

The plain language of O.C.G.A. § 19-7-3(c)(1) conditions the right to visitation on a pre-existing relationship between the petitioning relative and the child. There is no dispute that Appellees had no relationship with L.B. prior to seeking custody and/or visitation. Appellees argue that the trial court did not err in determining it may consider whether “[a]ny other circumstances exists indicating that emotional or physical harm would be reasonably likely to result if such visitation is not granted. O.C.G.A. § 19-7-3(c)(1)(D) Appellees cite no authority for this interpretation and it is contrary to all precedent requiring a balancing of parental rights and avoidance of harm to a child based upon the loss of a bonded relationship with relatives. Courts are authorized to interfere with intact parent-child relationships, not based upon “any circumstance” but any other circumstance evidencing a pre-existing relationship. It would not be rational for the legislature to create such a boundless back door interference with fundamental rights.

The meaning of a particular word or phrase in a constitutional provision or statute, requires consideration of the text in context, not in isolation to “avoid ascribing to one word a meaning so broad that it is inconsistent with its accompanying words, thus giving unintended breadth to an act of the General Assembly” *Kinslow v. State*, 311 Ga. 768, 773; 860 S.E.2d 444 (2021) When a statute or document enumerates by name several particular things, and concludes with a general term of enlargement, this latter term is to be construed as being ejusdem generis[,] i.e., of the same kind or class[,] with the things specifically named, unless, of course, there is something to show that a wider sense was intended. *Id.* at 775 (citation and punctuation omitted). Therefore, it was error for the trial court to conclude as a matter of law that it was authorized to consider any other circumstances not related to harm based upon a pre-existing relationship.

2/B. Did the trial court err in concluding that its Findings of Fact were sufficient to authorize visitation to paternal relatives pursuant to OCGA § 19-7-3(c) or 19-7-3(d) over the objections of Appellant?

The trial court found that harm to L.B. was established by factors not related to any pre-existing relationship between L.B. and Appellees. Essentially, it found that Appellant’s physical and mental

health involving untreated past trauma, her marital relationship and suggestive language creating confusion for L.B. have caused and will cause him harm. Although Appellant's circumstances and behaviors might be relevant as to her fitness as related to custody, parental fitness is not enumerated in the Grandparent Visitation Statute. As argued above, the factors authorizing intrusion upon a parent's fundamental right to the care, custody and control of her child are governed by OCGA § 19-7-3(c)(1)(A-D) or 19-7-3(d)(1)(A-D) and the trial court erred in determining that it was authorized to consider any other circumstance regardless of any pre-existing relationship between Appellees and L.B. Even if this statutory interpretation were upheld, there is no clear nor rational basis for the trial court to conclude that these articulated harms can be avoided by awarding Appellees visitation rights and therefore the trial court abused its discretion.

3/C. Did the trial court err in denying Appellant's *Motions To Sever Plaintiffs' Custody And Visitation Claims And For Expediated Hearing And Judgment On Visitation And/Or Modification Of The Temporary Order Of Visitation Pending A Final Hearing* pursuant to O.C.G.A. § 9-11-42(b) to avoid prejudice to both the Defendant and the Child?

The trial court's decision that custody and visitation claims shall be heard together to avoid unnecessary costs and delays was certainly an abuse of discretion as issues involving deprivation of a fundamental right and the concerns for L.B.'s reaction to a few visits as set forth in Appellant's attached *Affidavit In Support* (V2 1418-1425), should absolutely outweigh any concerns of judicial economy. However, the trial court failed to consider whether Appellant and/or L.B. were prejudiced by visitation continuing as ordered until the custody evaluation was completed although this evaluation was relevant to custody, not visitation. Furthermore, the trial court abused its discretion by brushing off any concerns of prejudice by blaming Appellant for a brief delay in beginning the custody evaluation due to an impasse that occurred soon after the evaluation was ordered. (V2 1344) Thereafter the Record does not demonstrate that Appellant "failed and refused to cooperate" as alleged in *Appellees' Brief*.

4/D. Did the trial court err in ordering Appellant not to allow unsupervised contact between

L.B. and his stepfather?

Appellees cite *Mongerson v. Mongerson*, 285 Ga. 554; 678 S.E.2d 891 (2009) in support of the trial court's discretion on this issue. However, this case can be distinguished as it involved a dispute between the judgment of two parents that the court was asked to resolve, which is not the case here. Here, the trial court interjected and substituted its judgment over that of Appellant and in violation of her fundamental rights without sufficient evidence nor any citation to authority to do so. Appellees claim that Mr. Mimms (a.k.a. Bishop) has been "indicted for felony murder, malice murder, and other felonies relating to the killing of L.B.'s father" without any citation to the Record and without any personal knowledge of what occurred prior to the shooting and without affording him the presumption of innocence until convicted as required by law. Thus, the trial court abused its discretion.

5/E. Did the trial court err in finding Appellant in willful contempt of the *Temporary Order of Grandparent Visitation* and award Appellees fees pursuant to O.C.G.A. §9-15-14(b)?

Pursuant to Appellees' *Motion For Citation Of Contempt*, Appellees sought reimbursement for expenses incurred for the visit cancelled in June and attorney's fees. The trial court determined that attorney's fees were warranted pursuant to O.C.G.A. §9-15-14(b) because Appellees' incurred expenses "in trying to remedy disagreement regarding supervision and prosecuting the contempt action" (V2-1773). However, the Appellant's conduct cited by the trial court does not support and award of fees. Appellant had a substantial basis to defend against the finding of willful contempt based upon her concerns for L.B. safety were the June visit to be unsupervised after L.B.'s therapist made two referrals to DFAC. (V2-1768). Appellees chose to forgo visitation with L.B. instead of agreeing to expanded supervised visitation at Appellant's expense. Additionally, the conduct cited and characterized as Appellant's attempts to thwart prior orders by the trial court did not lack substantial justification and the contempt motion did not expand the proceedings as this motion was heard together with the previously filed motion to change custody. (V2-1773-1774). OCGA § 9-15-14 (b) is discretionary and the standard of review is abuse of discretion. *Haggard v. Bd. of Regents of Ga.*, 257 Ga. 524, 527; 360

S.E.2d 566 (1987)

This submission does not exceed the word count imposed by Rule 24. /

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IN THE COURT OF APPEALS OF GEORGIA

CHELSEA BISHOP,)
 Appellant)
)
 vs.)
)
ELIZABETH ARROYO and,)
ELIZABETH FIGUEROA)
 Appellees)

Case No. A26A0016

CERTIFICATE OF SERVICE

I certify that I have this day, served Charles M. Medlin, Esq. with a copy of this *Reply To Appellees' Brief* by: Electronic Mail.

I certify that there is a prior agreement with Mr. Charles M. Medlin to allow documents in a PDF format sent via email to suffice for service to him at:

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Served by me on this 14th day of October 2025.

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