

Senate Bill 232

By: Senators Kennedy of the 18th, Tillery of the 19th, Gooch of the 51st and Strickland of the 17th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to  
2 provide for probate court fees; to provide for definitions; to provide for funding of the State  
3 Children's Trust Fund; to revise provisions regarding additional fees; to provide for  
4 cross-references; to amend Code Section 25-10-4 of the Official Code of Georgia Annotated,  
5 relating to requirement of permit for conduct of fireworks display, application, imposition  
6 of conditions as to granting of permit, duration and transfer of permit, disposition of excess  
7 fireworks, and fees, and Chapter 6 of Title 29 of the Official Code of Georgia Annotated,  
8 relating to judges of probate courts as custodians of certain funds, so as to repeal a provision  
9 regarding compensation of probate court judges; to provide for cross-references; to provide  
10 for related matters; to provide for an effective date and applicability; repeal conflicting laws;  
11 and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by  
15 repealing Code Section 15-9-60, relating to fees of probate courts, in its entirety, and  
16 enacting a new Code Section 15-9-60 to read as follows:

S. B. 232

17 "15-9-60.

18 (a) The judges or clerks of the probate courts of this state shall charge and collect the fees  
19 enumerated in this Code section.

20 (b) All sums that the probate courts may be required to collect pursuant to Code Sections  
21 15-23-7, 15-9-60.1, and 36-15-9 and all other sums required by law shall be in addition to  
22 the fees provided for in this Code section. The fees in this Code section are in addition to  
23 any costs for service of process, fees for publication of citation or notice, or any other sums  
24 that may be required by law.

25 (c) The fees in this Code section shall be paid into the county treasury or otherwise  
26 remitted as provided by law.

27 (d) Unless a party files an affidavit of indigence stating that he or she is unable to pay fees  
28 due to indigence, all fees in this Code section shall be paid at the time of filing or when  
29 other specified services are rendered. In accordance with Code Section 15-9-61, a filing  
30 party may pay a \$30.00 fee deposit before filing any item listed in subsection (e), (f), (g),  
31 or (h) of this Code section except that no deposit shall be paid if no fee is required.

32 (e) As used in this subsection, 'fiduciary compliance report' shall include all reporting as  
33 required by Code Sections 53-7-30 or 53-7-67. For each estate filing, as provided in  
34 Title 53, the filing fees shall be as follows:

35	<u>(1) Petition .....</u>	<u>\$175.00</u>
36	<u>(2) Motion, response, request, citation, or caveat .....</u>	<u>75.00</u>
37	<u>(3) Fiduciary compliance report with assets .....</u>	<u>40.00</u>
38	<u>(4) Fiduciary compliance report with no assets .....</u>	<u>No fee</u>

39 (f) As used in this subsection, 'fiduciary compliance report' shall include all reporting as  
40 required by Code Sections 29-3-30, 29-3-60, or 29-3-61. For each conservatorship of  
41 minor or guardianship of minor filing, as provided in Title 29, the filing fees shall be as  
42 follows:

43	<u>(1) Petition, except petition to terminate guardianship of minor and</u>	
44	<u>petition for temporary letters of guardianship of minor . . . . .</u>	<u>\$175.00</u>
45	<u>(2) Petition for temporary letters of guardianship of minor . . . . .</u>	<u>125.00</u>
46	<u>(3) Motion, response, request, citation, or caveat . . . . .</u>	<u>75.00</u>
47	<u>(4) Petition to terminate guardianship of minor . . . . .</u>	<u>40.00</u>
48	<u>(5) Fiduciary compliance report with assets . . . . .</u>	<u>40.00</u>
49	<u>(6) Fiduciary compliance report with no assets . . . . .</u>	<u>No fee</u>

50 (g) As used in this subsection, 'fiduciary compliance report' shall include all reporting as  
 51 required by Code Sections 29-5-30, 29-5-60, or 29-5-61. For each conservatorship of adult  
 52 or guardianship of adult filing, as provided in Title 29, the filing fees shall be as follows:

53	<u>(1) Petition . . . . .</u>	<u>\$175.00</u>
54	<u>(2) Motion, response, request, citation, or caveat . . . . .</u>	<u>75.00</u>
55	<u>(3) Fiduciary compliance report with assets . . . . .</u>	<u>40.00</u>
56	<u>(4) Fiduciary compliance report with no assets . . . . .</u>	<u>No fee</u>

57 (h) For each involuntary treatment, habilitation, temporary placement filing, or filing  
 58 pursuant to Chapter 20 of Title 31, the filing fees shall be as follows:

59	<u>(1) Petition . . . . .</u>	<u>\$175.00</u>
60	<u>(2) Motion, response, request, citation, or caveat . . . . .</u>	<u>75.00</u>
61	<u>(3) Petition in support, affidavit in support, or issuance of an order to</u>	
62	<u>apprehend . . . . .</u>	<u>No fee</u>

63 (i) For each account accepted by the judge of the probate court as custodian for a minor,  
 64 incapacitated adult, or missing or unknown heir or beneficiary, a one-time fee of 8 percent  
 65 of the fund shall be deducted from the fund when such custodianship is accepted by the  
 66 judge to pay to the county treasury.

67 (j) For all services rendered by the judge or clerk of the probate court in the exercise of  
 68 concurrent jurisdiction pursuant to Code Section 15-9-127 for which no cost is set forth in  
 69 this Code section, the sums charged shall be the same as those charged for such services  
 70 in the superior court pursuant to Code Section 15-6-77 or other applicable law.

71 (k) For each miscellaneous and administrative item, the fees shall be as follows:

72	<u>(1) Issuance of veteran's license .....</u>	<u>No fee</u>
73	<u>(2) Issuance of writ of fieri facias (fi. fa.) .....</u>	<u>No fee</u>
74	<u>(3) Copies (per page) .....</u>	<u>\$ 1.00</u>
75	<u>(4) Certificate of residence .....</u>	<u>10.00</u>
76	<u>(5) Certified copy of letters (including copy cost) .....</u>	<u>10.00</u>
77	<u>(6) Certification of publication for insurance company charter .....</u>	<u>10.00</u>
78	<u>(7) Certification under seal of copies (excluding copy cost) .....</u>	<u>10.00</u>
79	<u>(8) For filing a bond of official, officer, or employee of any:</u>	
80	<u>(A) Municipality or authority within county .....</u>	<u>10.00</u>
81	<u>(B) For filing of bond of county official or officer .....</u>	<u>No fee</u>
82	<u>(9) For examination of records or files by employee of the probate court</u>	
83	<u>to provide abstract of information contained therein or to provide copies</u>	
84	<u>therefrom (per estate or name) .....</u>	<u>10.00</u>
85	<u>(10) Junk dealer registration .....</u>	<u>10.00</u>
86	<u>(11) Subpoena .....</u>	<u>10.00</u>
87	<u>(12) Application for weapons carry license (exclusive of fees charged by</u>	
88	<u>other agencies for the examination of criminal records and mental health</u>	
89	<u>records) .....</u>	<u>30.00</u>
90	<u>(13) Replacement of weapons carry license (lost, stolen, name change, or</u>	
91	<u>address change .....</u>	<u>6.00</u>

92	<u>(14) Personal identification cards to a judge or</u>	<u>Fee shall be determined by</u>
93	<u>Supreme Court justice . . . . .</u>	<u>Council of Probate Court</u>
94		<u>Judges of Georgia pursuant to</u>
95		<u>Code Section 15-25-3</u>
96	<u>(15) Marriage license with premarital education pursuant to Code</u>	
97	<u>Section 19-3-30.1 . . . . .</u>	<u>No Fee</u>
98	<u>(16) Marriage license without premarital education . . . . .</u>	<u>\$40.00</u>
99	<u>(17) Marriage certificate . . . . .</u>	<u>10.00</u>
100	<u>(18) Creditor's claim . . . . .</u>	<u>15.00</u>
101	<u>(19) Declination to serve of nominated personal representative . . . . .</u>	<u>15.00</u>
102	<u>(20) Exemplification . . . . .</u>	<u>15.00</u>
103	<u>(21) Recording of marks and brands (each) . . . . .</u>	<u>15.00</u>
104	<u>(22) Renunciation of right of succession . . . . .</u>	<u>15.00</u>
105	<u>(23) Will filed for safekeeping . . . . .</u>	<u>15.00</u>
106	<u>(24) Petition for declaration of exemptions . . . . .</u>	<u>25.00</u>
107	<u>(25) Appeal to superior court (petition for review) . . . . .</u>	<u>30.00</u>
108	<u>(26) Preparation of record and transcript to the Supreme Court and Court</u>	
109	<u>of Appeals (per page) . . . . .</u>	<u>1.00</u>
110	<u>(27) For appeals to the Supreme Court or Court of Appeals, where a</u>	
111	<u>transcript of the evidence and proceedings is filed with the clerk and does</u>	
112	<u>not require recopying, the clerk shall not receive the fee herein prescribed</u>	
113	<u>with respect to such transcript but shall receive, for filing and transmission</u>	
114	<u>of such transcript . . . . .</u>	<u>35.00</u>
115	<u>(28) Petition to establish lost papers . . . . .</u>	<u>50.00</u>
116	<u>(29) Fireworks application . . . . .</u>	<u>50.00</u>
117	<u>(30) Application for writ of habeas corpus . . . . .</u>	<u>75.00</u>

118     (31) Petition for Authority to Open Safety Deposit Box . . . . .             75.00

119     (32) Petition to amend marriage license application . . . . .             75.00

120     (33) Petition to amend vital record . . . . .             75.00

121     (34) Any other petition filed in the probate court other than those  
122     proceedings and actions set forth in Title 29 or Title 53 and not  
123     specifically set forth in subsections (e) through (k) of this Code section         75.00"

124

**SECTION 2.**

125 Said title is further amended by revising Code Section 15-9-60.1, relating to additional  
126 marriage license fee for Children's Trust Fund, as follows:

127 "15-9-60.1.

128 In addition to any fees required in subsection (l) of Code Section 15-9-60 for ~~receiving~~  
129 marriage applications, ~~issuing marriage licenses, and recording relative thereto,~~ the judge  
130 of the probate court shall charge an additional fee of \$15.00 for issuing a marriage license.  
131 No amount of this additional fee shall be paid into the Judges of the Probate Courts  
132 Retirement Fund of Georgia provided for in Chapter 11 of Title 47 or be used for the  
133 purpose of calculating retirement benefits for judges of the probate courts. Each judge of  
134 the probate court shall collect the additional fees for issuing marriage licenses as provided  
135 in this Code section and shall pay such moneys ~~over to the Georgia Superior Court Clerks'~~  
136 ~~Cooperative Authority~~ by the last day of the month there following, to be deposited ~~by the~~  
137 ~~authority~~ into the general treasury for the State Children's Trust Fund. The authority shall,  
138 on a quarterly basis, make a report and accounting of all funds collected pursuant to this  
139 Code section and shall submit such report and accounting to the Office of Planning and  
140 Budget, the House Budget and Research Office, and the Senate Budget and Evaluation  
141 Office no later than 60 days after the last day of the preceding quarter."

142

**SECTION 3.**

143 Said title is further amended in Code Section 15-21A-6 of the Official Code of Georgia  
144 Annotated, relating to additional filing fees, application fee for indigent defense services, and  
145 remittance of funds, by revising subsection (b) as follows:

146 "(b)(1) As used in this subsection, the term 'civil action' means:

147 (A) With regard to decedents' estates, only the following proceedings petitions: petition  
148 for letters of administration; petition to probate a will in solemn form; petition for an  
149 order declaring no administration necessary; petition to probate a will in solemn form  
150 and for letters of administration with will annexed; petition to probate a will in common  
151 form; and petition for year's support;

152 (B) A petition in ~~With regard to~~ a minor guardianship or conservatorship matter as set  
153 forth in paragraph (1) of subsection (f) of Code Section 15-9-60, ~~the proceeding by~~  
154 ~~which the jurisdiction of the probate court is first invoked~~;

155 (C) A petition in ~~With regard to~~ an adult guardianship or conservatorship matter as set  
156 forth in paragraph (1) of subsection (g) of Code Section 15-9-60, ~~the proceeding by~~  
157 ~~which the jurisdiction of the probate court is first invoked~~; and

158 (D) An application for writ of habeas corpus, as set forth in paragraph (30) of  
159 subsection (k) of Code Section 15-9-60.

160 (2) In addition to all other legal costs, there shall be charged to the filing party and  
161 collected by the clerk an additional fee of \$15.00 in each civil action filed in the probate  
162 court. For the purposes of the imposition of the civil filing fee required by this  
163 subsection, the probate court shall collect the civil filing fee on each proceeding petition  
164 listed in subparagraph (A) of paragraph (1) of this subsection involving a decedent but  
165 once only in a an adult or minor guardianship or conservatorship matter involving the  
166 same ward or an application for writ of habeas corpus involving the same applicant."

167

**SECTION 4.**

168 Code Section 25-10-4 of the Official Code of Georgia Annotated, relating to requirement of  
169 permit for conduct of fireworks display, application, imposition of conditions as to granting  
170 of permit, duration and transfer of permit, disposition of excess fireworks, and fees, is  
171 amended by revising subsection (e) as follows:

172 ~~"(e) The judge of the probate court shall receive \$10.00 for his or her services in granting~~  
173 ~~or refusing the original permit and \$1.00 for each copy issued, to be paid by the applicant.~~

174 The judge of the probate court shall provide the Safety Fire Commissioner a copy of each  
175 permit granted prior to the proposed date of the public exhibition or display."

176

**SECTION 5.**

177 Chapter 6 of Title 29 of the Official Code of Georgia Annotated, relating to judges of probate  
178 courts as custodians of certain funds, is amended by repealing and reserving Code  
179 Section 29-6-7, relating to compensation of judges.

180

**SECTION 6.**

181 This Act shall become effective on July 1, 2023, and shall apply to fees paid in a probate  
182 court on and after such date.

183

**SECTION 7.**

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