

House Bill 561

By: Representative Willard of the 49<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated,  
2 relating to probate court costs and compensation, so as to clarify particular filings in the  
3 probate court that will be subject to the additional civil filing fee required by Code Section  
4 15-21A-6; to provide for definitions; to amend Code Section 15-21A-6 of the Official Code  
5 of Georgia Annotated, relating to the additional filing fee required for certain civil actions,  
6 so as to provide for a cross-reference; to provide for related matters; to repeal conflicting  
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 3 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to  
11 probate court costs and compensation, is amended by adding a new Code section to follow  
12 Code Section 15-9-60.1, relating to additional marriage license fee for Children's Trust Fund,  
13 to read as follows:

14 "15-9-60.2.

15 (a) As used in this Code section, the term 'civil action' means:

16 (1) A proceeding in the probate court described as an 'initial proceeding' for matters  
17 connected to a decedent's estate as set forth in paragraph (1) of subsection (e) of Code  
18 Section 15-9-60;

19 (2) A proceeding in the probate court related to minor guardianship matters as set forth  
20 in paragraph (1) of subsection (f) of Code Section 15-9-60;

21 (3) A proceeding in the probate court related to adult guardianship matters as set forth  
22 in paragraph (1) of subsection (g) of Code Section 15-9-60; or

23 (4) An application for habeas corpus.

24 (b) For the purpose of the imposition of the civil filing fee required by subsection (a) of  
25 Code Section 15-21A-6, the probate court shall only collect the civil filing fee on a civil  
26 action as defined in subsection (a) of this Code section. The civil filing fee shall not be

1 collected on a subsequent action or proceeding related to the civil action, notwithstanding  
2 the subsequent action or proceeding may be docketed on the official docket of the probate  
3 court and may be assigned a number."

4 **SECTION 2.**

5 Code Section 15-21A-6 of the Official Code of Georgia Annotated, relating to the additional  
6 filing fee required for certain civil actions, is amended by striking subsection (a) and  
7 inserting in lieu thereof the following:

8 "(a) Except as provided in Code Section 15-9-60.2, in addition to all other legal costs  
9 there shall be charged to the filing party and collected by the clerk an additional filing fee  
10 of \$15.00 in each civil action or case filed in the superior, state, probate, recorder's,  
11 mayor's, and magistrate courts except that municipalities, counties, and political  
12 subdivisions shall be exempt from such fee. Without limiting the generality of the  
13 foregoing, such fee shall apply to all adoptions, certiorari, applications by personal  
14 representatives for leave to sell or reinvest, trade name registrations, applications for  
15 change of name, and all other proceedings of a civil nature. Any matter which is docketed  
16 upon the official dockets of the enumerated courts and to which a number is assigned shall  
17 be subject to such fee, whether such matter is contested or not."

18 **SECTION 3.**

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