

House Bill 253

By: Representatives Clark of the 100th, Gaines of the 120th, Jones of the 25th, Evans of the 57th, Kelley of the 16th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15 and Article 1 of Chapter 9 of Title 19 of the Official Code
2 Georgia Annotated, relating to the juvenile code and general provisions relative to child
3 custody proceedings, so as to enact "Ethan's Law"; to provide limitations on ordering a child
4 to be sent to a family reunification program; to provide for a definition; to provide for related
5 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as "Ethan's Law."

9 **SECTION 2.**

10 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the juvenile
11 code, is amended by adding a new Code section to Article 3, relating to dependency
12 proceedings, to read as follows:

13 "15-11-202.1.

14 (a) Except as provided by any other provision in this chapter, a court shall not order family
15 reunification or unification treatments, programs, or services, including, but not limited to,

H. B. 253

16 camps, workshops, therapeutic vacations, or educational programs, that, as a condition of
17 enrollment or participation, require or result in any of the following:

18 (1) Violation of a court order requiring that a child have no contact with his or her parent
19 or legal guardian;

20 (2) An overnight, out-of-state, or multiday stay;

21 (3) A transfer of physical or legal custody of the child;

22 (4) The use of private youth transporters or private transportation agents engaged in the
23 use of force, the threat of force, physical obstruction, acutely distressing circumstances,
24 or any other circumstances that place the safety of the child at risk;

25 (5) A 90 day or more no-contact period between the child and his or her parent or legal
26 guardian; or

27 (6) The use of threats of:

28 (A) Physical force;

29 (B) Undue coercion;

30 (C) Verbal abuse;

31 (D) Isolation from the child's family, community, or other sources of support; or

32 (E) Other distressing circumstances.

33 (b) The court shall appoint a counselor licensed in the State of Georgia to determine
34 whether it is in the best interests of the child to be reunified or unified with his or her parent
35 or legal guardian. Each parent or legal guardian shall be given a reasonable opportunity
36 to submit findings of a counselor licensed in this state to assist in the court's analysis and
37 findings. In addition to the best interests of the child when considering reunification or
38 unification, the court shall consider the stated preferences of the child regarding the parent
39 or legal guardian with whom he or she desires to live."

40 **SECTION 3.**

41 Said chapter is further amended by adding a new paragraph to Code Section 15-11-2, relating
42 to definitions, to read as follows:

43 "(32.2) 'Family reunification or unification treatments, programs, or services' means any
44 treatment, program, or service that provides educational or experiential workshops and
45 operates as or utilizes private youth transporters or private transportation agents, as
46 described in Code Section 15-11-202.1, or any program that transfers decision-making
47 authority to a parent or legal guardian with abuse allegations."

48 **SECTION 4.**

49 Article 1 of Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to
50 general provisions relative to child custody proceedings, is amended by revising
51 paragraph (2) of subsection (a) of Code Section 19-9-3, relating to establishment and review
52 of child custody and visitation, as follows:

53 "(2) The judge hearing the issue of custody shall make a determination of custody of a
54 child and such matter shall not be decided by a jury. The judge may take into
55 consideration all the circumstances of the case, including the improvement of the health
56 of the party seeking a change in custody provisions, in determining to whom custody of
57 the child should be awarded. The duty of the judge in all such cases shall be to exercise
58 discretion to look to and determine solely what is for the best interest of the child and
59 what will best promote the child's welfare and happiness and to make his or her award
60 accordingly. The judge shall not order family reunification or unification treatments,
61 programs, or services, including, but not limited to, camps, workshops, therapeutic
62 vacations, or educational programs, that, as a condition of enrollment or participation,
63 require or result in any of the following:

64 (A) Violation of a court order requiring that a child have no contact with his or her
65 parent or legal guardian;

- 66 (B) An overnight, out-of-state, or multiday stay;
67 (C) A transfer of physical or legal custody of the child;
68 (D) The use of private youth transporters or private transportation agents engaged in
69 the use of force, the threat of force, physical obstruction, acutely distressing
70 circumstances, or circumstances that place the safety of the child at risk; or
71 (E) A 90 day or more no-contact period between the child and his or her parent or legal
72 guardian; or
73 (F) The use of threats of:
74 (i) Physical force;
75 (ii) Undue coercion;
76 (iii) Verbal abuse;
77 (iv) Isolation from the child's family, community, or other sources of support; or
78 (v) Other distressing circumstances.

79 The judge hearing the issue of custody shall appoint a counselor licensed in the State of
80 Georgia to determine whether it is in the best interest of the child to be reunified or
81 unified with his or her parent or legal guardian. Each parent or legal guardian shall be
82 given a reasonable opportunity to submit findings of a counselor licensed in this state to
83 assist in the judge's analysis and findings. In addition to the best interests of the child
84 when considering reunification or unification, the judge shall consider the stated
85 preferences of the child regarding the parent or legal guardian with whom he or she
86 desires to live."

87 **SECTION 5.**

88 Said article is further amended by adding a new paragraph to Code Section 19-9-6, relating
89 to definitions, to read as follows:

90 "(3.1) 'Family reunification or unification treatments, programs, or services' means any
91 treatment, program, or service that provides educational or experiential workshops and

92 operates as or utilizes private youth transporters or private transportation agents, as
93 described in Code Section 15-11-202.1, or any program that transfers decision-making
94 authority to a parent or legal guardian with abuse allegations."

95 **SECTION 6.**

96 This Act shall become effective on July 1, 2025.

97 **SECTION 7.**

98 All laws and parts of laws in conflict with this Act are repealed.