

DRAFT “VIRTUAL VISITATION” BILL

Amends the Georgia Title 19, 19-9-1:

A BILL TO BE ENTITLED AN ACT

To provide for legislative findings; to amend Title 19 of the Official Code of Georgia Annotated, relating respectively to adding Electronic Communication as an option to divorcing families.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Said title is further amended by adding Code Section 19-9-1(D), relating to supervised visitation to include Electronic Communication, to read as follows:

(D) The court shall not refuse to consider relevant or otherwise admissible evidence of acts of family violence merely because there has been no previous finding of family violence. The court may, in addition to other appropriate actions, order supervised visitation and Electronic Communication pursuant to Code Section 19-9-7.

SECTION 2.

Said title is further amended by adding Code Section 19-9-3(5.1), relating to guidelines for adding Electronic Communication, to read as follows:

(5.1) Electronic Communication, as defined by Code Section 19-9-41, Upon motion by either parent, the court may grant a reasonable amount of Electronic Communication at reasonable hours to a parent when the child is not in the parent’s physical custody. Granting a parent Electronic Communication shall be based on whether it is in the child’s best interest and whether equipment for providing Electronic Communication is reasonably available to a parent.

SECTION 3.

Said title is further amended by adding to Code Section 19-9-3(6)(d), adding to the right of contact, Electronic Communication, to read as follows:

(d) It is the express policy of this state to encourage that a minor child has continuing contact that may include Electronic Communication with parents and grandparents who have shown the ability to act in the best interest of the child and to encourage parents to share in the rights and responsibilities of raising their children after such parents have separated or dissolved their marriage.

SECTION 4.

Said title is further amended by adding to Code Section 19-9-6(4), adding to the right of visitation, Electronic Communication, to read as follows:

(4) 'Sole custody' means a person, including, but not limited to, a parent, has been awarded permanent custody of a child by a court order. Unless otherwise provided by court order, the person awarded sole custody of a child shall have the rights and responsibilities for major decisions concerning the child, including the child's education, health care, and religious training, and the noncustodial parent shall have the right to visitation and Electronic Communication. A person who has not been awarded custody of a child by court order shall not be considered as the sole legal custodian while exercising visitation rights.

(5) "Visitation", means in-person time spent between a child and their parent including any form of visitation and any electronic communication;

(6) "Electronic communication" means time during which a parent and his or her child communicate by using communication tools such as the telephone, electronic mail, instant messaging, video conferencing or other wired or wireless technologies via the Internet, or another medium of communication.

SECTION 5.

Said title is further amended by adding Code Section 19-9-7(a), adding Electronic Communication as an option, to read as follows:

(a) A court may award visitation that includes Electronic Communication by a parent who committed one or more acts involving family violence only if the court finds that adequate provision for the safety of the child and the parent who is a victim of family violence can be made. In a visitation order, a court may:

SECTION 6.

Said title is further amended by adding Code Section 19-9-7(2), relating to supervised visitation to include Electronic Communication, to read as follows:

(2) Order visitation and Electronic Communication supervised by another person or agency;

SECTION 7.

Said title is further amended by adding Code Section 19-9-7(5), relating to supervised visitation to include Electronic Communication, to read as follows:

(5) Order the perpetrator of family violence to pay a fee to defray the costs of supervised visitation and Electronic Communication;

SECTION 8.

Said title is further amended by adding Code Section 19-9-41(18), defining Electronic Communication, to read as follows:

(18) 'Electronic Communication' means time that a parent spends with his or her child during which the child is not in the parent's actual physical custody, but which is facilitated by the use of communication tools such as the telephone, electronic mail, instant messaging, video conferencing or other wired or wireless technologies via the Internet, or another medium of communication.

(a) Electronic communication with the child may be used only to supplement a parent's periods of visitation with the child. Electronic communication may not be used as a replacement or as a substitute for custody or a parent's periods of visitation with the child.

(b) Granting a parent electronic communication with the child during the other parent's periods of visitation shall be based on whether it is in the child's best interest and whether equipment for providing electronic communication is reasonably available to both parents.

(c) The court may not use the availability of electronic communication as a factor in support of a modification of a physical custody or visitation order.

(d) The court may not use the availability of electronic communication as a factor in support of a removal of a child by the custodial parent out of the immediate area or state.

References:

- www.InternetVisitation.org

Existing Laws:

- Utah Bill: HB 0082s01
- Wisconsin Bill – SB 244

Existing Bills:

- Missouri – Bill submitted by Rep Michael Brown
- Ohio - SB 341 submitted by Senator Marc Dunn
- South Carolina - Bill created SB1344 by Senator Mescher
- Illinois - Bill submitted HB5379 by Representative Ruth Munson
- Virginia - Bill submitted SB123 by Senator Jay O'Brien
- Michigan - Bill submitted HB6452 by Rep Tom Pearce
- New Jersey – Bill submitted A-3107 by Assemblyman Francis L. Bodine
- Texas – Bill being submitted by Senate Eddie Lucio Jr.