

May 2012

DOMESTIC RELATIONS Child Custody, Etc.: Court Actions: Attorney's Fees

Georgia State University Law Review

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Recommended Citation

Georgia State University Law Review, *DOMESTIC RELATIONS Child Custody, Etc.: Court Actions: Attorney's Fees*, 1 GA. ST. U. L. REV. (2012).

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DOMESTIC RELATIONS

Child Custody, Etc.: Court Actions: Attorney's Fees

CODE SECTION: O.C.G.A. § 19-6-2 (amended)
BILL NUMBER: HB 11
ACT NUMBER: 582
SUMMARY: At the court's discretion, attorney's fees may be awarded in actions for contempt involving child custody, child visitation and property division.

History

Under prior law,¹ attorney's fees were available only in alimony or divorce and alimony suits. The term "divorce and alimony" was interpreted to include child support payments. Child support contempt proceedings could therefore include an award of attorney's fees.² However, case law specifically excluded child custody and visitation rights contempt cases.³ Finally, the courts rejected the proposal that property division settlements were included under "alimony" or "divorce and alimony."

HB 11

The legislation authorizes the courts to award attorney's fees in child custody, child visitation and property division contempt proceedings. It also states that the award of attorney's fees includes but is not limited to, contempt proceedings, suggesting that the statute may be interpreted broadly.

1. O.C.G.A. § 19-6-2 (1982).

2. See *Aycock v. Aycock*, 251 Ga. 104, 303 S.E.2d 456 (1983); *Kight v. Kight*, 242 Ga. 563, 250 S.E.2d 451 (1978).

3. *West v. Barnes*, 254 Ga. 21, 22, 328 S.E.2d 367, 367 (1978). See also *Aycock*, note 2.