

**ADOPTED**

Representative Nimmer of the 178<sup>th</sup> offers the following amendment:

1 *Amend the Senate committee substitute to HB 982 (LC 29 8056S) by replacing lines 1*  
 2 *through 4 with the following:*

3 To provide greater benefits and protections to the children and youth of this state; to amend  
 4 Chapter 11 of Title 15 and Code Section 49-5-8 of the Official Code of Georgia Annotated,  
 5 relating to the Juvenile Code and powers and duties of the Department of Human Services,  
 6 respectively, so as to allow the Division of Family and Children Services of the Department  
 7 of Human Services to offer extended care youth services to youths between 18 and 21 years  
 8 of age under certain circumstances; to change a definition; to clarify juvenile court  
 9 jurisdiction and the termination of dependency orders; to provide for voluntary agreements  
 10 for services and court oversight; to change provisions relating to the Department of Human  
 11 Services' powers and duties; to require certain information be provided to a caregiver, foster  
 12 parent, preadoptive parent, or relative by the division upon placement of a child; to change  
 13 provisions relating to relative searches conducted by the division; to change provisions  
 14 relating to termination of parental rights; to amend Title 19 of the Official Code of Georgia  
 15 Annotated, relating to domestic relations, so as to provide for the right of intervention in  
 16 child custody proceedings under certain circumstances; to change provisions relating to the  
 17 right of surviving parent to custody of child and the discretion of the court; to provide for  
 18 procedure and considerations; to provide for cross-references; to provide for effective dates;  
 19 to

20 *By replacing lines 7 through 9 with the following:*

21 **PART I**

22 **SECTION 1-1.**

23 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile  
 24 Code, is amended by revising paragraph (10) of Code Section 15-11-2, relating to definitions,  
 25 as follows:

26 "(10) 'Child' means any individual who is:

27 (A) Under the age of 18 years;

28 (B) Under the age of 17 years when alleged to have committed a delinquent act;

29 (C) ~~Under the age of 22 years and in the care of DFCS as a result of being adjudicated~~  
 30 ~~dependent before reaching 18 years of age; Between 18 and 21 years of age and~~  
 31 ~~receiving extended care youth services from DFCS; or~~

32 ~~(D) Under the age of 23 years and eligible for and receiving independent living~~  
 33 ~~services through DFCS as a result of being adjudicated dependent before reaching 18~~  
 34 ~~years of age; or~~

35 ~~(E) Under the age of 21 years who committed an act of delinquency before reaching~~  
 36 ~~the age of 17 years and who has been placed under the supervision of the court or on~~  
 37 ~~probation to the court for the purpose of enforcing orders of the court."~~

### 38 SECTION 1-2.

39 Said chapter is further amended by revising subparagraph (F) of paragraph (1) of Code  
 40 Section 15-11-10, relating to exclusive original jurisdiction, as follows:

41 ~~"(F) Has remained in foster care after such child's eighteenth birthday or who is~~  
 42 ~~receiving independent living services from DFCS after such child's eighteenth birthday;~~  
 43 ~~provided, however, that such jurisdiction shall be for the purpose of reviewing the~~  
 44 ~~status of such child and the services being provided to such child as a result of such~~  
 45 ~~child's independent living plan or status as a child in foster care~~ Is receiving extended  
 46 care youth services; provided, however, that such jurisdiction shall be for the purpose  
 47 of reviewing the status of the case, determining that extended care youth services are  
 48 in the best interests of such child, adopting a transition plan for such child, ensuring the  
 49 provision of developmentally appropriate services and supports consistent with such  
 50 plans, and determining whether reasonable efforts are being made to transition such  
 51 child to independent living or another planned permanent adult living arrangement; or"

### 52 SECTION 1-3.

53 Said chapter is further amended by revising paragraph (16) of subsection (b) of Code Section  
 54 15-11-201, relating to DFCS case plan contents, as follows:

55 "(16) A requirement that the DFCS case manager and staff and, as appropriate, other  
 56 representatives of such child provide him or her with assistance and support in  
 57 developing a transition plan that is personalized at the direction of such child, including  
 58 specific options on housing, health insurance, education, local opportunities for mentors  
 59 and continuing support services, and ~~work force~~ workforce supports and employment  
 60 services, and is as detailed as such child may elect. The transition plan shall be  
 61 completed in the 90 day period:

62 ~~(A) Immediately~~ immediately prior to the date on which such child will attain 18 years  
 63 of age; or

64 ~~(B) If such child remains in the care of DFCS past his or her eighteenth birthday,~~  
 65 ~~before his or her planned exit from DFCS care."~~

66 **SECTION 1-4.**

67 Said chapter is further amended by revising subsection (c) of Code Section 15-11-214,  
68 relating to duration of disposition orders, as follows:

69 ~~"(c) Unless a child remains in DFCS care or continues to receive services from DFCS,~~  
70 ~~when~~ When a child adjudicated as a dependent child reaches 18 years of age, all orders in  
71 connection with dependency proceedings affecting him or her then in force terminate and  
72 he or she shall be discharged from further obligation or control."

73 **SECTION 1-5.**

74 Said chapter is further amended by adding a new article to read as follows:

75 "ARTICLE 4A

76 15-11-340.

77 (a) A child may receive extended care youth services from DFCS. In order to receive such  
78 services, he or she must be between 18 and 21 years of age, sign a voluntary placement  
79 agreement with DFCS, and meet objective eligibility criteria established by DFCS, which  
80 shall include one or more of the following requirements:

81 (1) Be completing secondary education or a program leading to an equivalent credential;

82 (2) Be enrolled in an institution which provides postsecondary or vocational education;

83 (3) Be a participant in a program or activity designed to promote or remove barriers to  
84 employment;

85 (4) Be employed for at least 120 hours per month;

86 (5) Be employed for 80 hours per month, provided that he or she is also engaged in one  
87 of the activities described in paragraphs (1) through (3) of this subsection or can only  
88 work 80 hours per month due to a medical condition; or

89 (6) Be incapable of doing any of the activities described in paragraphs (1) through (5)  
90 of this subsection due to a medical condition.

91 (b) When a child is receiving extended care youth services from DFCS, a DFCS case  
92 manager and staff, other representatives of such child and, as appropriate, such child shall  
93 develop a transition plan that is personalized at the direction of such child, including an  
94 option to execute a durable power of attorney for health care, health care proxy, or other  
95 similar document recognized by law with respect to health care and specific options on  
96 housing, health insurance, education, local opportunities for mentors and continuing  
97 support services, and workforce supports and employment services, and is as detailed as  
98 such child may elect. Such transition plan shall be completed within 30 days of the child  
99 agreeing to such services and shall be updated as required by this article.

100 (c) A child may terminate a voluntary placement agreement and stop receiving extended  
101 care youth services at any time.

102 (d) Every 60 days, a DFCS case manager shall determine if a child is still eligible for  
103 extended care youth services. If DFCS determines that a child is no longer eligible for  
104 extended care youth services, DFCS may terminate the voluntary placement agreement  
105 with such child and stop providing extended care youth services. DFCS shall provide  
106 written or electronic notice to such child regarding such termination and to the court that  
107 approved such services.

108 (e) A child who is within 12 months of becoming 21 years of age shall not be permitted  
109 to sign a voluntary placement agreement with DFCS for extended care youth services.

110 15-11-341.

111 (a) No later than 120 days after a voluntary placement agreement is signed by a child,  
112 DFCS shall file with the court a written report which shall contain the following:

113 (1) The child's name, date of birth, race, gender, and current address;

114 (2) Facts to support a finding that the child meets the eligibility criteria for extended care  
115 youth services and an explanation as to why it is in the child's best interests to receive  
116 extended care youth services;

117 (3) A copy of the signed voluntary placement agreement;

118 (4) A plan for such child to transition to independent living or another planned  
119 permanent adult living arrangement which is appropriate for the age and independence  
120 of the child using a form adopted by DFCS;

121 (5) Any information the child wants the court to consider; and

122 (6) Any other information DFCS wants the court to consider.

123 (b) Within 30 days of the filing of the written report required by this Code section, the  
124 court shall hold a review hearing and make written findings of fact for the purpose of  
125 determining whether extended care youth services are in the best interests of such child.  
126 The court shall issue an order with regard to the child having extended care youth services  
127 if it has determined that such services are in the best interests of the child and, as  
128 appropriate, approve or reject the plan for transition to independent living or another  
129 planned permanent adult living arrangement submitted by DFCS.

130 15-11-342.

131 (a) When a child is receiving services under this article, the date such child is considered  
132 to have entered foster care shall be 60 days after such child signed the voluntary placement  
133 agreement.

134 (b)(1) No later than 12 months after a child is considered to have entered foster care, the  
 135 court shall hold a hearing and make findings of fact for the purpose of determining  
 136 whether:

137 (A) The services and supports provided by DFCS under the child's voluntary placement  
 138 agreement are developmentally appropriate;

139 (B) DFCS has made reasonable efforts to finalize the child's plan for transition to  
 140 independent living or another planned permanent adult living arrangement; and

141 (C) The child is making progress toward achieving independence.

142 (2) The court shall issue an order adopting or rejecting any updated transition plan for  
 143 such child.

144 (c) So long as a child is eligible for and remains in extended care youth services, the court  
 145 shall conduct periodic review hearings and make written findings of fact in accordance  
 146 with subsection (b) of this Code section no later than 12 months following the previous  
 147 hearing. Such periodic review hearings shall continue so long as such child is eligible for  
 148 and remains in extended care youth services.

149 (d) Five days prior to any hearing conducted under this Code section, DFCS shall submit  
 150 a report for the court's consideration, on a form adopted by DFCS, recommending a plan  
 151 for transition to independent living or another permanent planned adult living arrangement  
 152 and include the child's name, address, and telephone number, the date he or she entered  
 153 extended care youth services, and the placement and services being provided for such child.

154 (e) Within the 90 day period prior to a child no longer receiving extended care youth  
 155 services from DFCS, a DFCS case manager and staff, and other representatives of such  
 156 child and, as appropriate, such child shall develop a final transition plan that is personalized  
 157 at the direction of such child, including an option to execute a durable power of attorney  
 158 for health care, health care proxy, or other similar document recognized by law with  
 159 respect to health care and specific options on housing, health insurance, education, local  
 160 opportunities for mentors and continuing support services, and workforce supports and  
 161 employment services, and is as detailed as such child may elect."

## 162 **PART II**

### 163 **SECTION 2-1.**

164 Code Section 49-5-8 of the Official Code of Georgia Annotated, relating to the powers and  
 165 duties of the Department of Human Services, is amended in subsection (a) by deleting "and"  
 166 at the end of paragraph (10), by replacing the period with "; and" at the end of  
 167 paragraph (11), and by adding a new paragraph to read as follows:

168 "(12) Extended care youth services for youths between 18 and 21 years of age as set forth  
 169 in Article 4A of Chapter 11 of Title 15 and to receive federal reimbursement for  
 170 providing such services in accordance with 42 U.S.C. Section 675, as it existed on  
 171 February 1, 2018."

172 **PART III**  
 173 **SECTION 3-1.**

174 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile  
 175 Code, is amended by adding a new subsection to Code Section 15-11-109, relating to notice  
 176 of hearings to specified nonparties, as follows:

177 "(c) Upon placement of a child, DFCS shall provide the caregiver, foster parent,  
 178 preadoptive parent, or relative providing care for such child with the following information  
 179 in writing:

180 (1) At the time of placement, if available, but no later than 30 days after the child is  
 181 placed in the home or facility:

182 (A) A copy of or recommendations from the child's most recent physical and dental  
 183 examinations and any available information on the child's known medical conditions  
 184 and current medications;

185 (B) A copy of or recommendations from the child's most recent developmental  
 186 assessment, trauma assessment, and psychological evaluation;

187 (C) A copy of any court scheduling order or the dates and times for any scheduled  
 188 hearings relating to the child; and

189 (D) Health insurance information for the child, including the child's Medicaid number.  
 190 Provision of records in accordance with this paragraph shall not be considered a violation  
 191 of subsection (b) of Code Section 49-5-40; and

192 (2) At the time of placement:

193 (A) An explanation of the process for enrolling the child in school and any information  
 194 necessary to complete the process;

195 (B) A description of any financial assistance for which the caregiver, foster parent,  
 196 preadoptive parent, or relative may be eligible, including any financial assistance  
 197 available for child care;

198 (C) A description of the reasonable and prudent parenting standard defined in Code  
 199 Section 49-5-3; and

200 (D) Contact information for a county or district department of family and children  
 201 services."

**PART IV**  
**SECTION 4-1.**

Said chapter is further amended by revising subsection (f) of Code Section 15-11-202,

*By redesignating Sections 2 and 3 as Sections 4-2 and 4-3, respectively, and deleting line 72.*

*By inserting between lines 72 and 73 the following:*

**PART V**  
**SECTION 5-1.**

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by revising Code Section 19-9-2, relating to the right of surviving parent to custody of child and the discretion of the court, as follows:

"19-9-2.

(a) Upon the death of either parent, the survivor is entitled to custody of the child; provided, however, that the judge, upon petition, may exercise discretion as to the custody of the child, looking solely to the child's best interest and welfare.

(b) In the same manner as the court exercises discretion and jurisdiction of a petition under subsection (a) of this Code section, and notwithstanding subsection (b.1) of Code Section 19-7-1, when an action involving the custody of a child is pending, an individual is hereby granted the right to intervene in such action for the limited purpose of asserting a right to be considered for joint custody or sole custody of such child when there is an allegation that one or both of the parties to the custody proceeding is not a fit, capable, and suitable custodian for such child.

(c) If the court has determined by clear and convincing evidence that one or both of the parties to the custody proceeding is not a fit, capable, and suitable custodian for such child and such child's physical health or significant, long-term emotional health would be harmed if custody was awarded to one or both of such parties, the court shall consider the intervenor's petition for child custody. If the court has determined that one party is unfit or unsuitable, the court shall consider the intervenor for joint custody with the other party. If the court has determined that both parties are unfit or unsuitable, the court shall consider the intervenor for sole custody. The court shall issue an order including findings of fact if it has determined that one or both parties are unfit or unsuitable. If the court has not made such a determination, the court shall dismiss the intervenor's petition and no further action by the court shall be made in connection to such petition.

234 (d)(1) When one or both parties to the custody proceeding has been found to be unfit or  
 235 unsuitable, the court shall consider an award of joint custody or sole custody to the  
 236 intervenor if it is in the best interests of such child. In making such determination, in  
 237 addition to applying the standards set forth in Code Section 19-9-3, the court shall  
 238 consider:

239 (A) The nature of the relationship between such child and the intervenor;

240 (B) The length of time the child has resided with the intervenor;

241 (C) The role the intervenor has played in caring for such child;

242 (D) The financial support provided by the intervenor for such child; and

243 (E) Any other circumstance deemed relevant by the court.

244 (2) The court shall make specific findings of fact regarding an award of custody under  
 245 this subsection.

246 (3) If the court provides for joint custody, the intervenor and other party shall comply  
 247 with Code Section 19-9-1."

248

## **PART VI**

249

### **SECTION 6-1.**

250 Said title is further amended by revising subsection (b.1) of Code Section 19-7-1, relating to  
 251 in whom parental power lies, how such power lost, and recovery for homicide of child, as  
 252 follows:

253 "(b.1) Notwithstanding subsections (a) and (b) of this Code section or any other law to the  
 254 contrary, and in addition to the right of intervention provided for in Code Section 19-9-2,  
 255 in any action involving the custody of a child between the parents or either parent and a  
 256 third party limited to grandparent, great-grandparent, aunt, uncle, great aunt, great uncle,  
 257 sibling, or adoptive parent, parental power may be lost by the parent, parents, or any other  
 258 person if the court hearing the issue of custody, in the exercise of its sound discretion and  
 259 taking into consideration all the circumstances of the case, determines that an award of  
 260 custody to such third party is for the best interest of the child or children and will best  
 261 promote their welfare and happiness. There shall be a rebuttable presumption that it is in  
 262 the best interest of the child or children for custody to be awarded to the parent or parents  
 263 of such child or children, but this presumption may be overcome by a showing that an  
 264 award of custody to such third party is in the best interest of the child or children. The sole  
 265 issue for determination in any such case shall be what is in the best interest of the child or  
 266 children."



## SECTION 6-2.

Said title is further amended by revising subsections (a), (b), (d), and (f) of Code Section 19-9-3, relating to establishment and review of child custody and visitation, as follows:

"(a)(1) In all cases in which the custody of any child is at issue ~~between the parents~~, there shall be no prima-facie right to the custody of the child in the father or mother. There shall be no presumption in favor of any particular form of custody, legal or physical, nor in favor of ~~either parent~~ any party. Joint custody may be considered as an alternative form of custody by the judge and the judge at any temporary or permanent hearing may grant sole custody, joint custody, joint legal custody, or joint physical custody as appropriate.

(2) The judge hearing the issue of custody shall make a determination of custody of a child and such matter shall not be decided by a jury. The judge may take into consideration all the circumstances of the case, including the improvement of the health of the party seeking a change in custody provisions, in determining to whom custody of the child should be awarded. The duty of the judge in all such cases shall be to exercise discretion to look to and determine solely what is for the best interest of the child and what will best promote the child's welfare and happiness and to make his or her award accordingly.

(3) In determining the best interests of the child, the judge may consider any relevant factor regarding the child and the individuals seeking custody, including, but not limited to:

(A) The love, affection, bonding, and emotional ties existing between each ~~parent~~ such individual and the child;

(B) The love, affection, bonding, and emotional ties existing between the child and his or her siblings, half siblings, and stepsiblings and the residence of such other children;

(C) The capacity and disposition of each ~~parent~~ such individual to give the child love, affection, and guidance and to continue the education and rearing of the child;

(D) Each ~~parent's~~ such individual's knowledge and familiarity of the child and the child's needs;

(E) The capacity and disposition of each ~~parent~~ such individual to provide the child with food, clothing, medical care, day-to-day needs, and other necessary basic care, with consideration made for the potential payment of child support by the other ~~parent~~ individual seeking custody;

(F) The home environment of each ~~parent~~ considering such individual, taking into consideration the promotion of nurturance and safety of the child rather than superficial or material factors;

- 303 (G) The importance of continuity in the child's life and the length of time the child has  
 304 lived in a stable, satisfactory environment and the desirability of maintaining  
 305 continuity;
- 306 (H) The stability of the family unit of each of the ~~parents~~ individuals seeking custody  
 307 and the presence or absence of each ~~parent~~ such individual's support systems within the  
 308 community to benefit the child;
- 309 (I) The mental and physical health of each ~~parent~~ such individual;
- 310 (J) Each ~~parent's~~ such individual's involvement, or lack thereof, in the child's  
 311 educational, social, and extracurricular activities;
- 312 (K) Each ~~parent's~~ such individual's employment schedule and the related flexibility or  
 313 limitations, if any, of a ~~parent~~ such individual to care for the child;
- 314 (L) The home, school, and community record and history of the child, as well as any  
 315 health or educational special needs of the child;
- 316 (M) Each ~~parent's~~ such individual's past performance and relative abilities for future  
 317 performance of parenting responsibilities;
- 318 (N) The willingness and ability of each of the ~~parents~~ such individual to facilitate and  
 319 encourage a close and continuing parent-child relationship between the child and the  
 320 other ~~parent~~ individual seeking custody, consistent with the best interest of the child;
- 321 (O) Any recommendation by a court appointed custody evaluator or guardian ad litem;
- 322 (P) Any evidence of family violence or sexual, mental, or physical child abuse or  
 323 criminal history of ~~either parent~~ any individual seeking custody; and
- 324 (Q) Any evidence of substance abuse by ~~either parent~~ any individual seeking custody.
- 325 (4) In addition to other factors that a judge may consider in a proceeding in which the  
 326 custody of a child or visitation or parenting time by a ~~parent~~ an individual seeking  
 327 custody is at issue and in which the judge has made a finding of family violence:
- 328 (A) The judge shall consider as primary the safety and well-being of the child and of  
 329 the ~~parent~~ individual seeking custody who is the victim of family violence;
- 330 (B) The judge shall consider the perpetrator's history of causing physical harm, bodily  
 331 injury, assault, or causing reasonable fear of physical harm, bodily injury, or assault to  
 332 another person;
- 333 (C) If a parent is absent or relocates because of an act of domestic violence by the other  
 334 parent, such absence or relocation for a reasonable period of time in the circumstances  
 335 shall not be deemed an abandonment of the child for the purposes of custody  
 336 determination; and
- 337 (D) The judge shall not refuse to consider relevant or otherwise admissible evidence  
 338 of acts of family violence merely because there has been no previous finding of family

339 violence. The judge may, in addition to other appropriate actions, order supervised  
340 visitation or parenting time pursuant to Code Section 19-9-7.

341 (5) In all custody cases in which the child has reached the age of 14 years, the child shall  
342 have the right to select the parent or other individual qualified as a custodian with whom  
343 he or she desires to live. The child's selection for purposes of custody shall be  
344 presumptive unless the parent or individual so selected is determined not to be in the best  
345 interests of the child. The ~~parental~~ custodial selection by a child who has reached the age  
346 of 14 may, in and of itself, constitute a material change of condition or circumstance in  
347 any action seeking a modification or change in the custody of that child; provided,  
348 however, that such selection may only be made once within a period of two years from  
349 the date of the previous selection and the best interests of the child standard shall apply.

350 (6) In all custody cases in which the child has reached the age of 11 but not 14 years, the  
351 judge shall consider the desires and educational needs of the child in determining which  
352 parent or other individual qualified as a custodian shall have custody. The judge shall  
353 have complete discretion in making this determination, and the child's desires shall not  
354 be controlling. The judge shall further have broad discretion as to how the child's desires  
355 are to be considered, including through the report of a guardian ad litem. The best  
356 interests of the child standard shall be controlling. The ~~parental~~ custodial selection of a  
357 child who has reached the age of 11 but not 14 years shall not, in and of itself, constitute  
358 a material change of condition or circumstance in any action seeking a modification or  
359 change in the custody of that child. The judge may issue an order granting temporary  
360 custody to the selected parent or individual for a trial period not to exceed six months  
361 regarding the custody of a child who has reached the age of 11 but not 14 years where the  
362 judge hearing the case determines such a temporary order is appropriate.

363 (7) The judge is authorized to order a psychological custody evaluation of the family  
364 parties or an independent medical evaluation. In addition to the privilege afforded a  
365 witness, neither a court appointed custody evaluator nor a court appointed guardian ad  
366 litem shall be subject to civil liability resulting from any act or failure to act in the  
367 performance of his or her duties unless such act or failure to act was in bad faith.

368 (8) If requested by any party on or before the close of evidence in a contested hearing,  
369 the permanent court order awarding child custody shall set forth specific findings of fact  
370 as to the basis for the judge's decision in making an award of custody, including any  
371 relevant factor relied upon by the judge as set forth in paragraph (3) of this subsection.  
372 Such order shall set forth in detail why the court awarded custody in the manner set forth  
373 in the order and, if joint legal custody is awarded, a manner in which final decision  
374 making on matters affecting the child's education, health, extracurricular activities,  
375 religion, and any other important matter shall be decided. Such order shall be filed within

376 30 days of the final hearing in the custody case, unless extended by order of the judge  
377 with the agreement of the parties.

378 (b) In any case in which a judgment awarding the custody of a child has been entered, on  
379 the motion of any party or on the motion of the judge, that portion of the judgment  
380 effecting visitation rights between the parties and ~~their~~ the child or parenting time may be  
381 subject to review and modification or alteration without the necessity of any showing of  
382 a change in any material conditions and circumstances of either party or the child, provided  
383 that the review and modification or alteration shall not be had more often than once in each  
384 two-year period following the date of entry of the judgment. However, this subsection  
385 shall not limit or restrict the power of the judge to enter a judgment relating to the custody  
386 of a child in any new proceeding based upon a showing of a change in any material  
387 conditions or circumstances of a party or the child. A military parent's absences caused by  
388 the performance of his or her deployments, or the potential for future deployments, shall  
389 not be the sole factor considered in supporting a claim of any change in material conditions  
390 or circumstances of either party or the child; provided, however, that the court may  
391 consider evidence of the effect of a deployment in assessing a claim of any change in  
392 material conditions or circumstances of either party or the child."

393 "(d) It is the express policy of this state to encourage that a child has continuing contact  
394 with parents, ~~and~~ grandparents, and others who have shown the ability to act in the best  
395 interest of the child and to encourage parents to share in the rights and responsibilities of  
396 raising their child after such parents have separated or dissolved their marriage or  
397 relationship."

398 "(f)(1) In any case in which a judgment awarding the custody of a child has been entered,  
399 the court entering such judgment shall retain jurisdiction of the case for the purpose of  
400 ordering the custodial ~~parent~~ parent individual to notify the court of any changes in the residence  
401 of the child.

402 (2) In any case in which visitation rights or parenting time has been provided to ~~the~~  
403 ~~noncustodial parent~~ a noncustodial individual and the court orders that the custodial  
404 ~~parent~~ parent individual provide notice of a change in address of the place for pickup and  
405 delivery of the child for visitation or parenting time, the custodial ~~parent~~ parent individual shall  
406 notify the noncustodial ~~parent~~ parent individual, in writing, of any change in such address. Such  
407 written notification shall provide a street address or other description of the new location  
408 for pickup and delivery so that the noncustodial ~~parent~~ parent individual may exercise ~~such~~  
409 ~~parent's~~ his or her visitation rights or parenting time.

410 (3) Except where otherwise provided by court order, in any case under this subsection  
411 in which a ~~parent~~ an individual awarded custody or an individual not awarded custody  
412 changes his or her residence, he or she must give notification of such change to the other

413 parent parties to the judgment that awarded custody of the child and, if the parent  
 414 individual changing residence is the custodial parent individual, to any other person  
 415 individual granted visitation rights or parenting time under this title or a court order.  
 416 Such notification shall be given at least 30 days prior to the anticipated change of  
 417 residence and shall include the full address of the new residence."

418 **SECTION 6-3.**

419 Said title is further amended by revising subsection (a) of Code Section 19-9-4, relating to  
 420 investigation of abuse, neglect, or other acts which adversely affect health of child in custody  
 421 disputes and cost, as follows:

422 "(a) On motion of either party in any action or proceeding involving determination of the  
 423 award of child custody between parents of the child or between a parent and third party  
 424 custodian, when such motion contains a specific recitation of actual abuse, neglect, or other  
 425 overt acts which have adversely affected the health and welfare of the child, the judge may  
 426 direct the appropriate family and children services agency or any other appropriate entity  
 427 to investigate the home life and home environment of ~~each of the parents~~ or custodians, as  
 428 the case requires. In any action or proceeding involving determination of the award of  
 429 child custody between parents of the child or between a parent and third party custodian  
 430 when during such proceedings a specific recitation of actual abuse, neglect, or other overt  
 431 acts which have adversely affected the health and welfare of the child has been made, the  
 432 judge shall also have authority on his or her own motion to order such an investigation if  
 433 in the judge's opinion the investigation would be useful in determining placement or  
 434 custody of the child. The judge may also direct either party to pay to the agency the  
 435 reasonable cost, or any portion thereof, of the investigation. The report of the investigation  
 436 will be made to the judge directing the investigation. Any report made at the direction of  
 437 the judge shall be made available to either or both parties for a reasonable period of time  
 438 prior to the proceedings at which any temporary or permanent custody is to be determined.  
 439 Both parties shall have the right to confront and cross-examine the person or persons who  
 440 conducted the investigation or compiled the report if adequate and legal notice is given."

441 **SECTION 6-4.**

442 Said title is further amended by revising subsections (a) and (b) of Code Section 19-9-5,  
 443 relating to custody agreements, ratification, and supplementation, as follows:

444 "~~In all proceedings under this article between parents, it~~ It shall be expressly  
 445 permissible ~~for the parents of a child~~ to present to the judge an agreement respecting any  
 446 and all issues concerning custody of ~~the~~ a child. As used in this Code section, the term  
 447 'custody' shall include, without limitation, joint custody ~~as such term is defined in Code~~

448 ~~Section 19-9-6. As used in this Code section, the term 'custody' and~~ shall not include  
 449 payment of child support.

450 (b) The judge shall ratify the agreement and make such agreement a part of the judge's  
 451 final judgment in the proceedings unless the judge makes specific written factual findings  
 452 as a part of the final judgment that under the circumstances ~~of the parents and the child in~~  
 453 ~~such agreement that~~ the agreement would not be in the best interests of the child. The  
 454 judge shall not refuse to ratify such agreement and to make such agreement a part of the  
 455 final judgment based solely upon the ~~parents'~~ choice of the parties to use joint custody as  
 456 a part of such agreement."

457 **SECTION 6-5.**

458 Said title is further amended by revising paragraphs (5) and (6) of Code Section 19-9-6,  
 459 relating to definitions, as follows:

460 "(5) 'Joint legal custody' means both parents or a parent and another party have equal  
 461 rights and responsibilities for major decisions concerning the child, including the child's  
 462 education, health care, extracurricular activities, and religious training; provided,  
 463 however, that the judge may designate one parent individual to have sole power to make  
 464 certain decisions while both parents individuals retain equal rights and responsibilities  
 465 for other decisions.

466 (6) 'Joint physical custody' means that physical custody is shared by the parents or by a  
 467 parent and another party in such a way as to assure the child of substantially equal time  
 468 and contact with both parents or with the parent and the other party."

469 **PART VII**

470 **SECTION 7-1.**

471 This part and Parts II through VI of this Act shall become effective on July 1, 2018, and  
 472 Part I of this Act shall become effective on July 1, 2020.

473 **SECTION 7-2.**