

SUPREME COURT OF GEORGIA

Terrell v. Terrell

294 Ga. 208 (2013) · Decided November 18, 2013

SUMMARY

The Georgia Supreme Court reviewed a trial court’s award of primary physical custody of a minor child to the father following divorce proceedings and later custody litigation. The court held that evidence, including the mother’s positive THC test and the trial court’s findings rejecting her late-raised abuse allegations, supported the custody award and affirmed the judgment.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Melton, Justice
JURISDICTION	Georgia
DECIDED	November 18, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wife appealed the final decree awarding primary physical custody of the parties' minor child to Husband. The Supreme Court of Georgia granted Wife's application for appeal under Supreme Court Rule 34(4).
STANDARD OF REVIEW	A trial court's child-custody determination is reviewed for abuse of discretion. The appellate court will not interfere when the trial court has exercised its broad discretion in the child's best interest and there is any evidence supporting the custody finding.
PRECEDENTIAL VALUE	Published and precedential decision of the Supreme Court of Georgia
PARTIES	Judy Chatfield Terrell (Wife) v. Dale Allen Terrell (Husband)

TOPICS

- child custody
- divorce
- standard of review
- appellate procedure

PRACTICE AREAS

- family law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by awarding primary physical custody of the parties' minor child to Husband.

HOLDINGS

1. The trial court did not abuse its discretion in awarding primary physical custody to Husband because evidence supported the custody determination.

KEY QUOTATIONS

“When child custody... is an issue between parents, the trial court “has very broad discretion, looking always to the best interest of the child. When the trial court has exercised that discretion, this court will not interfere unless the evidence shows a clear abuse of discretion, and where there is any evidence to support the trial court’s finding, this court will not find there was an abuse of discretion.”” (210)

FACTUAL BACKGROUND

The parties disputed primary custody of their minor daughter. After the child experienced medical issues while in Husband's care, Wife obtained emergency and temporary custody and raised concerns about possible sexual abuse. Multiple evaluations and expert reviews found no evidence of abuse; Husband's drug tests were negative, while Wife tested positive for THC metabolites. At the final hearing, Wife raised additional sexual-abuse allegations against Husband for the first time, but the trial court found that Husband had not molested the child and awarded him primary physical custody.

PROCEDURAL HISTORY

The parties were divorced, and Husband was awarded primary physical custody while Wife received visitation. After Wife sought emergency custody based on alleged medical-treatment and sexual-abuse concerns, the trial court temporarily awarded custody to Wife and imposed supervised visitation and multiple evaluations. Following a final hearing, the trial court awarded primary physical custody to Husband in the final decree. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Bishop v. Baumgartner, 292 Ga. 460, 462 (738 SE2d 604) (2013)

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