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## DOMESTIC RELATIONS Family Violence: Provide Jurisdiction and Venue Over Nonresidents in Certain Circumstances; Provide that It is Unlawful to Knowingly Disclose Location of Family Violence Shelter; Provide that the State Commission on Family Violence Be Assigned to the Administrative Office of the Courts for Administrative Purposes Only

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## DOMESTIC RELATIONS

*Family Violence: Provide Jurisdiction and Venue Over Nonresidents in Certain Circumstances; Provide that It is Unlawful to Knowingly Disclose Location of Family Violence Shelter; Provide that the State Commission on Family Violence Be Assigned to the Administrative Office of the Courts for Administrative Purposes Only*

CODE SECTIONS: O.C.G.A. §§ 19-13-2 (amended), -23 (new), -31 (amended)  
BILL NUMBER: SB 171  
ACT NUMBER: 477  
GEORGIA LAWS: 1997 Ga. Laws 1543  
SUMMARY: The Act gives the superior court jurisdiction over family violence proceedings when the victim resides in the jurisdiction or when the act occurs in the jurisdiction, regardless of where the offender resides, as long as personal jurisdiction is otherwise satisfied. This Act assigns the State Commission on Family Violence to the Administrative Office of the Courts for administrative purposes only. In addition, the Act makes it a misdemeanor to knowingly reveal the location of a family violence center.  
EFFECTIVE DATE: July 1, 1997

### *History*

Georgia has a continuing need to adjust its domestic violence law to more fully protect battered spouses.<sup>1</sup> In 1997, the motivation for change arose when a Douglasville petitioner could not get a restraining order against her nonresident, estranged spouse who had threatened her over the phone.<sup>2</sup>

In the past, when a nonresident battering spouse committed an act of family violence or made a terroristic threat from out-of-state, Georgia courts could not protect the battered spouse by issuing a temporary protective order or temporary extinguishment of custody rights under family violence provisions because they lacked jurisdiction.<sup>3</sup> This often

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1. See Telephone Interview with Linda Wells, Executive Director of the Fayette County Council on Battered Women (Apr. 24, 1997) [hereinafter Wells Interview].

2. See Telephone Interview with Stephanie Stuckey, Attorney for Senate Judiciary Committee (Apr. 24, 1997) [hereinafter Stuckey Interview].

3. See Wells Interview, *supra* note 1; Telephone Interview with Eric Kocher,

left the battered spouse unprotected.<sup>4</sup> Battered spouses also face a problem when they attempt to escape from the violence into a safe shelter. The battering spouse will often hire a private investigator or use utility company records to obtain the address of the shelter at which the battered spouse is residing.<sup>5</sup> Once he or she obtains the address, the battered spouse is no longer safe.<sup>6</sup> The law needed to close this door to the batterer's being able to gain access to the safe shelters.

A battered spouse also deals with terroristic threats, which they know are, all too often, substantive. Many battered spouses receive threats with the battering spouse telling them "I am going to kill you," and describing how they will dispose of their bodies.<sup>7</sup> Under the family violence provisions, a superior court judge can issue a temporary protective order and temporarily extinguish the offender's custody rights; however, there was a concern that the threats should be explicitly enumerated as an act of family violence in order to ensure protection from threats by nonresident respondents.<sup>8</sup>

### SB 171

#### *Introduction*

SB 171 was introduced by Senator Connie Stokes of the 43rd District and Senator Mary Margaret Oliver of the 42nd District.<sup>9</sup> The Senate Judiciary Committee offered a substitute, which passed both the Senate and the House.<sup>10</sup> This bill was signed by the Governor and became effective July 1, 1997.<sup>11</sup>

SB 171 amends Code section 19-13-2, providing jurisdiction and venue for nonresident respondents.<sup>12</sup> SB 171 also adds Code section 19-13-23, making it a misdemeanor to knowingly disclose the location of a family violence shelter.<sup>13</sup> Finally, SB 171 amends Code section 19-13-31, assigning the State Commission on Family Violence to the Administrative Office of the Courts for administrative purposes only.<sup>14</sup>

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Homeless Legal Clinic (June 9, 1997) [hereinafter Kocher Interview].

4. See Wells Interview, *supra* note 1; Kocher Interview, *supra* note 3.

5. See Wells Interview, *supra* note 1.

6. See *id.*

7. See *id.*

8. See Kocher Interview, *supra* note 3.

9. See SB 171, as introduced, 1997 Ga. Gen. Assem.

10. See SB 171 (SCS), 1997 Ga. Gen. Assem.; Final Composite Status Sheet, Mar. 28, 1997.

11. See Final Composite Status Sheet, Mar. 28, 1997.

12. O.C.G.A. § 19-13-2 (Supp. 1997).

13. *Id.* § 19-13-23(a).

14. *Id.* § 19-13-31.

*Jurisdiction and Venue*

Previously, Code section 9-13-2 gave the superior court of the county where the respondent resides jurisdiction over proceedings involving family violence.<sup>15</sup> As introduced, SB 171 amended this Code section by adding subsection (b), which provides that the superior court shall have jurisdiction over family violence proceedings involving nonresident respondents in the county where the petitioner resides or where the violent action occurred.<sup>16</sup> The Senate Committee substitute further amended this Code section by adding language that requires that the act of violence meet certain personal jurisdiction elements.<sup>17</sup> It should be noted that although the Code section addresses jurisdictional issues involving nonresident respondents (out-of-state respondents), it does not address issues involving state respondents who reside in a different county from the petitioner.<sup>18</sup>

*Disclosure*

The Act makes it a misdemeanor to disclose the location of a family violence shelter.<sup>19</sup> However, “[c]onfidential communications between a client and his or her attorney” and disclosure “authorized by the director of the shelter” are not included.<sup>20</sup>

*State Commission on Family Violence*

Code section 19-13-31 created a State Commission on Family Violence to initiate, coordinate, and oversee implementation of family violence laws and to establish a Community Task Force on Family Violence in each judicial circuit to work with the State Commission on Family Violence.<sup>21</sup> The Senate Committee substitute added language to this Code section stating that the Commission is assigned, for administrative purposes only, to the Administrative Office of the Courts.<sup>22</sup> Prior to this change, funds for the Commission went through the Department of Human Resources; this change gives the Commission more control over its resources.<sup>23</sup>

15. 1982 Ga. Laws 3, § 19, at 33 (formerly found at O.C.G.A. § 19-13-2 (1991)).

16. SB 171, as introduced, 1997 Ga. Gen. Assem.

17. SB 171 (SCS), 1997 Ga. Gen. Assem.

18. See Telephone Interview with Shelley Senterfitt, Director of Georgia Commission on Family Violence (June 18, 1997) [hereinafter Senterfitt Interview]; Kocher Interview, *supra* note 3.

19. O.C.G.A. § 19-13-23 (Supp. 1997).

20. *Id.*

21. 1992 Ga. Laws 1810, § 1, at 1811 (codified at O.C.G.A. § 19-13-31 (Supp. 1996)).

22. SB 171 (SCS), 1997 Ga. Gen. Assem.; O.C.G.A. § 19-13-31 (Supp. 1997).

23. See Senterfitt Interview, *supra* note 18.

*Terroristic Threats Failed*

The original version of SB 171 added "terroristic threats" to the definition of family violence in Code section 19-13-1.<sup>24</sup> This addition was withdrawn in the Senate Committee.<sup>25</sup> The addition of terroristic threats was not needed in the definition of family violence; terroristic threats is a felony, and the act of any felony is already clearly defined as an act of family violence.<sup>26</sup> It is important to note that although a terroristic threat is an act of family violence, and Georgia extended jurisdiction over nonresident respondents for acts of family violence in Code section 19-13-2, in order to have jurisdiction over a respondent who threatens from out-of-state, an attorney must establish that the injury occurred in Georgia so that personal jurisdiction requirements will be met.<sup>27</sup>

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24. SB 171, as introduced, 1997 Ga. Gen. Assem.

25. Compare SB 171, as introduced, 1997 Ga. Gen. Assem., with SB 171 (SCS), 1997 Ga. Gen. Assem.

26. See Kocher Interview, *supra* note 3 (referring to 1993 Ga. Laws 1534, § 3, at 1539 (codified at O.C.G.A. § 19-13-1 (Supp. 1996))).

27. See *id.* The act of family violence must otherwise meet personal jurisdiction requirements under Georgia's long arm statute. See *id.*