

Senate Bill 125

By: Senator Harp of the 16th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 5-6-35 of the Official Code of Georgia Annotated, relating to cases
2 requiring application for appeal, so as to change provisions for appeals in domestic relation
3 cases; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Code Section 5-6-35 of Title 5 of the Official Code of Georgia Annotated, relating to cases
7 requiring application for appeal, is amended by striking in its entirety subsection (a) and
8 inserting in lieu thereof a new subsection (a) to read as follows:

9 "(a) Appeals in the following cases shall be taken as provided in this Code section:

10 (1) Appeals from decisions of the superior courts reviewing decisions of the State Board
11 of Workers' Compensation, the State Board of Education, auditors, state and local
12 administrative agencies, and lower courts by certiorari or de novo proceedings; provided,
13 however, that this provision shall not apply to decisions of the Public Service
14 Commission and probate courts and to cases involving ad valorem taxes and
15 condemnations;

16 ~~(2) Appeals from judgments or orders in divorce, alimony, child custody, and other~~
17 ~~domestic relations cases including, but not limited to, granting or refusing a divorce or~~
18 ~~temporary or permanent alimony, awarding or refusing to change child custody, or~~
19 ~~holding or declining to hold persons in contempt of such alimony or child custody~~
20 ~~judgment or orders;~~

21 ~~(3)~~(2) Appeals from cases involving distress or dispossessory warrants in which the only
22 issue to be resolved is the amount of rent due and such amount is \$2,500.00 or less;

23 ~~(4)~~(3) Appeals from cases involving garnishment or attachment, except as provided in
24 paragraph (5) of subsection (a) of Code Section 5-6-34;

25 ~~(5)~~(4) Appeals from orders revoking probation;

26 ~~(6)~~(5) Appeals in all actions for damages in which the judgment is \$10,000.00 or less;

1 ~~(7)~~(6) Appeals, when separate from an original appeal, from the denial of an
2 extraordinary motion for new trial;
3 ~~(8)~~(7) Appeals from orders under subsection (d) of Code Section 9-11-60 denying a
4 motion to set aside a judgment or under subsection (e) of Code Section 9-11-60 denying
5 relief upon a complaint in equity to set aside a judgment;
6 ~~(9)~~(8) Appeals from orders granting or denying temporary restraining orders;
7 ~~(10)~~(9) Appeals from awards of attorney's fees or expenses of litigation under Code
8 Section 9-15-14; and
9 ~~(11)~~(10) Appeals from decisions of the state courts reviewing decisions of the magistrate
10 courts by de novo proceedings so long as the subject matter is not otherwise subject to
11 a right of direct appeal."

12 **SECTION 2.**

13 All laws and parts of laws in conflict with this Act are repealed.