

House Bill 957 (COMMITTEE SUBSTITUTE)

By: Representatives Abrams of the 89th, Deffenbaugh of the 1st, Bentley of the 139th, and Sharper of the 177th

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 probate court publicly post a notice of the availability of the affidavit of indigence; to provide
4 for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

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

10 "15-9-61.

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 If the proceeding is dismissed or withdrawn or if the total cost incurred in the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

23 (b) The probate court shall have a public notice visibly posted advertising the availability
24 of the affidavit of indigence as provided for under subsection (a) of this Code section:

25 (1) Wherever fees as provided for under Code Section 15-9-60 are collected; and

26 (2) On any website owned or operated for the official business of court, if such website
27 exists."

28 **SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.