Domestic Relations

Barry B. McGough

Follow this and additional works at: https://digitalcommons.law.mercer.edu/jour_mlr

Part of the Family Law Commons

Recommended Citation
Available at: https://digitalcommons.law.mercer.edu/jour_mlr/vol49/iss1/6

This Survey Article is brought to you for free and open access by the Journals at Mercer Law School Digital Commons. It has been accepted for inclusion in Mercer Law Review by an authorized editor of Mercer Law School Digital Commons. For more information, please contact repository@law.mercer.edu.
Domestic Relations

by Barry B. McGough

The survey year produced a wide array of appellate opinions with no discernible area of focus. Of particular interest were decisions holding that the relocation of a custodial parent is not alone grounds to change custody and that notice of trial by publication alone contravenes the due process rights of a pro se litigant in a divorce action in which custody of minor children is at issue. A resident can sue for divorce and an award of Georgia property even though the nonresident spouse has never been in the state. However, a resident cannot enforce a foreign divorce decree when the nonresident's only Georgia contact is via mail and telephone.

I. DIVORCE

A. Alimony

In Metzler v. Metzler, the jury awarded the wife alimony in the amounts of fifty thousand dollars in the first year, forty thousand dollars in years two through four, and thirty thousand dollars in the fifth and final year. The alimony was to be paid in twelve equal payments per year and to cease only upon the death of either party. The Supreme Court of Georgia affirmed in part and reversed in part the trial court's final divorce decree that provided only monthly payments and added termination events of the remarriage or cohabitation of the wife.

The court held that "parties themselves are free to contract for the automatic termination of alimony in the event of cohabitation."
However, Official Code of Georgia Annotated ("O.C.G.A.") section 19-6-19(b)\(^6\) does not require termination or reduction of alimony obligations.\(^6\) Because the husband and wife had not agreed to terminate alimony in the event of the wife's cohabitation, the trial court could not impose that limitation in the final decree.\(^7\)

The Supreme Court of Georgia held it was without jurisdiction to entertain the husband's appeal from an interlocutory order awarding temporary alimony in Bailey v. Bailey.\(^8\) The husband had filed an application for discretionary appeal under O.C.G.A. section 5-6-35(a)(2) for review of the award of alimony made by the trial court.\(^9\)

The supreme court held that although O.C.G.A. section 5-6-35 provides for discretionary review of awards granting or denying temporary alimony, a party was "not excuse[d]" from obtaining a certificate of immediate review under O.C.G.A. section 5-6-34(b).\(^10\) Because the husband had not complied with the requirements of the interlocutory appeal procedure, the court was without jurisdiction.\(^11\)

B. Enforcement of Settlement Agreements

On an interlocutory appeal from an order denying the motion of the husband to enforce a settlement agreement, the Supreme Court of Georgia in Mathes v. Mathes\(^12\) held that ineffective assistance of counsel was not a defense and remanded the case to the trial court.\(^13\)

The court held the defense of ineffective counsel was only applicable in criminal, not civil, cases.\(^14\)

In Kendricks v. Childers,\(^15\) the Supreme Court of Georgia held valid a settlement agreement that allowed for cost of living increases in child

---

5. O.C.G.A. § 19-6-19(b) (1991 & Supp. 1997) in the relevant portion states: Subsequent to a final judgment of divorce awarding periodic payment of alimony for the support of a spouse, the voluntary cohabitation of such former spouse with a third party in a meretricious relationship shall also be grounds to modify provisions made for periodic payments of permanent alimony for the support of the former spouse.


9. Id. at 832, 471 S.E.2d at 213 (citing O.C.G.A. § 5-6-35(a)(2) (1995 & Supp. 1997)).

10. Id. at 833, 471 S.E.2d at 215 (citing O.C.G.A. §§ 5-6-34(b) and 5-6-35(a)(2) (1995 & Supp. 1997)).

11. Id.


13. Id. at 845-46, 483 S.E.2d at 574-75.

14. Id. at 845, 483 S.E.2d at 574.

support payments because it was specific and did not contravene a statute or violate public policy.\textsuperscript{16} The trial court had found the provision unenforceable.\textsuperscript{17} The court found this increasing payment provision did not contravene O.C.G.A. section 19-6-15.\textsuperscript{18} The court stated: "While the guidelines create a rebuttable presumption of the correctness of the statutory formula, parents are free to exceed this level of support . . . just as the trier of fact may exceed the guidelines amount under O.C.G.A. § 19-6-15(c)."\textsuperscript{19} Because the provision was specific in amount, did not contravene O.C.G.A. section 19-6-15, and did not violate public policy, the court enforced the agreement.\textsuperscript{20}

C. Equitable Division

In deciding the identity of the beneficiary of annuity benefits payable from the Survivor Benefits Plan ("SBP") of a United States Air Force retiree, the Supreme Court of Georgia in \textit{King v. King}\textsuperscript{21} held the divorce decree awarding the first wife an annuity was preempted by federal law.\textsuperscript{22} The annuity had accrued during the husband's first marriage and was awarded to his first wife when they divorced. He subsequently remarried, and upon his death the annuity was paid to his second wife. The trial court awarded the annuity to the first wife on the basis of the divorce decree, and the supreme court reversed.\textsuperscript{23}

The SBP annuity accrued during the first marriage and therefore was marital property subject to equitable division in the divorce.\textsuperscript{24} However, entitlement to benefits from the SBP is also governed by 10 U.S.C. §§ 1447-1455.\textsuperscript{25} Although state law governs domestic relations issues, federal law preempts state law when the state law squarely conflicts with the express terms of the federal law and "its consequences sufficiently injure the objectives of the federal program."\textsuperscript{26} The court cited 10 U.S.C. § 1450(f)(3) and subsequent amendments that clearly specified the conditions under which a former spouse could become the

\begin{itemize}
\item 16. Id. at 99, 475 S.E.2d at 606.
\item 17. Id. at 98, 475 S.E.2d at 605.
\item 18. Id. at 99, 475 S.E.2d at 606 (citing O.C.G.A. § 19-6-15 (1991 & Supp. 1997)).
\item 19. Id.
\item 20. Id.
\item 22. Id. at 302, 483 S.E.2d 383.
\item 23. Id. at 298-99, 483 S.E.2d at 380-81.
\item 24. Id. at 300, 483 S.E.2d at 382.
\item 25. Id. (citing 10 U.S.C. §§ 1447-1455 (1994)).
\end{itemize}
beneficiary. The conditions called for either the retiree or spouse to notify the government secretary of who would be the beneficiary. Because neither the husband nor the first wife complied with the statute, enforcing the state law divorce decree would conflict with the express provisions of the federal law. Accordingly, the second wife was entitled to the annuity.

The Georgia Court of Appeals upheld the decision of the trial court in Starrett v. Commercial Bank of Georgia, ordering the wife either to convey her interest in certain property to the bank or to sell the property and use the proceeds to satisfy the debt. The husband's interest in the property was transferred to the bank in lieu of foreclosure after the husband's death. The bank later sued the wife for repayment of the outstanding debt.

The property had been marital property, and the parties' divorce decree provided that the property would be sold and the proceeds used to satisfy the husband's outstanding debt to the bank. After the divorce the property was not sold, and the debt was not paid. The court held that the effect of the divorce decree was to make the bank a third-party beneficiary of the decree. The court mandated that the wife convey her interest to the bank or sell the property and apply the proceeds to the debt.

D. Jury Trial

In Franklin v. Franklin, the Supreme Court of Georgia reversed the final judgment of the trial court based on the findings of an auditor because the wife had demanded and not waived her right to a jury trial. The trial court had referred the case to an auditor who conducted an evidentiary hearing and made findings of fact and conclusions of law. The wife appeared without counsel, objected to the appointment of the auditor, and requested a jury trial. The court held that the wife had validly exercised her right to request a jury trial pursuant to O.C.G.A. section 19-5-1(a) and that although the trial court has the power to refer the case to an auditor pursuant to O.C.G.A. section 9-7-2,
it may not do so when there has been a proper demand for a jury trial.36

E. Jurisdiction

The most controversial decision in the past term was Abernathy v. Abernathy.37 The Supreme Court of Georgia affirmed the trial court ruling that it had jurisdiction over the marriage and property of a husband who resided in Georgia for almost a year, even though the wife had never resided or been present in the state.38 The supreme court held that the trial court had jurisdiction over the res of the marriage and in rem jurisdiction over the property located in Georgia and therefore did not need in personam jurisdiction over the wife.39

The husband and wife were married in Florida and resided in Louisiana until they separated. The husband moved to Georgia and after approximately one year filed a petition seeking divorce and an award of property located within Georgia.40 The supreme court rejected the wife's objection to personal jurisdiction and held that O.C.G.A. section 9-10-9141 ("Long Arm Statute") did not apply because personal jurisdiction was not required in a divorce case and that the trial court had both in rem jurisdiction over the property located in Georgia and jurisdiction over the marital res.42

The dissents of Justices Sears and Fletcher vehemently attacked the majority position and contended that the Long Arm Statute itself requires personal jurisdiction in actions for divorce.43 Further, the United States Supreme Court decisions in Shaffer v. Heitner44 and International Shoe Co. v. Washington45 require a minimum contacts analysis to ensure basic fairness to the defendant.46 Both Justices found that the defendant wife had no minimum contacts with the state and that jurisdiction was improperly exercised.47

36. Id. at 83-84, 475 S.E.2d 891-92 (citing O.C.G.A. §§ 19-5-1(a) (1991 & Supp. 1997) and 9-7-2 (1982)).
38. Id. at 819, 482 S.E.2d at 269.
39. Id.
40. Id. at 815-16, 482 S.E.2d at 266.
42. 267 Ga. at 816-17, 482 S.E.2d at 267.
43. Id. at 821, 482 S.E.2d at 270 (Fletcher, J., dissenting); Id. at 821, 482 S.E.2d at 270 (Sears, J., dissenting).
45. 326 U.S. 310 (1945).
46. 267 Ga. at 819-22, 482 S.E.2d at 269-71.
47. Id. at 820, 827, 482 S.E.2d at 269, 274.
In *Riersgard v. Morton*, the trial court improperly exercised Long Arm Statute jurisdiction in domesticating a foreign divorce decree and attempting to enforce the child support provisions by contempt. The Supreme Court of Georgia noted "the use of interstate communications" was insufficient to confer jurisdiction.

The parties were divorced in Virginia; the wife moved to Georgia, and the husband moved to Nevada. The wife brought suit in Georgia to domesticate the foreign divorce decree and have the husband found in contempt for nonpayment of child support. The husband was properly served in Nevada. The court rejected the wife's argument that the husband had purposely availed himself of the laws of Georgia by writing letters and speaking on the telephone with his children. The court said:

Jurisdiction cannot be conferred solely from the use of interstate communications because they are insufficient to rise to the level of "minimum contacts" necessary to confer jurisdiction. Holding otherwise would render state jurisdictional analysis moot, as every person who picks up the phone or a pen to communicate with a nonresident would subject themselves to the laws of the nonresident's state.

In *Norowski v. Norowski*, the Supreme Court of Georgia reversed the decision of the trial court and held that even if the trial court did not have jurisdiction over the issue of child custody, Uniform Superior Court Rule ("U.S.C.R.") 24.7 did not preclude it from hearing the petition for divorce. The wife sued the husband for divorce, child custody, and support in Mississippi while the parties lived there. The wife moved to Georgia while the case was pending. Thereafter, the Mississippi court denied both parties' request for divorce, and both appealed. The wife sued the husband for divorce in Georgia and personally served him while he was within the state. The supreme court held that contestable issues under U.S.C.R. 24.7 were "those that are pending before the court

---

49. Id. at 451, 479 S.E.2d at 749.
50. Id. at 453, 479 S.E.2d at 751.
51. Id. at 451, 479 S.E.2d 749 (1997).
52. Id. at 453, 479 S.E.2d at 750-51.
53. Id., 479 S.E.2d at 751.
55. UNIF. SUP. CT. R. 24.7 (1997). Uniform Superior Court Rule 24.7 provides in relevant part that "no divorce decree shall be granted unless all contestable issues in the case have been finally resolved."
56. 267 Ga. at 841, 483 S.E.2d at 577 (citing UNIF. SUP. CT. R. 24.7 (1997)).
57. Id. at 841-42, 483 S.E.2d at 577-78.
and over which the court is authorized to exercise jurisdiction." The court found that once the trial court determined that it did not have jurisdiction of child custody, that issue was no longer contestable under U.S.C.R. 24.7 and did not preclude the trial court from hearing the divorce petition.

II. CHILDREN

A. Child Support

In Department of Human Resources v. Money, the Georgia Court of Appeals reversed the trial court and dismissed the putative father’s counterclaim. The court held the final divorce decree that denied paternity did not prohibit the Department of Human Resources (“DHR”) from attempting to establish paternity.

The divorce decree between the husband and wife incorporated a contract between them in which the parties agreed that the husband did not father the child. The court of appeals held the agreement between the husband and wife did not bar DHR from seeking to establish paternity because the agency represented the child, not the mother. Therefore, the court rejected the putative father’s defense of res judicata.

In Smith v. Georgia Department of Human Resources, the Georgia Court of Appeals reversed the trial court and held that res judicata did not prevent a putative father from reopening a consent order to pay child support. The putative father had entered into a consent order to pay child support for both children on the basis of his good-faith belief that his relationship with the mother was monogamous. After hearing rumors of the mother’s infidelity and learning from a subsequent blood test that one of the children could not have been his, the putative father sought to reopen the consent order to change his child support requirement. The court of appeals held that the putative father’s motion was

---

58. Id. at 842, 483 S.E.2d at 578 (citing UNIF. SUP. CT. R. 24.7 (1997)).
59. Id.
61. Id. at 150, 473 S.E.2d at 201.
62. Id.
63. Id.
64. Id.
65. Id.
67. Id. at 492, 487 S.E.2d at 95.
68. Id.
69. Id.
“in substance an extraordinary motion for new trial based on newly discovered evidence,” that the six factors enumerated in Roddenberry v. Roddenberry controlled determination of the motion, and that res judicata did not apply.

In Morris v. Morris, the Georgia Court of Appeals reversed the trial court’s award of attorney fees. The trial court awarded the husband attorney fees after the wife voluntarily dismissed her complaint to domesticate a foreign divorce decree and modify child support.

The court found that although O.C.G.A. section 19-6-19(d) authorizes attorney fees to be awarded to the prevailing party, the case had not been determined by a trier of fact. Because the wife had voluntarily dismissed her child support modification claim, there was no prevailing party and the husband was not entitled to attorney fees.

In Ferguson v. Ferguson, the Supreme Court of Georgia reversed the trial court’s dismissal of the mother’s action under O.C.G.A. section 19-6-15(e) and (f), thus extending child support payments after the child had turned eighteen. The trial court had granted the father’s motion to dismiss, which alleged that child support should not be extended because the motion to extend was filed after the child turned eighteen, postmajority support was not awarded by the temporary or final order, and the separate maintenance order was entered into before the effective date of O.C.G.A. section 19-6-15(e).

In rejecting all claims made in the motion to dismiss, the court held that a claim for extended support under O.C.G.A. section 19-6-15(e) provides in part:

70. Id. 71. 255 Ga. 715, 342 S.E.2d 464 (1986).
74. Id. at 618, 475 S.E.2d at 677.
75. Id. at 617, 475 S.E.2d at 677.
76. O.C.G.A. § 19-6-19(d) (1991 & Supp. 1997) provides in part that “[(i)n proceedings for the modification of alimony for the support of a spouse or child . . . the court may award attorneys’ fees, costs, and expenses of litigation to the prevailing party as the interests of justice may require.”
77. 222 Ga. App. at 618, 475 S.E.2d at 677 (citing O.C.G.A. § 19-6-19(d)).
78. Id.
80. Id. at 887, 485 S.E.2d at 476-77 (citing O.C.G.A. § 19-6-15(e), (f) (1991 & Supp. 1997)).
81. Id. at 886-87, 485 S.E.2d at 476 (citing O.C.G.A. § 19-6-15(e)).
82. O.C.G.A. § 19-6-15(e) provides in part:

[In any temporary or final order for child support . . . entered on or after July 1, 1992, the trier of fact . . . may direct either or both parents to provide financial assistance to a child who has not previously married or become emancipated, who
does not have to be made before the child’s eighteenth birthday because there is no such explicit statement in the statute. Moreover, the court held such a ruling is contrary to the legislative policy encouraging children to complete secondary education.

The court also found the trial court was not authorized to require the temporary or final order to include language extending child support because the statute did not so require. Although the separate maintenance agreement was entered into prior to the effective date of O.C.G.A. section 19-6-15, the final judgment and decree of divorce, which superseded the separate maintenance agreement, came after the effective date of the statute; thus, the statute was applicable.

B. Child Custody

In Galvez v. Galvez, the Georgia Court of Appeals reversed the trial court’s denial of a motion to dismiss without an evidentiary hearing. The complaint filed by the father sought to domesticate a foreign divorce decree and change custody, alleging that jurisdiction was based on the emergency provisions of O.C.G.A. section 19-9-43(a)(3)(B) because the minor daughter had been molested by the boyfriend of the mother.

The parties were divorced in Florida. Thereafter, the father moved to Georgia, and the mother moved to North Carolina. The court of appeals held that the trial court must conduct an evidentiary hearing because the mother had factual evidence that disputed the basis for emergency jurisdiction. The court noted that in order for the trial court to have jurisdiction, even under the emergency jurisdiction

---

83. 267 Ga. at 887, 485 S.E.2d at 476 (citing O.C.G.A. § 19-6-15(e)).
84. Id.
85. Id., 485 S.E.2d at 476-77.
86. Id. at 887-88, 485 S.E.2d at 477 (citing O.C.G.A. § 19-6-15).
88. Id. at 645, 472 S.E.2d at 493.
   A court of this state which is competent to decide child custody matters has jurisdiction to make a child custody determination by initial or modification decree if . . . [i]t is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse or is otherwise neglected or dependent.
90. 221 Ga. App. at 644, 472 S.E.2d at 492-93 (citing O.C.G.A. § 19-9-43(a)(3)(B)).
91. Id., 472 S.E.2d at 492.
92. Id. at 645, 472 S.E.2d at 493.
provisions of O.C.G.A. section 19-9-43(a)(3)(B), it would first have to domesticate the foreign divorce decree.\textsuperscript{93}

In \textit{In re R.R.},\textsuperscript{94} the Georgia Court of Appeals vacated the custody modification made by the trial court.\textsuperscript{95} The trial court changed the sole custody award to joint legal custody, with the father to have physical custody if he remained in the county and, if not, for physical custody to go to the mother.\textsuperscript{96}

Originally, the mother consented to the original custody award to the father because she was in a recovery program for alcoholics. However, the mother sought to change custody because she was a recovered alcoholic and the father’s sudden and unannounced relocation out of state rendered her liberal visitation rights meaningless.\textsuperscript{97} The court of appeals held that absent any other evidence, the father’s lack of notice of his relocation was not by itself a material change in circumstances but merely a factor to be considered.\textsuperscript{98} More important, the court held that relocation of the custodial parent was not by itself a material change of circumstances authorizing a modification.\textsuperscript{99} Rather, the adverse emotional impact of relocation on a child was a factor the trial court could consider.\textsuperscript{100} The court also noted that the trial court may consider the mother’s progress as a recovering alcoholic as an improvement in her health under O.C.G.A. section 19-9-1(a),\textsuperscript{101} and as a factor in her favor.\textsuperscript{102}

In \textit{In re M.M.},\textsuperscript{103} the trial court was without emergency jurisdiction to consider the father’s change of custody claim even though the trial court had found the child may have been sexually abused.\textsuperscript{104} The parties were divorced in Georgia, and the custodial mother moved out of state. After receiving a letter from the director of the child’s school describing incidents when the child had exposed himself and engaged in other inappropriate behavior, the father refused to return the child to the mother.\textsuperscript{105} Because the trial court did not find that the child had been abused sexually or physically, the court of appeals held that it was

\begin{footnotes}
93. \textit{Id.} (citing O.C.G.A. § 19-9-43(a)(3)(B)).
95. \textit{Id.} at 306, 474 S.E.2d at 17.
96. \textit{Id.} at 302-03, 474 S.E.2d at 15.
97. \textit{Id.} at 301-02, 474 S.E.2d at 14-15.
98. \textit{Id.} at 305, 474 S.E.2d at 16.
99. \textit{Id.}, 474 S.E.2d at 17.
100. \textit{Id.} at 305, 474 S.E.2d at 16.
102. 222 Ga. App. at 304, 474 S.E.2d at 16.
104. \textit{Id.} at 315, 474 S.E.2d at 55.
105. \textit{Id.} at 313-14, 474 S.E.2d at 54-55.
\end{footnotes}
error to exercise emergency jurisdiction pursuant to O.C.G.A. section 19-9-43(a)(3)(B).106 "[T]he trial court must be convinced that its intervention is necessary to protect the child."107

In Steed v. Deal,108 the Georgia Court of Appeals upheld the trial court decision to award joint custody but reversed the physical custody arrangement.109 In the father’s modification, the trial court had awarded joint legal and physical custody with physical custody alternating every first of July.110

The father, a North Carolina resident, had been granted visitation rights in the previous paternity action, and the child had lived with the father for over two years.111 Although neither party requested it, the court of appeals found the trial court was authorized to award joint custody when it concluded that both parties were fit and equally capable of caring for the child.112 The court reversed the physical custody award because the record contained clear evidence that the arrangement was not in the best interest of the child.113

In Crenshaw v. Crenshaw,114 the Supreme Court of Georgia held that notice of trial by publication alone violated the mother’s due process rights and reversed the decision of the trial court.115 The mother was without counsel after her attorney withdrew. The judgment of the trial court denied the wife’s claim for alimony, gave the mother custody of the daughter, and reduced the temporary award of child support.116

The notice of withdrawal filed by the wife’s counsel stated that “services of notices will be made upon the client at her last known address” and included the correct address of the mother.117 The supreme court held that because the trial court knew the mother was appearing pro se and knew her correct address and because the action involved children, she did not receive adequate notice of the trial calendar when it was published in the county newspaper, and the

106. Id. at 315, 474 S.E.2d at 55 (citing O.C.G.A. § 19-9-43(a)(3)(B)).
107. Id.
109. Id. at 35, 37, 482 S.E.2d at 528-29.
110. Id. at 35, 482 S.E.2d at 527-28.
111. Id., 482 S.E.2d at 528.
112. Id.
113. Id. at 36-37, 482 S.E.2d at 529. The court instructed the trial court to “exercise its discretion [and] to look to and determine solely what is for the best interest of the child” pursuant to O.C.G.A. § 19-9-3(a)(2). Id. at 37, 482 S.E.2d at 529 (quoting O.C.G.A. § 19-9-3(a)(2) (1991 & Supp. 1997)).
115. Id. at 20, 471 S.E.2d at 845.
116. Id., 471 S.E.2d at 846.
117. Id. (citations omitted).
service thus violated due process. The dissent noted that prior court decisions and O.C.G.A. section 9-11-40(c) both provide that publication of the trial calendar in the official county newspaper is adequate notice and there are neither case nor statutory exceptions for pro se litigants in a divorce action involving children.

III. CONTEMPT

The trial court order adding a corporate third party in a contempt action was reversed by the Supreme Court of Georgia in Richwood & Associates, Inc. v. Osborne. The wife had filed a motion for contempt for the husband's failure to pay alimony and sought to join his employer as a party.

The wife's complaint alleged that the employer conspired with her former husband to frustrate her attempts to enforce the parties' divorce decree. In reversing, the supreme court held the employer could not be joined as a party because the contempt action was not a new action but merely an action ancillary to the divorce. Because the employer was not a party to the divorce, it could not be joined.

In Brown v. King, the Supreme Court of Georgia reversed the trial court decision that a thirty-day notice is required for a contempt hearing. The trial court granted the motion to dismiss by the husband, who had received seventeen days' notice of the hearing on his wife's motion for contempt.

The supreme court reiterated its position "that an application for contempt is a motion and not a complaint" because it does not come under the O.C.G.A. section 9-11-7(a) definition of a pleading and, therefore, must be considered a motion under O.C.G.A. section 9-11-7(b). As a motion, the court reasoned that U.S.C.R. 39.2, which
DOMESTIC RELATIONS

requires thirty days’ notice of a hearing for a new civil action, does not apply.\textsuperscript{130} The court held the defendant husband was entitled to reasonable notice and that seventeen days was reasonable.\textsuperscript{131}

IV. LEGISLATION

The Georgia General Assembly has exempted child support and alimony judgments from the dormancy and revival rules.\textsuperscript{132} Installments of alimony or child support that are due become judgments by operation of law, entitled to full faith and credit, and are not modifiable retroactively.\textsuperscript{133} In addition, O.C.G.A. section 19-6-26 was revised to comport with 28 U.S.C. § 1738B concerning entry and modification of child support orders.\textsuperscript{134} Moreover, genetic testing has replaced blood tests in paternity actions,\textsuperscript{135} and jury trials are no longer available in such cases.\textsuperscript{136}

Finally, no new Uniform Reciprocal Enforcement of Support Act ("URESA") actions can be initiated after January 1, 1998.\textsuperscript{137} The Uniform Interstate Family Support Act ("UIFSA") has replaced URESA and encompasses alimony awards, paternity determinations, and child support.\textsuperscript{138}

\begin{thebibliography}{99}
\bibitem{130} \textit{Id.} at 891, 472 S.E.2d at 66 (citing UNIF. SUP. CT. R. 39.2 (1996)).
\bibitem{131} \textit{Id.}
\bibitem{133} O.C.G.A. § 19-6-17 (Supp. 1997).
\bibitem{134} \textit{Id.} § 19-6-26.
\bibitem{135} \textit{Id.} § 19-7-43.
\bibitem{136} \textit{Id.} § 19-7-40.
\bibitem{137} \textit{Id.} § 19-11-40.1.
\bibitem{138} \textit{Id.} § 19-11-100 to -191.
\end{thebibliography}