

Senate Resolution 504

By: Senators Williams of the 27th and Brass of the 28th

A RESOLUTION

1 Creating the Senate Study Committee on Parents Who Misuse the Judicial System in Child
2 Custody Proceedings; and for other purposes.

3 WHEREAS, sociopathic parents use children as pawns and to their financial advantages to
4 further abuse the other parent in child custody proceedings; and

5 WHEREAS, the Georgia House Shared Parenting Study Committee Report issued on
6 December 31, 2006, stated that "testimony was presented during the committee meetings
7 about how false claims are at times used to try to gain leverage in custody proceedings.
8 Testimony was also presented that in numerous cases, abuse is not reported because of fear
9 on the part of the one who was abused"; and

10 WHEREAS, such House committee urged that a study be made to determine the amount of
11 abuse cases that might be false which are used for the purpose of gaining an "edge" in
12 proceedings and that the actions of attorneys in using false claims should also be studied.
13 Just as attorneys are gate keepers for frivolous litigation, they should be gate keepers for
14 frivolous claims regarding abuse. Sanctions should be utilized where an attorney actively
15 proposes a false claim for the purpose of giving his or her client a better chance of gaining
16 custody; and

17 WHEREAS, the Georgia Child Support Commission's responsibilities may need to be
18 expanded to include gathering data on child custody decisions; and

19 WHEREAS, it would be beneficial to study claims of abuse to determine if some are used
20 for leverage in child custody proceedings; and

21 WHEREAS, it would be beneficial to study whether or not governmental or
22 quasi-governmental entities prohibit acceptable access for a parent; and

23 WHEREAS, the Georgia Supreme Court may need to encourage the Judicial Qualifications
24 Commission to expand its rules to deal with judicial misconduct in the arena of child
25 custody, child support, and parenting time decisions; and

26 WHEREAS, studying ways to improve scrutiny, transparency, and accountability of judicial
27 officials and attorneys in proceedings involving abuse of procedure, frivolous litigation,
28 noncompliance with statutory child custody and child support mandates, identifying
29 sociopaths, narcissists, and all dynamics of family violence in domestic relations
30 proceedings, and identifying additional resources to assist the courts in accomplishing its
31 mission to improve public trust in the judicial system is a critical need; and

32 WHEREAS, the right of parents to direct the upbringing and education of their children is
33 a fundamental right protected by the Constitutions of the United States and the State of
34 Georgia; and

35 WHEREAS, our nation has historically relied first and foremost on parents to meet the real
36 and constant needs of their children; and

37 WHEREAS, the interests of children are best served when parents are free to make child
38 rearing decisions about education, religion, and other areas of a child's life without
39 government interference; and

40 WHEREAS, in 1972, the United States Supreme Court in *Wisconsin v. Yoder* held that "This
41 primary role of the parents in the upbringing of their children is now established beyond
42 debate as an enduring American tradition."; and

43 WHEREAS, in 2000, the United States Supreme Court in *Troxel v. Granville* produced six
44 different opinions on the nature and enforceability of parental rights under the United States
45 Constitution.

46 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE:

47 (1) **Creation of Senate study committee.** There is created the Senate Study Committee
48 on Parents Who Misuse the Judicial System in Child Custody Proceedings.

49 (2) **Members and officers.** The committee shall be composed of five members of the
50 Senate to be appointed by the President of the Senate and two citizens to be appointed by
51 the study committee chairman; provided, however, that one such member shall be the

52 chairperson of the Senate Judiciary Committee who shall serve as chairperson of the
53 study committee.

54 (3) **Powers and duties.** The committee shall undertake a study of the conditions, needs,
55 issues, and problems mentioned above or related thereto and recommend any action or
56 legislation which the committee deems necessary or appropriate.

57 (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee
58 may conduct such meetings at such places and at such times as it may deem necessary or
59 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
60 accomplish the objectives and purposes of this resolution.

61 (5) **Allowances, expenses, and funding.**

62 (A) The legislative members of the committee shall receive the allowances provided
63 for in Code Section 28-1-8 of the Official Code of Georgia Annotated.

64 (B) Members of the committee who are not legislators, state officials, or state
65 employees shall receive a daily expense allowance in an amount the same as that
66 specified in subsection (b) of Code Section 45-7-21 of the Official Code of Georgia
67 Annotated, as well as the mileage or transportation allowance authorized for state
68 employees.

69 (C) The allowances and expenses authorized by this resolution shall not be received
70 by any member of the committee for more than five days unless additional days are
71 authorized. Funds necessary to carry out the provisions of this resolution shall come
72 from funds appropriated to the Senate.

73 (6) **Report.**

74 (A) In the event the committee adopts any specific findings or recommendations that
75 include suggestions for proposed legislation, the chairperson shall file a report of the
76 same prior to the date of abolishment specified in this resolution, subject to
77 subparagraph (C) of this paragraph.

78 (B) In the event the committee adopts a report that does not include suggestions for
79 proposed legislation, the chairperson shall file the report, subject to subparagraph (C)
80 of this paragraph.

81 (C) No report shall be filed unless the same has been approved prior to the date of
82 abolishment specified in this resolution by majority vote of a quorum of the committee.
83 A report so approved shall be signed by the chairperson of the committee and filed with
84 the Secretary of the Senate.

85 (D) In the absence of an approved report, the chairperson may file with the Secretary
86 of the Senate a copy of the minutes of the meetings of the committee in lieu thereof.

87 (7) **Abolishment.** The committee shall stand abolished on December 1, 2017.