

The House Committee on Judiciary offers the following substitute to SB 132:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 9 of the Official Code of Georgia Annotated, relating to civil practice, so as
2 to remove the statutory civil case filing and disposition forms and allow the Judicial Council
3 of Georgia to promulgate such forms; to revise provisions relating to the transmission of such
4 forms; to amend Title 9, Title 15, and Article 1 of Chapter 9 of Title 19 of the Official Code
5 of Georgia Annotated, relating to civil practice, courts, and general provisions for child
6 custody proceedings, respectively, so as to provide for conforming cross-references; to
7 require annual reporting of certain information; to provide for related matters; to provide for
8 an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 PART I

11 SECTION 1-1.

12 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended by
13 revising Code Section 9-11-133, relating to forms meeting requirements for civil case filing
14 and disposition, as follows:

15 "9-11-133.

16 ~~(a) The forms set out in subsections (b), (c), (d), and (e) of this Code section or forms~~
17 ~~substantially similar to such forms shall be sufficient to meet the requirements~~ The Judicial
18 Council of Georgia, with the approval of the Supreme Court, shall promulgate forms to be
19 used for civil case filing and disposition forms information; provided, however, that the
20 general civil case filing information form and domestic relations case filing information
21 form shall be required to contain an acknowledgment by the filer that the complaint and
22 any exhibits or other attachments satisfy the redaction requirements of Code Section
23 9-11-7.1. ~~The civil case forms set out in Exhibit F of the 'Report and Recommendations~~
24 ~~of the 1997-1998 Court Filings Committee' published by the State Bar of Georgia and~~
25 ~~dated May 15, 1998, are substantially similar to the forms set out in this Code section.~~

S. B. 132 (SUB)

26 (b) ~~General Civil Case Filing Information Form.~~

27 GENERAL CIVIL CASE FILING
28 INFORMATION FORM
29 (NONDOMESTIC)

30 Court
31 ~~___ Superior~~ County _____ Date filed _____
32 ~~___ State~~ mm-dd-yyyy
33 Docket no. _____

34 Plaintiff(s) (last, suffix, first, middle Defendant(s) (last, suffix, first, middle
35 initial, maiden) initial, maiden)
36 1. _____ 1. _____
37 2. _____ 2. _____
38 3. _____ 3. _____
39 4. _____ 4. _____

40 Plaintiff/petitioner's attorney
41 _____ Pro Se

42 Bar #
43 _____

44 No. of plaintiffs _____ No. of defendants _____

45 CHECK PRIMARY CASE TYPE: IF TORT, IS CASE TYPE:
46 (Check only ONE) (Check no more than TWO)
47 ___ Contract/Account ___ Auto Accident
48 ___ Wills/Estate ___ Premises Liability
49 ___ Real Property ___ Medical Malpractice
50 ___ Dispossessory/Distress ___ Other Professional
51 ___ Personal Property Negligence
52 ___ Equity ___ Product Liability
53 ___ Habeas Corpus ___ Other (specify) _____
54 ___ Appeals, Reviews _____

55 ___ Postjudgment Garnishment; Are punitive damages pleaded?
56 Attachment, or Other Relief ___ Yes ___ No
57 ___ Nondomestic Contempt
58 ___ Tort (If tort, fill in right column)

59 ~~___ Other General Civil (specify) ___~~

60 _____

61 ~~(c) Domestic Relations Case Filing Information Form.~~

62 DOMESTIC RELATIONS CASE FILING
63 INFORMATION FORM

64 Court

65 ~~___ Superior~~

County _____

Date filed _____

66 _____
mm-dd-yyyy

67 Docket no. _____

68 Plaintiff(s)

Defendant(s)

69 (last, suffix, first, middle initial, maiden)

(last, suffix, first, middle initial, maiden)

70 1. _____

1. _____

71 2. _____

2. _____

72 Plaintiff/Petitioner's attorney

73 _____

~~___ Pro Se~~

74 Bar #

75 _____

76 CONTEMPT

~~___ Contempt - Custody;~~

~~Visitation, or~~

~~Parenting Time~~

79 CHECK CASE TYPE:

80 (one or more)

~~___ Contempt - Child~~

81 ~~___ Divorce (includes~~

~~Support and Alimony~~

82 annulment)

~~___ Contempt - Child Support~~

83 Contested? _____ Yes _____ No

~~___ Contempt - Alimony~~

84 Child Custody

~~___ Other Domestic Contempt~~

85 issue? _____ Yes _____ No

86 Child Support

87 issue? _____ Yes _____ No

FAMILY VIOLENCE

88 ~~___ Separate Maintenance~~

~~Additional information -~~

89 ~~___ Adoption~~

~~Ex Parte Relief~~

90 ~~___ Paternity (includes~~

91 legitimation)

Did the initial pleading

92 ~~___ Interstate Support~~ include a request for
 93 ~~Enforcement Action~~ relief:
 94 ~~___ Domestication of~~ 1. ~~From alleged family~~
 95 ~~Foreign Custody Decree~~ violence? ~~_____ Yes ___ No~~
 96 ~~___ Family Violence Act~~ 2. ~~Was ex parte relief~~
 97 ~~Petition~~ requested? ~~_____ Yes ___ No~~
 98 3. ~~Was ex parte relief~~
 99 granted? ~~_____ Yes ___ No~~

100 ~~MODIFICATION~~

~~OTHER~~

101 ~~___ Modification - Custody,~~ Have the parties agreed to
 102 ~~Visitation, or~~ binding arbitration? ~~_____ Yes ___ No~~
 103 ~~Parenting Time~~ Have the parties reached
 104 ~~Does the modification~~ a custodial agreement? ~~_____ Yes ___ No~~
 105 ~~include a parent~~ If yes, is custody:
 106 ~~selection by a child~~ ~~___ Joint custody~~
 107 ~~who is at least 14~~ ~~___ Joint legal custody~~
 108 ~~years of age? _____ Yes ___ No~~ ~~___ Joint physical custody~~
 109 ~~___ Modification - Child~~ ~~___ Sole custody to: _____~~
 110 ~~Support and Alimony~~ Financial affidavit
 111 ~~___ Modification - Child~~ submitted? ~~_____ Yes ___ No~~
 112 ~~Support~~ Child support forms
 113 ~~___ Modification - Alimony~~ submitted? ~~_____ Yes ___ No~~

114 ~~(d) General Civil Case Final Disposition Form.~~

115 ~~GENERAL CIVIL CASE FINAL~~
 116 ~~DISPOSITION FORM~~
 117 ~~(NONDOMESTIC)~~

118 ~~Court~~
 119 ~~___ Superior~~ County ~~_____~~ Date ~~_____~~
 120 ~~___ State~~ disposed ~~mm-dd-yyyy~~
 121 ~~Docket no. _____~~
 122 Reporting party ~~_____~~ ~~_____~~
 123 (Name) (Title)

124 ~~Name of plaintiff/petitioner(s)~~

125 _____

126 ~~Plaintiff/petitioner's attorney~~

127 _____ ~~Pro Se~~

128 ~~Bar #~~

129 _____

130 ~~Name of defendant/respondent(s)~~

131 _____

132 ~~Defendant/respondent's attorney~~

133 _____ ~~Pro Se~~

134 ~~Bar #~~

135 _____

136 ~~TYPE OF DISPOSITION~~

~~AWARD~~

137 1. ~~___ Pretrial Dismissal (specify which~~
138 ~~type)~~

1. ~~If verdict for plaintiff, how much was~~
~~awarded?~~

139 A. ~~___ Involuntary~~

\$ _____ ~~compensatory~~

140 B. ~~___ Voluntary (without~~
141 ~~prejudice)~~

\$ _____ ~~punitive~~

142 C. ~~___ Voluntary (with~~
143 ~~prejudice)~~

2. ~~If verdict on cross or~~
~~counter claims, how much~~
~~was awarded?~~

144 2. ~~___ Pretrial Settlement~~

\$ _____ ~~compensatory~~

145 3. ~~___ Default Judgment~~

\$ _____ ~~punitive~~

146 4. ~~___ Summary Judgment~~

3. ~~Did the court modify the~~
~~award?~~

147 5. ~~___ Transferred/~~

~~___ Yes ___ No~~

148 ~~Consolidated~~

149 6. ~~___ Bench Trial~~

4. ~~Were attorneys fees~~
~~awarded?~~

150 7. ~~___ Jury Trial (specify~~
151 ~~outcome further)~~

~~___ Yes ___ No~~

152 A. ~~___ Dismissal after~~

153 ~~jury selected~~

~~ADR~~

154 B. ~~___ Settlement during~~
155 ~~trial~~

1. ~~Was ADR utilized?~~
~~___ Yes ___ No~~

156 C. ~~___ Judgment on Verdict~~

2. ~~If yes, was it (check if~~
~~applicable):~~

157 D. ~~___ Directed Verdict or~~

~~___ court annexed?~~

158 ~~JNOV~~

159 _____ court mandated?
 160 1. Judgment on verdict: 3. Did the matter settle after
 161 Was the verdict: trial for other than
 162 A. For plaintiff(s) (all) judgment? (If known at
 163 B. For defendant(s) (all) the time of this
 164 C. Other: (explain _____ submission)
 165 _____ Yes No
 166 _____

167 ~~(e) Domestic Relations Case Final Disposition Information form.~~

168 DOMESTIC RELATIONS CASE FINAL
 169 DISPOSITION INFORMATION FORM

170 Court
 171 Superior County _____ Date _____
 172 disposed mm-dd-yyyy
 173 Docket no. _____

174 Reporting party _____
 175 (Name) (Title)

176 Name of plaintiff/petitioner(s)
 177 _____

178 Plaintiff/petitioner's attorney
 179 _____ Pro Se

180 Bar #
 181 _____

182 Name of defendant/respondent(s)
 183 _____

184 Defendant/respondent's attorney
 185 _____ Pro Se

186 Bar #
 187 _____

188 RELIEF GRANTED (Check all
 189 that apply)

- 190 1. Ex Parte Relief
 191 2. Temporary Relief

192 ~~TYPE OF DISPOSITION~~ 3. ~~___ Final Relief~~

193 1. ~~Dismissed Without~~ A. ~~___ Divorce/Annulment/
Separate Maintenance~~

194 ~~Final Order~~

195 A. ~~___ Voluntary (by~~ B. ~~___ Child Custody~~

196 ~~parties)~~ (i) ~~Parenting plan~~

197 B. ~~___ Involuntary (by~~ included? ~~___ Yes ___ No~~

198 ~~court)~~ (ii) ~~Custodial arrangement:~~

199 2. ~~___ Pretrial Settlement~~ ~~___ Joint custody~~

200 3. ~~___ Judgment on the~~ ~~___ Joint legal custody~~

201 ~~Pleadings~~ ~~___ Joint physical custody~~

202 4. ~~___ Summary Judgment~~ ~~___ Sole custody~~

203 5. ~~___ Trial~~ to: ~~_____~~

204 A. ~~Bench Trial~~ (iii) ~~Fourteen year old~~

205 B. ~~Jury Trial~~ made parental

206 1. ~~___ Dismissal after~~ selection? ~~___ Yes ___ No~~

207 ~~jury selected~~

208 2. ~~___ Settlement~~ C. ~~Visitation or parenting time~~

209 ~~during trial~~ Approximate percentage

210 3. ~~___ Judgment on~~ of parenting time per

211 ~~Verdict~~ year (or number of days)

212 4. ~~___ Directed~~ for: ~~___ Mother ___ Father~~

213 ~~Verdict or~~ Parenting time was

214 ~~JNOV~~ contested? ~~___ Yes ___ No~~

215 D. ~~___ Child Support~~

216 (i) ~~Forms attached? ___ Yes ___ No~~

217 E. ~~___ Legitimation/
Paternity~~

218 F. ~~___ Alimony~~

219 ~~ADR~~ G. ~~___ Contempt~~

220 1. ~~Was mediation utilized?~~ H. ~~___ Equitable Division~~

221 ~~___ Yes ___ No~~ I. ~~___ Protective Order~~

222 2. ~~If yes, was it (check if~~ Finding of family

223 ~~applicable):~~ violence? ~~___ Yes ___ No~~

224 ~~___ court annexed?~~

225 ~~___ court mandated?~~ J. ~~___ Adoption~~

226 3. ~~Was there an agreement to~~ K. ~~Attorney's fees?~~ ~~Yes~~ ~~No~~
 227 ~~binding arbitration?~~ ~~Yes~~ ~~No~~ ~~If yes, in what amount: \$_____~~
 228 ~~If yes, what matters were~~ ~~and to whom: _____~~
 229 ~~subject to binding arbitration?~~ L. ~~Other (specify) _____~~
 230 ~~Child custody~~ _____
 231 ~~Visitation or Parenting Time~~ 4. ~~Dismissed prior to~~
 232 ~~Parenting Plan~~ ~~granting of relief.~~
 233 _____"

234 **PART II**
 235 **SECTION 2-1.**

236 Said title is further amended by revising subsection (b) of Code Section 9-11-3, relating to
 237 commencement of action and filing of civil case filing form, as follows:

238 "(b) At the time of filing the complaint for a civil action in superior court or state court, the
 239 plaintiff shall file the appropriate civil case filing form with the clerk of the court. The
 240 form shall contain complete information and shall be substantially in the form prescribed
 241 ~~in Code Section 9-11-133~~ by the Judicial Council of Georgia. The filing of the complaint
 242 shall not be delayed for the filing of the case filing form. If, after a civil action has been
 243 filed, the court presiding over the civil action decides that the civil case filing form has not
 244 been filed or has been filed incorrectly, the court shall require the plaintiff to file the civil
 245 case filing form or an amended form. In no case shall the failure to accurately complete
 246 the civil case filing form required by this Code section provide a basis to dismiss a civil
 247 action."

248 **SECTION 2-2.**

249 Said title is further amended by revising subsection (b) of Code Section 9-11-58, relating to
 250 entry of judgment and filing of civil case disposition form, as follows:

251 "(b) **When judgment entered.** The filing with the clerk of a judgment, signed by the
 252 judge, with the fully completed civil case disposition form constitutes the entry of the
 253 judgment, and, unless the court otherwise directs, no judgment shall be effective for any
 254 purpose until the entry of the same, as provided in this subsection. As part of the filing of
 255 the final judgment, a civil case disposition form shall be filed by the prevailing party or by
 256 the plaintiff if the case is settled, dismissed, or otherwise disposed of without a prevailing
 257 party; provided, however, that the amount of a sealed or otherwise confidential settlement
 258 agreement shall not be disclosed on the civil case disposition form. The form shall be

259 substantially in the form prescribed ~~in Code Section 9-11-133~~ by the Judicial Council of
 260 Georgia. If any of the information required by the form is sealed by the court, the form
 261 shall state that fact and the information under seal shall not be provided. The entry of the
 262 judgment shall not be made by the clerk of the court until the civil case disposition form
 263 is filed. The entry of the judgment shall not be delayed for the taxing of costs. This
 264 subsection shall not apply to actions brought pursuant to ~~Code Sections 44-7-50 through~~
 265 ~~44-7-59~~ Article 3 of Chapter 7 of Title 44, relating to landlord and tenant dispossessory
 266 proceedings."

267 **SECTION 2-3.**

268 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
 269 paragraph (4) of Code Section 15-5-24, relating to the duties of the Administrative Office of
 270 the Courts, as follows:

271 "(4) Analyze data relating to civil cases ~~collected pursuant to subsection (b) of Code~~
 272 ~~Section 9-11-3 and subsection (b) of Code Section 9-11-58~~ and on or before the first day
 273 of October each year provide such data, analysis, or both data and analysis to the courts
 274 and agencies of the judicial branch, agencies of the executive branch, and the ~~General~~
 275 ~~Assembly~~ chairpersons of the Senate Judiciary Committee and the House Committee on
 276 Judiciary;"

277 **SECTION 2-4.**

278 Said title is further amended by revising subsection (a) of Code Section 15-5-82, relating to
 279 the authority of the Georgia Courts Automation Commission, as follows:

280 "(a) The commission shall be authorized to:

- 281 (1) Define, implement, and administer a state-wide courts automation system including
 282 data collection, networking, data storage, retrieval, processing, and distribution;
 283 (2) Coordinate and cooperate with the state's chief information officer with regard to
 284 planning, implementation, and administration of a state-wide courts automation system
 285 to take advantage of existing state resources where possible;
 286 ~~(3) Receive electronic data from the civil case filing and disposition forms that are~~
 287 ~~required to be filed in civil cases pursuant to subsection (b) of Code Section 9-11-3 and~~
 288 ~~subsection (b) of Code Section 9-11-58 and that are transmitted to the commission by the~~
 289 ~~Georgia Superior Court Clerks' Cooperative Authority in a format and media agreed to~~
 290 ~~by the commission and the authority;~~
 291 ~~(4) Compile the civil filings and dispositions data, and provide such data to the~~
 292 ~~Administrative Office of the Courts;~~

293 ~~(5)~~(3) Participate in agreements, contracts, and networks necessary or convenient for the
 294 performance of the duties specified in this paragraph and ~~paragraphs paragraph~~ (2), ~~(3)~~,
 295 ~~and (4)~~ of this subsection and for the release of the information from civil case filing and
 296 disposition forms;

297 ~~(6)~~(4) Administer federal, state, local, and other public or private funds made available
 298 to it for implementation of the courts automation system;

299 ~~(7)~~(5) Coordinate state-wide strategies and plans for incorporating county and local
 300 governments into the courts automation system, including review of requirements of the
 301 several state agencies for documents, reports, and forms and the consolidation,
 302 elimination, or conversion of such documents, reports, and forms to formats compatible
 303 with electronic transmittal media;

304 ~~(8)~~(6) Establish policies and procedures, rules and regulations, and technical and
 305 performance standards for county and local government access to the courts automation
 306 system network; and

307 ~~(9)~~(7) Offer advisory services to county and local governments to assist in guiding their
 308 efforts toward automating their court procedures and operations."

309 SECTION 2-5.

310 Said title is further amended by revising paragraphs (17) and (18) of subsection (a) of Code
 311 Section 15-6-61, relating to duties of superior court clerks generally, as follows:

312 "~~(17) To file and transmit all civil case filing and disposition forms required to be filed~~
 313 ~~pursuant to subsection (b) of Code Section 9-11-3 and subsection (b) of Code Section~~
 314 ~~9-11-58 and transmit the data contained on such forms to the Administrative Office of the~~
 315 ~~Courts through electronic means provided by the Administrative Office of the Courts for~~
 316 ~~such purpose which shall constitute the only transmission of such data required between~~
 317 ~~the clerks of the superior courts and the Administrative Office of the Courts;~~

318 ~~(18)(A) To transmit to the Superior Court Clerks' Cooperative Authority within 30~~
 319 ~~days of filing the civil case filing and disposition forms prescribed in Code Section~~
 320 ~~9-11-133.~~

321 ~~(B)~~(18) To electronically collect and transmit to the Georgia Superior Court Clerks'
 322 Cooperative Authority all data elements required in subsection (g) of Code Section
 323 35-3-36 in a form and format required by the Superior Court Clerks' Cooperative
 324 Authority and The Council of Superior Court Clerks of Georgia. The data transmitted
 325 to the authority pursuant to this ~~Code section paragraph~~ shall be transmitted to the
 326 Georgia Crime Information Center in satisfaction of the clerk's duties under subsection
 327 (g) of Code Section 35-3-36 and to the Georgia Courts Automation Commission which
 328 shall provide the data to the Administrative Office of the Courts for use ~~of~~ by the state

329 judicial branch. Public access to said data shall remain the responsibility of the Georgia
 330 Crime Information Center. No release of collected data shall be made by or through the
 331 authority;"

332 **SECTION 2-6.**

333 Said title is further amended by revising paragraph (3) of subsection (a) of Code Section
 334 15-6-94, relating to the Georgia Superior Court Clerks' Cooperative Authority, as follows:

335 "(3) The purpose of the authority shall be to provide a cooperative for the development,
 336 acquisition, and distribution of record management systems, information, services,
 337 supplies, and materials for superior court clerks of the state, on such terms and conditions
 338 as may be determined to be in the best interest of the operation of the office of the clerk
 339 of superior court, local government, and the state, in light of the following factors:

340 (A) The public interest in providing cost-efficient access to record management
 341 systems, information, services, supplies, and materials, and a pool which will provide
 342 related resources and uniformity;

343 (B) Cost savings to local government and the state, through efficiency in the provision
 344 of record management systems, information, services, supplies, and materials;

345 (C) Fair and adequate compensation to local governments for costs incurred in the
 346 operation of the offices of clerks of superior court; and

347 (D) Such other factors as are in the public interest and welfare.

348 The authority shall be the sole owner of its compiled and developed information
 349 developed through any function performed or any program or system administered on
 350 behalf of the authority. For the purposes of this subsection, the authority shall not be
 351 considered the sole owner of information developed pursuant to ~~Code Section 15-6-97.1~~
 352 ~~or~~ Code Section 15-6-97.2 and Article 5 of Chapter 6 of Title 12."

353 **SECTION 2-7.**

354 Said title is further amended by revising Code Section 15-6-97.1, relating to the superior
 355 court civil case information system and funding, as follows:

356 ~~"(a) The Georgia Superior Court Clerks' Cooperative Authority and The Council of~~
 357 ~~Superior Court Clerks of Georgia, in agreement with the Georgia Courts Automation~~
 358 ~~Commission and the Administrative Office of the Courts, shall participate in the~~
 359 ~~development and operation of the civil case filing and disposition information system~~
 360 ~~described in paragraph (4) of Code Section 15-5-24 and paragraphs (2), (3), (4), and (5) of~~
 361 ~~subsection (a) of Code Section 15-5-82. The authority shall provide such data in electronic~~
 362 ~~format to the Georgia Courts Automation Commission within three days of receipt. The~~
 363 ~~media and format shall be determined by the authority and the commission.~~

364 ~~(b) The authority shall have the power to use funds available and participate in~~
 365 ~~agreements, contracts, and networks necessary or convenient for the performance of the~~
 366 ~~duties described in subsection (a) of this Code section Reserved.~~"

367 **SECTION 2-8.**

368 Said title is further amended by revising Code Section 15-7-50, relating to the authority of
 369 the clerks of state courts, as follows:

370 "15-7-50.

371 Clerks of state courts are authorized and directed to:

372 (1) File and enter all civil case filing and disposition forms ~~required to be filed pursuant~~
 373 ~~to subsection (b) of Code Section 9-11-3 and subsection (b) of Code Section 9-11-58;~~

374 (2) ~~Transmit to the Superior Court Clerks' Cooperative Authority within 30 days of filing~~
 375 the data contained on the civil case filing and disposition forms prescribed in Code
 376 Section 9-11-133 to the Administrative Office of the Courts through electronic means
 377 provided by the Administrative Office of the Courts for such purpose which shall
 378 constitute the only transmission of such data required between the clerks of the state
 379 courts and the Administrative Office of the Courts; and

380 (3) Participate in agreements, contracts, and networks necessary or convenient for the
 381 performance of the duties provided in paragraphs (1) and (2) of this Code section."

382 **SECTION 2-9.**

383 Article 1 of Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to
 384 general provisions for child custody proceedings, is amended by revising Code Section
 385 19-9-1.2, relating to the required domestic relations case filing information form, as follows:

386 "19-9-1.2.

387 Pursuant to Code Section 9-11-3, and in addition to the filing requirements contained in
 388 Code Section 19-6-15, in all proceedings under this article the plaintiff shall file a domestic
 389 relations case filing information form as ~~set forth in Code Section 9-11-133~~ prescribed by
 390 the Judicial Council of Georgia."

391 **SECTION 2-10.**

392 Said article is further amended by revising subsection (h) of Code Section 19-9-3, relating
 393 to discretion of judge in child custody disputes and filing of domestic relations final
 394 disposition form, as follows:

395 "(h) In addition to filing requirements contained in Code Section 19-6-15, upon the
 396 conclusion of any proceeding under this article, the domestic relations final disposition

397 form as ~~set forth in Code Section 9-11-133~~ prescribed by the Judicial Council of Georgia
398 shall be filed."

399 **PART III**

400 **SECTION 3-1.**

401 This Act shall become effective on January 1, 2018.

402 **SECTION 3-2.**

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