a stepparent, notwithstanding the provisions of Code Section 19-8-19. This subsection shall not authorize an original action where the parents of the minor child are not separated and the child is living with both of the parents.

(c) Upon the filing of an original action or upon intervention in an existing proceeding under subsection (b) of this Code section, the court may grant any grandparent of the child reasonable visitation rights if the court finds the health or welfare of the child would be harmed unless such visitation is granted, and if the best interests of the child would be served by such visitation. The court shall make specific written findings of fact in support of its rulings. There shall be no presumption in favor of visitation by any grandparent. An original action requesting visitation rights shall not be filed by any grandparent more than once during any two-year period and shall not be filed during any year in which another custody action has been filed concerning the child. After visitation rights have been granted to any grandparent, the legal custodian, guardian of the person, or parent of the child may petition the court for revocation or amendment of such visitation rights, for good cause shown, which the court, in its discretion, may grant or deny; but such a petition shall not be filed more than once in any two-year period.

(d) If the court finds that the grandparent or grandparents can bear the cost without unreasonable financial hardship, the court, at the sole expense of the petitioning grandparent or grandparents, may:

- (1) Appoint a guardian ad litem for the minor child; and
- (2) Assign the issue of visitation rights of a grandparent for mediation.

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