

SUPREME COURT OF GEORGIA

Strickland v. Strickland

298 Ga. 630 (2016) · No. S15G1011 · Decided March 7, 2016

SUMMARY

The Supreme Court of Georgia reviewed a custody dispute between a biological mother and the children’s grandparents under OCGA § 19-7-1 (b.1). The court held that the grandparents overcame the statutory parental presumption by clear and convincing evidence that the children would suffer significant long-term emotional harm if placed with their mother. It reversed the Court of Appeals for failing to defer adequately to the superior court’s factual findings and credibility determinations, and upheld the permanent custody award to the grandparents.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Thompson, Chief Justice
JURISDICTION	Georgia
DECIDED	March 7, 2016
DOCKET	S15G1011
DISPOSITION	reversed
PROCEDURAL POSTURE	Grandparents petitioned the Supreme Court of Georgia for a writ of certiorari after the Court of Appeals reversed a superior court judgment awarding them permanent custody of three children.
STANDARD OF REVIEW	In reviewing a bench trial, the appellate court must view the evidence in the light most favorable to the trial court's decision and may not set aside the trial court's factual findings unless they are clearly erroneous. Appellate courts must defer to the trial court's credibility determinations and may not independently reweigh conflicting evidence.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Roy Strickland and Betty Strickland v. Lea Strickland

TOPICS

- child custody
- grandparent rights
- standard of review
- appellate procedure
- family law procedure

PRACTICE AREAS

family law

child custody

grandparent rights

appellate procedure

QUESTIONS PRESENTED

1. Whether the Court of Appeals applied the proper deferential standard of review to the superior court's factual findings and credibility determinations in a custody dispute between a natural parent and grandparents.
2. Whether the grandparents rebutted the statutory presumption favoring parental custody by clear and convincing evidence that the children would suffer significant long-term emotional harm if placed with the mother.
3. Whether the superior court was authorized to conclude that permanent custody with the grandparents was in the children's best interest.

HOLDINGS

1. The Court of Appeals erred by independently reviewing and reweighing the evidence instead of deferring to the superior court's factual findings and credibility determinations. In a bench-trial custody appeal, factual findings may not be set aside unless clearly erroneous.
2. The grandparents overcame the rebuttable presumption favoring custody by the natural parent by presenting clear and convincing evidence that the children would suffer significant long-term emotional harm if placed in the mother's custody.
3. The superior court was authorized to conclude by clear and convincing evidence that a permanent award of custody to the grandparents was in the children's best interest.

KEY QUOTATIONS

"In the appellate review of a bench trial, a trial court's factual findings must not be set aside unless they are clearly erroneous." (opinion at 6-7)

"Rather, due deference must be given to the trial court, acknowledging that it has the opportunity to judge the credibility of the witnesses." (opinion at 7)

"Accordingly, we reverse the decision of the Court of Appeals." (opinion at 9)

FACTUAL BACKGROUND

The grandparents had cared for the three children since obtaining emergency custody in 2006, and the children had exclusively resided with them thereafter. The superior court found that the mother lacked stable housing and income, had a history of substance abuse and problematic conduct, and had not consistently participated in the children's care or treatment. Based on testimony from the children's psychologists, the guardian ad litem, and the children's own circumstances, the court found by clear and convincing evidence that the children would suffer significant long-term emotional harm if placed in the mother's custody.

PROCEDURAL HISTORY

The grandparents initially obtained emergency custody and later temporary custody of the children. After a five-day bench trial, the Cobb County Superior Court awarded the grandparents permanent custody. The Court of Appeals reversed, concluding that the grandparents had not met the burden necessary to deprive the mother of custody. The Supreme Court of Georgia granted certiorari and reversed the Court of Appeals.

DISPOSITION

reversed

CASES CITED

- Strickland v. Strickland, 330 Ga. App. 879 (769 S.E.2d 607) (2015)
- Clark v. Wade, 273 Ga. 587, 598-599 (IV) (544 S.E.2d 99) (2001)
- Whitehead v. Myers, 311 Ga. App. 680, 688 (1) (716 S.E.2d 785) (2011)
- Ellis v. Ellis, 290 Ga. 616, 617 (724 S.E.2d 384) (2012)
- Langley v. Langley, 279 Ga. 374 (613 S.E.2d 614) (2005)
- Tanksley v. Parker, 278 Ga. 877 (1) (608 S.E.2d 596) (2005)
- Haskell v. Haskell, 286 Ga. 112 (1) (686 S.E.2d 102) (2009)
- Hughes v. State, 296 Ga. 744, 747 (770 S.E.2d 636) (2015)
- Harris v. Snelgrove, 290 Ga. 181, 183 (718 S.E.3d 300) (2011)
- In re D. W., 311 Ga. App. 680, 688 (716 S.E.2d 785) (2011)

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