

The House Committee on Judiciary offers the following substitute to SB 139:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 6 of Title 5 and Code Section 9-10-91 of the Official Code  
2 of Georgia Annotated, relating to appellate practice and grounds for the exercise of personal  
3 jurisdiction over nonresidents, so as to provide for matters relative to domestic relations  
4 cases; to provide for appeals involving nonmonetary judgments in child custody cases; to  
5 change provisions relating to judgments and ruling deemed directly appealable; to change  
6 provisions relating to cases requiring application for appeal; to clarify provisions relating to  
7 jurisdiction over nonresidents in domestic relations cases; to provide for related matters; to  
8 provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to  
12 appellate practice, is amended by revising Code Section 5-6-34, relating to judgments and  
13 rulings deemed directly appealable, by adding a new subsection to read as follows:

14 "(e) Where an appeal is taken pursuant to this Code section for a judgment or order  
15 granting nonmonetary relief in a child custody case, such judgment or order shall stand  
16 until reversed or modified by the reviewing court unless the trial court states otherwise in  
17 its judgment or order."

18 **SECTION 2.**

19 Said article is further amended by revising Code Section 5-6-35, relating to cases requiring  
20 application for appeal, by adding a new subsection to read as follows:

21 "(k) Where an appeal is taken pursuant to this Code section for a judgment or order  
22 granting nonmonetary relief in a child custody case, such judgment or order shall stand  
23 until reversed or modified by the reviewing court unless the trial court states otherwise in  
24 its judgment or order."

25 **SECTION 3.**

26 Code Section 9-10-91 of the Official Code of Georgia Annotated, relating to the grounds for  
 27 exercise of personal jurisdiction over nonresidents, is amended by revising paragraphs (4)  
 28 through (6) as follows:

- 29 "(4) Owns, uses, or possesses any real property situated within this state; ~~or~~  
 30 (5) With respect to proceedings for divorce, separate maintenance, annulment, or other  
 31 domestic relations action or with respect to an independent action for support of  
 32 dependents, maintains a matrimonial domicile in this state at the time of the  
 33 commencement of this action or, if the defendant resided in this state preceding the  
 34 commencement of the action, whether cohabiting during that time or not, ~~notwithstanding~~  
 35 ~~the subsequent departure of one of the original parties from this state and as to all~~  
 36 ~~obligations arising from alimony, child support, apportionment of debt, or real or~~  
 37 ~~personal property orders or agreements, if one party to the marital relationship continues~~  
 38 ~~to reside in this state.~~ This paragraph shall not change the residency requirement for  
 39 filing an action for divorce; or  
 40 (6) Has been subject to the exercise of jurisdiction of a court of this state which has  
 41 resulted in an order of alimony, child custody, child support, equitable apportionment of  
 42 debt, or equitable division of property, ~~notwithstanding the subsequent departure of one~~  
 43 ~~of the original parties from this state,~~ if the action involves modification of such order and  
 44 the moving party resides in this state; or if the action involves enforcement of such order  
 45 notwithstanding the domicile of the moving party."

46 **SECTION 4.**

47 This Act shall become effective on July 1, 2011, and Sections 1 and 2 of this Act shall apply  
 48 to all notices or applications for appeal filed on or after July 1, 2011.

49 **SECTION 5.**

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