

House Bill 957

By: Representatives Abrams of the 89<sup>th</sup>, Deffenbaugh of the 1<sup>st</sup>, Bentley of the 139<sup>th</sup>, and Sharper of the 177<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 cost and compensation regarding the probate courts, so as to require that the  
3 judges and clerks of the probate courts publicly post notice of the availability of the affidavit  
4 of indigence; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to cost  
9 and compensation regarding the probate courts, is amended by revising Code Section  
10 15-9-61, relating to payment of fees prerequisite to filing, as follows:

11 "15-9-61.

12 (a) The judges of probate courts shall not be required to file any proceedings until the  
13 deposit specified in Code Section 15-9-60, relating to court costs of probate courts, has  
14 been deposited with the probate judge on account of cost, provided that the deposit shall  
15 not be required if the party desiring to file the proceeding is unable because of his or her  
16 indigence to pay the deposit and the party files with the probate court an affidavit to that  
17 effect. If the proceeding is dismissed or withdrawn or if the total cost incurred in the  
18 proceeding is less than the deposit required by Code Section 15-9-60, any of the sum  
19 remaining in the hands of the judge of the probate court shall be repaid. The deposit  
20 required to be filed by this Code section shall not affect any Code section or Act of the  
21 General Assembly which requires a deposit in excess or in addition to the deposit of cost  
22 required by this Code section. Nothing contained in this Code section shall be deemed to  
23 require the deposit of cost by the state, its agencies, or its political subdivisions.

24 (b) The judges and clerks of the probate courts, wherever fees as provided for under Code  
25 Section 15-9-60 are collected and on any website owned or operated for the official  
26 business of the judge or clerk, shall have public notice visibly posted advertising the

27 availability of the affidavit of indigence as provided for under subsection (a) of this Code  
28 section."

29 **SECTION 2.**

30 All laws and parts of laws in conflict with this Act are repealed.