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Session of the General Assembly

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Statutes:

All laws specifically codified by the General Assembly of the State of Georgia through the 2025 Regular Session of the General Assembly.

Annotations of Judicial Decisions:

Case annotations reflecting decisions posted to LexisNexis® through May 12, 2025. These annotations will appear in the following traditional reporter sources: Georgia Reports; Georgia Appeals Reports; Southeastern Reporter; Supreme Court Reporter; Federal Reporter; Federal Supplement; Federal Rules Decisions; Lawyers' Edition; United States Reports; and Bankruptcy Reporter.

Annotations of Attorney General Opinions:

Constructions of the Official Code of Georgia Annotated, prior Codes of Georgia, Georgia Laws, the Constitution of Georgia, and the Constitution of the United States by the Attorney General of the State of Georgia posted to LexisNexis® through May 12, 2025.

Other Annotations:

References to:

Emory Bankruptcy Developments Journal.
Emory International Law Review.
Emory Law Journal.
Georgia Journal of International and Comparative Law.
Georgia Law Review.
Georgia State University Law Review.
John Marshall Law Review.
Mercer Law Review.
Georgia State Bar Journal.
Georgia Journal of Intellectual Property Law.
American Jurisprudence, Second Edition.
American Jurisprudence, Pleading and Practice Forms Annotated.
American Jurisprudence, Proof of Facts.
American Jurisprudence, Trials.
Corpus Juris Secundum.
Uniform Laws Annotated.
American Law Reports, First through Seventh Series.
American Law Reports, Federal.

Tables:

In Volume 41, a Table Eleven-A comparing provisions of the 1976 Constitution of Georgia to the 1983 Constitution of Georgia and a Table Eleven-B comparing provisions of the 1983 Constitution of Georgia to the 1976 Constitution of Georgia.

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Indices:

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15-1-18. Council of Accountability Court Judges of Georgia; creation; membership; funding; support.

- (a) As used in this Code section, the term:
- (1) “Accountability court” means a superior, state, or juvenile court that has a drug court division, mental health court division, veterans court division, juvenile treatment court division, operating under the influence court division, or a juvenile court that has a family treatment court division.
- (2) “Council” means the Council of Accountability Court Judges of Georgia.
- (b) There is created an accountability court judges’ council to be known as the “Council of Accountability Court Judges of Georgia.” Such council shall be composed of the judges, senior judges, and judges emeriti of the accountability courts of this state.
- (c) The council shall be authorized to organize itself and to develop a constitution and bylaws. The council shall promulgate rules and regulations as it deems necessary. The council shall annually elect a chairperson from among its membership. The council may appoint such committees as it considers necessary to carry out its duties and responsibilities, including appointing judges serving in other courts to serve in an advisory capacity to the council.
- (d) It shall be the purpose of the council to effectuate the constitutional and statutory responsibilities conferred upon it by law and to further the improvement of accountability courts, the quality and expertise of the judges thereof, and the administration of justice.
- (e) Expenses of the administration of the council shall be paid from state funds appropriated for that purpose, from federal funds available to the council for such purpose, or from other appropriate sources. The council shall be authorized to accept and use gifts, grants, and donations for the purposes of carrying out this Code section. The council shall be authorized to accept and use property, both real and personal, and services for the purposes of carrying out this Code section.
- (f) The Criminal Justice Coordinating Council shall provide technical services to the council and shall assist the council in complying with all its legal requirements.
- (g) The Administrative Office of the Courts shall provide the council

with office space and administrative support, including staff for record keeping, reporting, and related administrative and clerical functions.

(h) Appropriations to the Administrative Office of the Courts for functions transferred to the Criminal Justice Coordinating Council pursuant to this Code section shall be transferred as provided in Code Section 45-12-90. Personnel previously employed by the Administrative Office of the Courts and equipment and facilities of the Administrative Office of the Courts shall likewise be transferred to the Criminal Justice Coordinating Council. Such transfers shall be as determined by the director of the Administrative Office of the Courts.

History.

Code 1981, § 15-1-18, enacted by Ga. L. 2015, p. 519, § 5-4/HB 328; Ga. L. 2016, p. 443, § 1-1/SB 367; Ga. L. 2024, p. 671, § 1/HB 873, effective July 1, 2024.

court division, operating under the influence court division,” for “or operating under the influence court division” in paragraph (a)(1).

Amendments.

The 2024 amendment, effective July 1, 2024, substituted “juvenile treatment

15-1-21. Judicial Qualifications Commission created; powers, composition, and appointment; term and removal of member; procedures; confidentiality.

Law reviews.

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15-1-23. Grant program for accountability courts serving mental health and substance use disorder population; technical assistance.

(a) As used in this Code section, the term “accountability court” has the same meaning as in Code Section 15-1-18.

(b) Subject to appropriations, the Criminal Justice Coordinating Council shall establish a grant program for the provision of funds to accountability courts that serve the mental health and co-occurring substance use disorder population to facilitate the implementation of trauma-informed treatment.

(c) The Criminal Justice Coordinating Council shall designate an employee to provide technical assistance to accountability courts. Such technical assistance shall include, but not be limited to, assistance interpreting data analysis reports to better identify and serve the mental health population.

History.
Code 1981, § 15-1-23, enacted by Ga. L. 2022, p. 26, § 4-1/HB 1013.
Effective date.
This Code section became effective July 1, 2022.

Law reviews.
For article, “HB 1013: Georgia Mental Health Parity Act,” see 39 Ga. St. U.L. Rev. 145 (2022).

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Eubanks v. State, 317 Ga. 563, 894 S.E.2d 27, 2023 Ga. LEXIS 233 (2023).

Keeping a lethal drug within reach of a vulnerable adult who cannot appreciate the danger created a foreseeable risk of death, and the evidence supported that the sibling ingested the spilled heroin defendant failed to clean up, a foreseeable consequence; thus, defendant’s felony conviction was upheld. Eubanks v. State, 317 Ga. 563, 894 S.E.2d 27, 2023 Ga. LEXIS 233 (2023).

15-5-5. Duties of district administrative judge.

The duties and authority of each district administrative judge shall be as follows:

- (1) To request, collect, and receive information from the courts of record within his or her district pursuant to uniform rules promulgated by the ten administrative judges;
- (2) To authorize and assign any superior court judge within the district to sit on any type of case or to handle other administrative or judicial matters within the district; provided, however, that the assignment shall be made with the consent of the assigned judge and with the consent of the majority of the judges of the circuit to which the assignment is made and that the assignment shall be made subject to rules promulgated by the district council by a majority vote of the superior court judges within the district; and
- (3) To assist the various courts of record within his or her district with the implementation and continued maintenance of uniform standards promulgated pursuant to paragraph (5) of subsection (h) of Code Section 15-5-24.1.

History.

Ga. L. 1976, p. 782, § 6; Ga. L. 2023, p. 294, § 1/SB 272, effective May 1, 2023.

Amendments.

The 2023 amendment, effective May 1, 2023, in paragraph (1), inserted “or her”

following “his” and deleted “and” at the end; in paragraph (2), substituted “; and” for a period at the end; and added paragraph (3).

ARTICLE 2
JUDICIAL COUNCIL

15-5-24.1. Criminal Case Data Exchange Board; membership; role.

- (a) As used in this Code section, the term:
 - (1) “Board” means the Criminal Case Data Exchange Board.
 - (2) “Predecessor board” means the Criminal Case Data Exchange Board established as a board to the Criminal Justice Coordinating Council in 2018 by an Act of the General Assembly.
 - (3) “Reestablished board” means the Criminal Case Data Exchange Board reestablished as an advisory board to The Council of Superior Court Clerks in 2022 by an Act of the General Assembly.
- (b) The Criminal Case Data Exchange Board is reestablished as an advisory board for the benefit of the judicial and executive branches of this state’s government to facilitate the compliance efforts of the various judicial agencies, judicial subdivisions, applicable courts, applicable clerks, and applicable executive branch officers, departments, and agencies with the requirements of Code Section 35-3-36. The board shall be attached to the Judicial Council of Georgia and its Administrative Office of the Courts for administrative purposes. The Judicial Council of Georgia shall issue uniform standards not inconsistent with the uniform standards promulgated by the Criminal Case Data Exchange Board pursuant to this Code section.
- (c)(1) The board shall consist of 19 members as follows:
 - (A) The executive director of The Council of Superior Court Judges of Georgia;
 - (B) The executive director of The Council of State Court Judges of Georgia;
 - (C) The executive director of The Council of Superior Court Clerks of Georgia;
 - (D) The executive director of the Prosecuting Attorneys’ Council;
 - (E) The chairperson of the State Board of Pardons and Paroles;

- (F) The commissioner of corrections;
- (G) The commissioner of community supervision;
- (H) The director of the Georgia Bureau of Investigation;
- (I) The director of the Office of Planning and Budget;
- (J) A designee of the Judicial Council of Georgia;
- (K) The chief information officer of the Georgia Technology Authority;
- (L) The executive director of the Georgia Sheriffs' Association; and
- (M) The executive director of the Georgia Association of Chiefs of Police,

provided that any such member may allow a designee to represent him or her at a board meeting and vote in his or her stead; and

- (2) Six members as follows:
 - (A) One of whom is a superior court judge;
 - (B) One of whom is a state court judge;
 - (C) One of whom is a clerk of a superior court;
 - (D) One of whom is a district attorney;
 - (E) One of whom is a sheriff of a county; and
 - (F) One of whom is a police chief of a municipality,

who shall each be appointed by the Governor for a term of four years; provided, however, that any person who, as of July 1, 2023, was serving as a member of either the predecessor board or reestablished board pursuant to an appointment by the Governor or otherwise provided by law shall continue to serve as a member of the board for the remainder of the term of such appointment; and provided, further, that no person shall serve beyond the time he or she holds the position of the board by reason of which he or she was initially eligible for appointment.

(d) Any vacancy on the board due to death, resignation, disqualification, or removal of any member for any reason, shall be filled in the same manner as the original appointment and any successor shall serve for the unexpired term.

(e) Membership on the board shall not constitute public office, and no member shall be disqualified from holding public office by reason of his or her membership on the board.

(f) The board shall elect a chairperson from among its members and may elect such other officers and appoint committees as it considers appropriate.

(g) Members of the board shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of his or her duties from funds available to the Judicial Council of Georgia. Such reimbursement shall be limited to all travel and other expenses necessarily incurred through service on the board, in compliance with the travel rules and regulations of this state; provided, however, that in no case shall a member of the board be reimbursed for expenses incurred in the member's capacity as the representative of another state agency.

(h) The board shall:

(1) Meet no less than quarterly at such times and places as it shall determine necessary or convenient to perform its duties and also upon the call of the chairperson of the board, the member of the board designated by the Judicial Council of Georgia, the Chief Justice of the Supreme Court of Georgia, or the Governor;

(2) Maintain minutes of its meetings;

(3) Participate in the review and improvement of this state's criminal case data exchange and management system;

(4) Using the combined expertise and experience of its members, provide regular advice and counsel to the Judicial Council of Georgia and its Administrative Office of the Courts to enable its members to carry out its statutory duties related to criminal case data exchange under this article;

(5) Regularly review and update uniform standards for the creation and transmission of criminal history data by and between local and state criminal justice agencies, including, but not limited to, processes and procedures that criminal justice agencies shall adopt in order to provide for the transmission and acceptance of such data by and between the applicable agencies and by the Georgia Crime Information Center. Such data shall include arrests; indictments, accusations, information, and other formal charges; and final dispositions arising therefrom, including, but not limited to, convictions. This paragraph shall not be construed to override, supplant, or preclude any uniform standards promulgated by the reestablished board;

(6) By October 1 of each year, prepare a report on the board's progress in developing uniform standards pursuant to paragraph (5) of this subsection. Such report shall be transmitted electronically or mailed to the office of the chairs of the Senate Judiciary Committee,

the House Committee on Judiciary, and the House Committee on Judiciary Non-Civil, the chairs of the Senate Appropriations Committee and the House Committee on Appropriations, and to the Governor, Lieutenant Governor, Speaker of the House, and Chief Justice of the Supreme Court of Georgia no later than October 10 of each year;

(7) Make recommendations for the improvement of criminal history data sharing for the benefit of the public, employers, and law enforcement;

(8) Carry out such duties as may be required by federal law or regulation so as to enable this state to receive and disburse federal funds for criminal case data exchange and management;

(9) After conducting a comprehensive review of automated victim notification systems, make recommendations as the board deems necessary on the adoption, development, and use of an automated system that provides for individualized notification to victims of certain occurrences in each case involving the victim, including, but not limited to, occurrences of arrest, pretrial release, court hearings, and sentencing. Such system shall also be able to reconcile individuals' criminal data at all steps of the data exchange process. Any such recommendations and accompanying reports shall be transmitted to all members of the board. Nothing in this Code section shall be construed to limit or otherwise prevent criminal justice agencies from improving the organization of their respective data or developing and implementing, individually or collectively, an automated victim notification system for crime victims in this state; and

(10) By December 1, 2024, review, in coordination with experts in the field of criminal justice, the feasibility of a system for tracking and analyzing criminal history data related to recidivism, criminal plea agreements, immunity defenses in criminal proceedings, and post-adjudication proceedings. Such review of criminal plea agreements shall include the feasibility of tracking charges pertaining to human trafficking and whether those charges resulted in convictions or resulted in pleas of lesser or related charges. The board, in determining the feasibility of such system, shall prepare a report detailing its review, findings, and any recommendations and such report shall be transmitted electronically or mailed to the office of the chairs of the Senate Judiciary Committee, the House Committee on Judiciary, and the House Committee on Judiciary Non-civil, and to the Governor, Lieutenant Governor, Senate President Pro Tempore, Speaker of the House, and Chief Justice of the Supreme Court of Georgia.

(i) Public access to data collected or transmitted via the criminal case information exchange shall remain the responsibility of the Georgia

Crime Information Center. No release of collected data shall be made by or through the Georgia Technology Authority.

History.

Code 1981, § 15-5-24.1, enacted by Ga. L. 2023, p. 294, § 2/SB 272, effective May 1, 2023.

Effective date.

This Code section became effective May 1, 2023.

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2023, “This paragraph” was substituted for “This subparagraph” at the beginning of the third sentence in paragraph (h)(5).

ARTICLE 6

GEORGIA COURTS AUTOMATION COMMISSION

15-5-81. Advisory council to commission.

(a) There shall be an advisory council to the Georgia Courts Automation Commission. The advisory council shall consist of the director of the Georgia Bureau of Investigation or the director’s designee, the commissioner of corrections or the commissioner’s designee, the commissioner of community supervision or the commissioner’s designee, the commissioner of public safety or the commissioner’s designee, the chairperson of the State Board of Pardons and Paroles or the chairperson’s designee, the director of the Administrative Office of the Courts or the director’s designee, the director of the Criminal Justice Coordinating Council or the director’s designee, and the executive director of the Georgia Technology Authority or the executive director’s designee.

(b) The members of the advisory council shall be notified of and entitled to attend all meetings of the commission and shall be afforded an opportunity to review and comment on all proposed official actions of the commission other than actions relating solely to the internal organization and internal affairs of the commission.

(c) All members of the advisory council shall serve without compensation but may be reimbursed for travel and other expenses in carrying out their official duties in the same manner as other state officials and employees. Members of the advisory council who are state officials or employees shall be reimbursed for such expenses from funds of their respective state departments and agencies. All members of the advisory council who are not state officials or employees shall be reimbursed for such expenses from funds appropriated or otherwise available to the judicial branch of state government.

History.

Code 1981, § 15-5-81, enacted by Ga. L. 1991, p. 634, § 1; Ga. L. 1992, p. 6, § 15; Ga. L. 2002, p. 1323, § 1; Ga. L. 2005, p.

60, § 15/HB 95; Ga. L. 2008, p. 568, § 10/HB 1054; Ga. L. 2008, p. 577, § 2/SB 396; Ga. L. 2015, p. 422, § 5-6/HB 310; Ga. L. 2025, p. 332, § 5-1/SB 96, effective

July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, deleted “the director of the Gov-

ernor’s Office for Children and Families or the director’s designee,” following “Criminal Justice Coordinating Council or the director’s designee,” in subsection (a).

ARTICLE 8

PROTECTION OF PERSONALLY IDENTIFIABLE DATA OF JUDGES AND SPOUSES

Effective date.

This article became effective July 1, 2025.

Cross references.

Identity theft, § 10-1-910.
Offense of identity fraud, § 16-9-121.

15-5-110. Definitions.

As used in this article, the term:

(1) “Personally identifiable information” means any personal phone number, home address, or property or tax records of a protected person.

(2) “Protected person” means any current or former:

(A) Judge or justice of this state and his or her spouse;

(B) Judge of any county or municipality of this state and his or her spouse; and

(C) Judge or justice of the United States and his or her spouse.

(3) “Publicly available content” means any written or electronic document or record that provides information or that serves as a document or record maintained, controlled, or in the possession of a state or local government entity that may be obtained by any person from the state or local government entity’s public website or from such state or local government agency upon request whether free of charge or for a fee.

(4) “State or local government entity” means any:

(A) Agency of the executive branch of this state; or

(B) Any county or municipality of this state, including, but not limited to, any county or municipal court clerk’s office, board of elections, board of tax assessors, or board of ethics.

History.

Code 1981, § 15-5-110, enacted by Ga. L. 2024, p. 733, § 1/SB 508, effective July 1, 2025; Ga. L. 2025, p. 802, § 1/HB 199, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted “personal phone number, home address, or property or tax records of a protected person” for “phone

number or address affirmatively identified by a protected person for inclusion in the data base established and maintained pursuant to Code Section 15-5-111” in paragraph (1); substituted “Judge” for “Elected or appointed judge” in subparagraphs (2)(A) and (2)(B), substituted “Judge” for “Appointed judge” in subparagraph (2)(C); deleted former paragraph (3), which read: “Public posting or display means to communicate information or otherwise make information available to the general public.”; redesignated former paragraphs (4) and (5) as present paragraphs (3) and (4); in paragraph (3), substituted “state or local government enti-

ty’s public website” for “internet”; and, in subparagraph (4)(B), substituted “Any county or municipality of this state, including, but not limited to, any county or municipal court clerk’s office, board of elections, board of tax assessors, or board of ethics.” for “Any local governing authority of a county or municipality of this state.”

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2024, the definitions in paragraphs (3) and (4) were redesignated as paragraphs (4) and (3), respectively, to maintain alphabetical order.

15-5-111. Duties of Administrative Office of the Courts in protecting judicial personally identifiable information.

The Administrative Office of the Courts shall:

- (1) Establish a method for obtaining information from the Administrative Office of the United States Courts as necessary for purposes of this article;
- (2) Develop a form for a protected person to use when requesting the restriction from public disclosure of personally identifiable information pursuant to this article. Such form may include a process for verification of the election or appointment of such person as a judge or justice of this state or the United States or verification of such person’s status as the spouse of a person serving as a judge or justice of this state or the United States;
- (3) Make the form provided for in paragraph (2) of this Code section available to protected persons on its public website; and
- (4) Coordinate state-wide training and information sharing related to security procedure and practices relative to the judicial branch of government.

History.

Code 1981, § 15-5-111, enacted by Ga. L. 2024, p. 733, § 1/SB 508, effective July 1, 2025; Ga. L. 2025, p. 802, § 1/HB 199, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, rewrote this Code section.

15-5-112. Restriction of judicial personally identifiable information from public disclosure; enforcement.

(a) Notwithstanding any provision of Article 4 of Chapter 18 of Title 50 to the contrary, a state or local government entity shall restrict from public disclosure any personally identifiable information that specifi-

cally identifies a protected person as a judge, justice, or spouse thereof. The provisions of this subsection shall include, but shall not be limited to, records or filings in the office of the Secretary of State and the State Ethics Commission.

(b) Notwithstanding any provision of Article 4 of Chapter 18 of Title 50 to the contrary, a state or local government entity that possesses records, filings, or other publicly available content that does not specifically identify a person as a judge, justice, or spouse thereof but that includes personally identifiable information of such a protected person shall, upon request of the protected person, restrict from public disclosure any personally identifiable information. A protected person may request that his or her personally identifiable information be restricted from public disclosure pursuant to this subsection by submitting a request in writing to the state or local government entity on the form provided for in Code Section 15-5-111. A state or local government entity receiving such request shall restrict from public disclosure the personally identifiable information within 30 days of receiving a valid request.

(c) Any protected person may bring an action in a court of competent jurisdiction against any officer or employee of the state or local government entity in his or her individual capacity for failure to comply with subsection (a) or (b) of this Code section. Any relief granted by such action shall be limited to injunctive relief.

History.

Code 1981, § 15-5-112, enacted by Ga. L. 2024, p. 733, § 1/SB 508, effective July 1, 2025; Ga. L. 2025, p. 802, § 1/HB 199, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, rewrote this Code section.

CHAPTER 5A

STATE-WIDE BUSINESS COURT

Sec. 15-5A-14.	(Effective until January 1, 2026.) Employment and compensation of other personnel.	Sec. 15-5A-16.	tion of other personnel; utilization of digital recording systems. Assignment for budgetary and administrative purposes.
15-5A-14.	(Effective January 1, 2026.) Employment and compensa-		

Law reviews.

For article, “Statewide Business Court

Opens Its Doors,” see 26 Ga. St. B.J. 32 (Oct. 2020).

15-5A-4. Process for bringing a claim before court; filings.

Law reviews. For article with annual survey on business associations, see 73 Mercer L. Rev. 29 (2021).

15-5A-14. (Effective until January 1, 2026.) Employment and compensation of other personnel.

The judge of the Georgia State-wide Business Court may employ and fix the salaries of stenographers, clerical assistants, and such other employees as may be deemed necessary by the court; and the salaries therefor shall be paid by the clerk from the amount appropriated by the General Assembly for such purposes.

History. Code 1981, § 15-5A-14, enacted by Ga. L. 2019, p. 845, § 1-1/HB 239. January 1, 2026. For version effective January 1, 2026, see the following version.

Delayed effective date. Code Section 15-5A-14 is set out twice in this Code. This version is effective until

15-5A-14. (Effective January 1, 2026.) Employment and compensation of other personnel; utilization of digital recording systems.

The judge of the Georgia State-wide Business Court may employ and fix the salaries of stenographers, clerical assistants, and such other employees as may be deemed necessary by the court; and the salaries therefor shall be paid by the clerk from the amount appropriated by the General Assembly for such purposes. Except as provided in subsection (k) of Code Section 5-6-41, the judge may also provide for the recording of cases via a digital recording system, as defined in Code Section 15-14-22, and as provided for by uniform court rules adopted and published by order of the Supreme Court with the advice and consent of the Georgia State-wide Business Court.

History. Code 1981, § 15-5A-14, enacted by Ga. L. 2019, p. 845, § 1-1/HB 239; Ga. L. 2025, p. 151, § 2-1/HB 179, effective January 1, 2026. January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments. **The 2025 amendment,** effective January 1, 2026, added the second sentence. **Delayed effective date.** Code Section 15-5A-14 is set out twice in this Code. This version is effective

15-5A-16. Assignment for budgetary and administrative purposes.

The Georgia State-wide Business Court shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title 45, the “Budget Act”; provided, however, that the Georgia State-wide Business Court shall be

assigned for administrative purposes only to the Administrative Office of the Courts.

History.

Code 1981, § 15-5A-16, enacted by Ga. L. 2019, p. 845, § 1-1/HB 239; Ga. L. 2024, p. 888, § 3-1/HB 1267, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, substituted “Administrative Office of the Courts” for “Court of Appeals” at the end of this Code section.

CHAPTER 5B

TAX COURTS

Sec.		Sec.	
15-5B-1.	(For effective date, see note.) Short title.		note.) Proceedings; filing procedures; service; scheduling; transfer of cases from the Georgia Tax Tribunal.
15-5B-2.	(For effective date, see note.) Definitions.		
15-5B-3.	(For effective date, see note.) Court seal.	15-5B-13.	(For effective date, see note.) Filing petition with court operates as stay of enforcement or collection action.
15-5B-4.	(For effective date, see note.) Chief court judge.		
15-5B-5.	(For effective date, see note.) Eligibility for judgeship; oath of office; limitations.	15-5B-14.	(For effective date, see note.) Fees.
15-5B-6.	(For effective date, see note.) Terms of court; place for court; disqualification of judges.	15-5B-15.	(For effective date, see note.) Conduct of proceedings.
15-5B-7.	(For effective date, see note.) Location of office; electronic filing system.	15-5B-16.	(For effective date, see note.) Conduct of trials.
15-5B-8.	(For effective date, see note.) Law assistants; appointment; duties.	15-5B-17.	(For effective date, see note.) Court judgments and orders; confidentiality.
15-5B-9.	(For effective date, see note.) Court staff and salaries.	15-5B-18.	(For effective date, see note.) Small claims division of the court.
15-5B-10.	(For effective date, see note.) Court budget.	15-5B-19.	(For effective date, see note.) Rulemaking authority.
15-5B-11.	(For effective date, see note.) Jurisdiction.	15-5B-20.	(For effective date, see note.) Declaratory judgments; interlocutory order; award of fees; exclusion of orders.
15-5B-12.	(For effective date, see		

Effective date.

This chapter became effective on January 1, 2025 for administrative purposes only and becomes effective on July 1, 2026, for all other purposes.

Editor’s notes.

Ga. L. 2024, p. 888, § 4-1(a)/HB 1267, provides that this chapter becomes effective for administrative purposes only on January 1, 2025, and on July 1, 2026,

for all other purposes only upon the ratification of a resolution at the November, 2024, state-wide general election that amends the Constitution so as to authorize the General Assembly to provide by general law for the establishment of the Georgia Tax Court with state-wide jurisdiction. If such a resolution is not so ratified, then this

chapter shall not become effective and shall stand repealed on January 1, 2025. The constitutional amendment proposed in Ga. L. 2024, p. 1189, authorizing the establishment of the state-wide Georgia Tax Court, was approved by a majority of the qualified voters voting at the general election held on November 5, 2024.

15-5B-1. (For effective date, see note.) Short title.

This chapter shall be known and may be cited as the “Georgia Tax Court Act of 2025.”

History.

Code 1981, § 15-5B-1, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor’s notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-2. (For effective date, see note.) Definitions.

Except where the context may otherwise clearly require, all terms used in this chapter shall have the meaning given such term by Code Section 48-1-2. As used in this chapter, the term “court” means the Georgia Tax Court established by Article VI, Section I, Paragraph I of the Georgia Constitution, which shall operate under the sole direction of the chief court judge.

History.

Code 1981, § 15-5B-2, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor’s notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-3. (For effective date, see note.) Court seal.

The court shall have a seal engraved with the words “Georgia Tax Court.” The court shall authenticate all of its orders, records, and proceedings with the seal, and the courts of this state shall take judicial notice of the seal.

History.

Code 1981, § 15-5B-3, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor’s notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-4. (For effective date, see note.) Chief court judge.

(a) The chief court judge shall be appointed by the Governor, subject to approval by a majority vote of the Senate Judiciary Committee and a majority vote of the House Committee on Judiciary. The Senate Judiciary Committee and the House Committee on Judiciary shall be

authorized to meet jointly or separately, while in or out of a legislative session, as called in the discretion of each such chairperson, with notice provided by the chairpersons to such committee members, to consider the approval of such appointment. The chief court judge may appoint up to three assistant court judges.

(b)(1) The initial chief court judge shall be appointed by July 1, 2025, and approved by December 31, 2025, and the chief court judge shall serve an initial term beginning on April 1, 2026.

(2) Beginning on April 1, 2026, such initial chief court judge may perform the administrative duties required for establishing the court and, if so, shall receive compensation as a court judge beginning on such date and for such purposes.

(3)(A) The chief court judge shall serve for a term of four years and may be reappointed for any number of consecutive terms so long as he or she meets the qualifications for appointment at the time of each appointment and shall be reappointed and reapproved in the same manner as provided for in subsection (a) of this Code section.

(B) Vacancies in the office of chief court judge shall be filled by appointment and approval in the same manner as provided for in subsection (a) of this Code section.

(4) The chief court judge shall be deemed to serve the geographical area of this state.

History.

Code 1981, § 15-5B-4, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025; Ga. L. 2025, p. 644, § 1/HB 392, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted “April 1, 2026” for

“July 1, 2026” at the end of paragraph (b)(1) and near the beginning of paragraph (b)(2).

Editor’s notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-5. (For effective date, see note.) Eligibility for judgeship; oath of office; limitations.

(a) Each court judge shall be a citizen of the United States and, during the period of service, a resident of this state. No individual shall be appointed as court judge unless at the time of appointment the individual is an attorney licensed to practice in this state and has practiced primarily in the area of tax law for at least eight years.

(b) Before entering upon the duties of office, each court judge shall take and subscribe to an oath or affirmation that he or she shall faithfully discharge the duties of the office, and such oath shall be filed in the office of the Secretary of State.

(c) Each court judge shall devote his or her full time during business hours to the duties of the court. A court judge shall not engage in any other gainful employment or business that interferes with or is inconsistent with his or her duties as judge and shall not hold another office or position of profit in a government of this state, any other state, or the United States.

History.

Code 1981, § 15-5B-5, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor's notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-6. (For effective date, see note.) Terms of court; place for court; disqualification of judges.

(a) The terms of court for the court shall be the same as the terms of court for the Supreme Court.

(b) The court shall sit at the seat of government in Atlanta and shall conduct proceedings and trials in locations as provided for in this Code section.

(c) Proper venue in the Georgia Tax Court shall be in Fulton County, as the principal place of business of the Department of Revenue. The pleadings to initiate an action to the court do not need to establish venue.

(d) The court may also hold hearings at any place within this state, with a view toward securing to taxpayers a reasonable opportunity to appear before the court with as little inconvenience as practicable. When the court holds hearings outside of its principal location, it shall do so in a place that is physically separate from facilities regularly occupied by the state revenue commissioner.

(e) All cases before the Georgia Tax Court may have pretrial proceedings or trials, in the sole discretion of the court judge to whom the case is assigned, conducted via video, telephone, or other efficient technological means as may be deemed necessary or useful to conserve the resources of the parties or the court.

(f) The court judge to whom a case is assigned shall preside over a bench trial.

(g) When a court judge is disqualified from presiding over a case or proceeding pursuant to Code Section 15-1-8 or any other applicable law, the case shall be transferred to another court judge, if applicable, and if no other court judge may preside over such case, then the Supreme Court shall order a sitting judge of the Court of Appeals, a superior court, or a state court to sit by designation as a court judge.

History.

Code 1981, § 15-5B-6, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor's notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-7. (For effective date, see note.) Location of office; electronic filing system.

(a) The offices of the judges and clerk of the Georgia Tax Court shall sit at the seat of government in Atlanta.

(b) The chief court judge, in coordination with the clerk, shall be responsible for designating an electronic filing system.

History.

Code 1981, § 15-5B-7, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor's notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-8. (For effective date, see note.) Law assistants; appointment; duties.

(a) The chief court judge shall be authorized to appoint law assistants for the use of the court and to remove them at pleasure. Each law assistant of the court shall have been admitted to the bar of this state as a practicing attorney; provided, however, that an individual who graduated from law school but who is not a member of the bar of this state may be appointed as a law assistant so long as he or she is admitted to the bar of this state within one year of such appointment.

(b) It shall be the duty of a law assistant to attend all sessions of the court, if so ordered, and generally to perform the duties incident to the role of law assistant.

History.

Code 1981, § 15-5B-8, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor's notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-9. (For effective date, see note.) Court staff and salaries.

The chief court judge may employ and fix the salaries of a clerk, stenographers, clerical assistants, and such other employees as may be deemed necessary by the court, and the salaries therefor shall be paid by the clerk from the amount appropriated by the General Assembly for such purposes.

History.

Code 1981, § 15-5B-9, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor's notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-10. (For effective date, see note.) Court budget.

The Georgia Tax Court shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title 45, the “Budget Act”; provided, however, that the court shall be assigned for administrative purposes only to the Administrative Office of the Courts.

History.

Code 1981, § 15-5B-10, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor’s notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-11. (For effective date, see note.) Jurisdiction.

(a) On and after July 1, 2026, any person may petition the court for relief as set forth in Code Sections 48-2-18, 48-2-35, 48-2-59, 48-5-519, 48-6-7, and 48-6-76 and subparagraph (d)(2)(C) of Code Section 48-7-31. The court shall have jurisdiction over actions for declaratory judgment that fall within subsection (a) of Code Section 50-13-10 and involve a rule of the state revenue commissioner that is applicable to taxes administered by the state revenue commissioner under Title 48.

(b) The court shall have concurrent jurisdiction with the superior courts over all matters arising from petitions filed under subsection (a) of this Code section and all related legal claims.

(c) The court shall not have jurisdiction to hear any matter arising under Title 3 or Title 40.

(d) No person shall be required as a condition either to initiating or maintaining an action before the court to provide a surety bond or other security for any amounts that may be in dispute in such action. Nothing contained in this chapter shall be construed to prohibit the state revenue commissioner from requiring a bond under those circumstances set forth in Code Section 48-2-51.

(e) The court shall also have jurisdiction over refund petitions filed pursuant to Code Section 48-5-342.

History.

Code 1981, § 15-5B-11, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025; Ga. L. 2025, p. 644, § 2/HB 392, effective July 1, 2025.

Editor’s notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted “July 1, 2026” for “August 1, 2026” in subsection (a).

15-5B-12. (For effective date, see note.) Proceedings; filing procedures; service; scheduling; transfer of cases from the Georgia Tax Tribunal.

(a) Actions before the court shall be commenced by filing a petition with the court, naming the state revenue commissioner as respondent in his or her official capacity, within the time periods prescribed by Code Section 48-2-18, 48-2-35, 48-2-59, 48-5-519, 48-6-7, or 48-6-76 or subparagraph (d)(2)(C) of Code Section 48-7-31, as the case may be, or as otherwise provided by law.

(b) A pleading, petition, or other document as provided in this Code Section that is filed with the court shall be deemed filed as of the time of its receipt by the filing service provider of the court.

(c) The petition shall include a summary of the facts and law upon which the petitioner relies in seeking the relief requested. The petition shall contain complete information and shall be substantially in the form prescribed by the court.

(d) In lieu of service pursuant to Code Section 9-11-4, the petitioner shall serve a copy of the petition on the state revenue commissioner and the Attorney General and attach a certificate of service to the petition filed with the court. In the case of a refund action pursuant to Code Section 48-6-7 or 48-6-76, the petition also shall be served on the clerk of the superior court or collecting officer who is made a party to the action. Service shall be accomplished by certified mail, return receipt requested, or statutory overnight delivery. The petition shall include a summary statement of facts and law upon which the petitioner relies in seeking the requested relief.

(e) The state revenue commissioner and any other respondents shall file a response to the petitioner's statement of facts and law which constitutes his or her answer with the court no later than 30 days after the service of the petition. The state revenue commissioner and any other respondents shall serve a copy of their response on the petitioner's representative or, if the petitioner is not represented, on the petitioner, and shall file a certificate of such service with the response. If in any case a response has not been filed within the time required by this subsection, the case shall automatically become in default unless the time for filing the response has been extended by agreement of the parties, for a period not to exceed 30 days, or by the court judge. The default may be opened as a matter of right by the filing of a response within 15 days of the day of default and payment of costs. At any time before final judgment, the court judge, in his or her discretion, may allow the default to be opened for providential cause that prevented the filing of the response or for excusable neglect or when the court judge, from all the facts, determines that a proper case has been made for the default to be opened on terms to be fixed by the court judge.

(f) Every pleading subsequent to the original petition shall be served upon the parties by mailing or delivery to the address of the taxpayer given on the taxpayer’s petition or to the address of the taxpayer’s representative of record, if any, and to the usual place of business of the counsel of record of the state revenue commissioner. However, the chief court judge may by rule prescribe other means of notice for subsequent filings, including statutory electronic service, through the service provider in accordance with subsection (b) of Code Section 9-11-5.

(g) As soon as reasonably practicable, the court judge shall schedule a prehearing conference to address discovery, scheduling, and other matters.

(h) The court judge may remand a matter in dispute to the state revenue commissioner for further consideration upon motion by all parties to the proceeding, for good cause shown on the motion of any party, or sua sponte when the court judge reasonably determines that circumstances warrant. Any such remand shall not divest the court of jurisdiction, and the court judge’s order shall provide that any party, upon appropriate advance notice to all other parties, shall be entitled to have such matter returned to the court for resolution.

(i)(1) All contested cases pending before the Georgia Tax Tribunal as of June 30, 2026, shall automatically transfer to the court as of July 1, 2026, and the remaining provisions of this chapter shall be applicable to such cases.

(2) The court shall establish rules for the automatic transfer of any written petitions timely filed with the Georgia Tax Tribunal on or after July 1, 2026, but before December 31, 2026, in matters falling within the court’s jurisdiction under subsection (a) of Code Section 15-5B-11.

(3) Any petitioner with a case pending before the Georgia Tax Tribunal that does not wish for the case to be transferred to the court shall make a written demand to the Georgia Tax Tribunal not to transfer the case on or before December 31, 2025. Such written demand not to transfer shall request a hearing or other resolution that shall be concluded prior to June 30, 2026. The state revenue commissioner shall not make a request to prevent transferring a case to the court. Any case pending before the Georgia Tax Tribunal that the petitioner has requested not be transferred to the court and that is not resolved by June 30, 2026, shall be dismissed.

History.

Code 1981, § 15-5B-12, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025; Ga. L. 2025, p. 644, § 3/HB 392, effective July 1, 2025; Ga. L.

2025, p. 1029, § 15(1)/SB 153, effective July 1, 2025.

Amendments.

The first 2025 amendment, effective July 1, 2025, rewrote subsection (i), which

read: “Contested cases pending before the Georgia Tax Tribunal on and before December 31, 2025, and cases when any party made a written demand for a hearing before August 1, 2026, shall not be transferred to the court. If, on or after August 1, 2026, a written petition for relief or a demand for hearing is filed with the court or by the affected party directly with the Georgia Tax Tribunal in a matter falling within the court’s jurisdiction under subsection (a) of Code Section 15-5B-

11, such matter shall be transferred to the court, and the remaining provisions of this chapter shall be applicable.”

The second 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted “address of the” for “address of the of the” in subsection (f).

Editor’s notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-13. (For effective date, see note.) Filing petition with court operates as stay of enforcement or collection action.

(a) Except as provided for in Code Section 48-2-51, involving jeopardy assessments, the filing of a petition with the court shall operate as a stay of any enforcement or collection action by the state revenue commissioner with respect to any tax, penalty, interest, or collection costs that are disputed in the petition until the court decision is finalized, including appeals to any appellate court.

(b) Upon petition by the state revenue commissioner, and for good cause shown, the court judge may lift the stay provided for in subsection (a) of this Code section.

History.

Code 1981, § 15-5B-13, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor’s notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-14. (For effective date, see note.) Fees.

(a) Upon filing a petition, the petitioner shall pay to the clerk of the court a fee as determined by the rules established by the court.

(b) A similar fee shall be paid by other parties making an appearance in the proceeding, except that no fee shall be charged to a government body or government official appearing in a representative capacity.

(c) The chief court judge may fix a fee, not in excess of the fees charged and collected by the clerks of the superior courts of this state, for compiling, or for preparing and compiling, a transcript of the record, or for copying any record, entry, or other paper and the compilation and certification thereof.

(d) All fees collected by the clerk of the court pursuant to this Code section shall be the property of the state, and the same shall be paid into the state treasury.

History.

Code 1981, § 15-5B-14, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor's notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-15. (For effective date, see note.) Conduct of proceedings.

(a) Except as otherwise provided in this chapter, the provisions of Chapter 11 of Title 9, the “Georgia Civil Practice Act,” shall govern proceedings before the court; provided, however, that the parties to a proceeding shall make every effort to conduct discovery by informal consultation or communication. Upon motion of a party, the frequency or extent of formal discovery methods may be limited by the court if it determines that the discovery is unduly burdensome or expensive when taking into account the amount in controversy, limitations on the parties’ resources, and the importance of the issues at stake in the litigation.

(b) The chief court judge shall, by rules and regulations or by order in a particular proceeding, prescribe the period during which any discovery shall be commenced and completed. After the period for completing discovery has expired, or earlier as the parties may agree, the parties to a proceeding shall stipulate all relevant and nonprivileged matters to the fullest extent to which a complete or qualified agreement can be reached or fairly should be reached. Neither the existence nor the use of the discovery mechanisms authorized by this Code section shall excuse failure to comply with this provision.

(c)(1) A party shall disclose to other parties at a reasonable time prior to the hearing the identity of any individual who may be called at trial to present expert testimony.

(2) Except as otherwise stipulated or directed by the court judge, expert witness disclosure shall, with respect to a witness who is retained or specially employed to provide expert testimony in the case or whose duties as an employee of the party regularly involve giving expert testimony, be accompanied by a written report prepared and signed by the witness if one has been prepared or will be offered at the hearing.

(d) A court judge or the clerk of the court, on the request of any party to the proceeding, shall issue subpoenas requiring the attendance of witnesses and giving of testimony and subpoenas requiring the production of evidence or things.

(e) Any employee of the court designated in writing for such purpose by a court judge, or by the chief court judge if more than one judge has been appointed, may administer oaths.

(f) Any witness who is subpoenaed or whose deposition is taken shall

receive the same fees and mileage as a witness in a superior court of this state.

(g) In proceedings before the court, if any party or an agent or employee of a party disobeys or resists any lawful order of process; neglects to produce, after having been ordered to do so, any pertinent book, paper, or document; refuses to appear after having been subpoenaed; upon appearing, refuses to take the oath or affirmation as a witness; or, after taking the oath or affirmation, refuses to testify, the court judge shall have the same rights and powers given any other court under Chapter 11 of Title 9, the “Georgia Civil Practice Act.” If any person or party refuses as specified in this subsection, the court judge may certify the facts to the superior court of the county where the offense is committed for appropriate action, including a finding of contempt.

History.

Code 1981, § 15-5B-15, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor’s notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-16. (For effective date, see note.) Conduct of trials.

(a) Trials in proceedings before the court shall be de novo and without a jury. All questions of law decided by the court, including interpretations of constitutional, statutory, and regulatory provisions, shall be made without any deference to any determination or interpretation, whether written or unwritten, that may have been made on the matter by the department, except such requirement shall have no effect on the judicial standard of deference accorded to rules promulgated pursuant to Chapter 13 of Title 50, the “Georgia Administrative Procedure Act.” Hearings shall be open to the public, but on motion of any party, if such party shows good cause to protect certain information from being disclosed to the public, the court judge may issue a protective order or an order closing part or all of a hearing to the public.

(b) The court shall take evidence, and the court judges shall conduct hearings and issue final judgments and interlocutory orders.

(c) The court judges shall apply the rules of evidence as applied in the trial of civil nonjury cases in the superior courts; provided, however, that, for hearings conducted in the small claims division, the court judge may, when necessary to ascertain facts not reasonably susceptible of proof under such rules, consider evidence not otherwise admissible thereunder if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(d) Testimony before a court judge shall be given only on oath or affirmation.

(e) The petition and other pleadings in the proceeding shall be deemed to conform to the proof presented at the hearing, unless a party satisfies the court judge that presentation of the evidence would unfairly prejudice the party in maintaining its position on the merits or unless deeming the taxpayer's petition to conform to the proof would confer jurisdiction on the court over a matter that would not otherwise come within the court's jurisdiction.

(f) Except for hearings conducted in the small claims division of the court as provided in Code Section 15-5B-18, all hearings before the court shall be recorded by means acceptable for use in courts of this state.

History.

Code 1981, § 15-5B-16, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor's notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-17. (For effective date, see note.) Court judgments and orders; confidentiality.

(a) Except with regard to proceedings in the small claims division of the court pursuant to Code Section 15-5B-18, the court judge shall render all final judgments and interlocutory orders in writing, as appropriate, including therein a concise statement of the facts found and the conclusions of law reached. The court judge's final judgment or interlocutory order shall, subject to law, grant such relief, invoke such remedies, and issue such orders as the court judge deems appropriate to carry out its final judgment or interlocutory order.

(b) The chief court judge shall adopt rules and regulations to address confidentiality of taxpayer information and proceedings before the court.

(c) The court judges shall adhere to the principle of stare decisis. The court judge's interpretation of a tax statute subject to contest in one case shall be followed by the court in subsequent cases involving the same statute, and its application of a statute to the facts of one case shall be followed by court judges in subsequent cases involving similar facts, unless the court judge's interpretation or application conflicts with that of an appellate court or the court judge provides satisfactory reasons for departing from prior precedent.

(d) Except as to a final judgment of the small claims division, all other final judgments of the court shall be indexed and published in such print or electronic form as the chief court judge deems best adapted for public convenience. Such publications shall be made permanently available and constitute the official reports of the court.

History.

Code 1981, § 15-5B-17, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor's notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-18. (For effective date, see note.) Small claims division of the court.

(a) There is hereby established a small claims division of the court.

(b) Court judges shall sit as the judges of the small claims division.

(c) Within 90 days of filing a petition pursuant to Code Section 15-5B-12, a taxpayer may elect to have the small claims division have jurisdiction over any proceeding with respect to which the amount of tax and penalties in controversy, exclusive of interest, is less than a threshold amount determined by the rules of the court. A taxpayer shall not revoke such election to proceed in the small claims division after this 90 day period. For good cause, the court judge may, on his or her own motion or on the motion of a party to the case, remove a case from the small claims division.

(d) In proceedings before the small claims division of the court, accountants and other tax return preparers designated by the taxpayer shall be permitted to accompany and appear with the taxpayer in order to provide factual information regarding positions taken on tax returns of the taxpayer. An accountant or tax return preparer accompanying and appearing with a taxpayer for this purpose shall not be deemed to be acting as an advocate of the taxpayer or representing the taxpayer before the court.

(e) At any time prior to entry of judgment, a taxpayer may dismiss a proceeding in the small claims division by notifying the clerk of the court in writing. Such dismissal shall be without prejudice.

(f) Hearings in the small claims division shall be conducted in a manner consistent with proceedings before magistrate courts, as specified in Article 3 of Chapter 10 of this title. The court judge may receive such evidence as the judge deems appropriate for determination of the case. Testimony shall be given under oath or affirmation.

(g) A judgment of the small claims division shall be conclusive upon all parties and shall not be appealed. A judgment of the small claims division shall not be considered or cited as precedent in any other case, hearing, or proceeding.

History.

Code 1981, § 15-5B-18, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor's notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-19. (For effective date, see note.) Rulemaking authority.

The court shall adopt rules of practice and procedure and adopt all reasonable rules and forms as may be necessary or appropriate to carry out the intent and purposes of this chapter.

History.

Code 1981, § 15-5B-19, enacted by Ga. L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor’s notes.

For information as to the effective date of this Code section, see the effective date note at the beginning of this chapter.

15-5B-20. (For effective date, see note.) Declaratory judgments; interlocutory order; award of fees; exclusion of orders.

(a) The court shall docket the declaratory judgments of the state revenue commissioner pursuant to subsection (h) of Code Section 48-2-35 as actions in the court without the filing of a petition for relief.

(b)(1) The court shall determine by interlocutory order the party at fault for the delay in finally determining a claim for refund.

(2) If the court determines that the department is primarily at fault, the order shall require that the department pay all interest due to the taxpayer on the claim for refund, including the interest due on the local sales and use tax deemed to have been illegally or erroneously collected. The court shall thereafter remand the matter back to the department for determination on the underlying claim for refund.

(3) If the court determines that the taxpayer who made the claim for refund is primarily at fault, the order shall prohibit the accrual of any interest due to the taxpayer on the finally determined claim for refund. The court shall thereafter remand the matter back to the department for determination on the underlying claim for refund.

(4) If the court determines that the delay is justified, the order shall remand the matter back to the department for determination and for further hearings at the court’s discretion.

(c) The court, at its discretion, may award reasonable attorney’s fees to either party in such proceedings.

(d) Orders of the court issued pursuant to this Code section shall be excluded from the provisions of subsection (d) of Code Section 15-5B-17.

(e) Except as otherwise provided in this Code section, such actions shall follow the procedures and court rules applicable to other proceedings within the court.

History.

Code 1981, § 15-5B-20, enacted by Ga.

L. 2024, p. 888, § 1-2/HB 1267, effective January 1, 2025.

Editor’s notes.
For information as to the effective date

of this Code section, see the effective date
note at the beginning of this chapter.

CHAPTER 6

SUPERIOR COURTS

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ARTICLE 1

GENERAL PROVISIONS

15-6-1. Composition of judicial circuits.

The entire state is divided into judicial circuits, in reference to the jurisdiction and sessions of the superior courts, as follows:

- (1) Alapaha Judicial Circuit, composed of the Counties of Atkinson, Berrien, Clinch, Cook, and Lanier;
- (2) Alcovy Judicial Circuit, composed of the Counties of Newton and Walton;
- (2.1) Appalachian Judicial Circuit, composed of the Counties of Fannin, Gilmer, and Pickens;
- (3) Atlanta Judicial Circuit, composed of the County of Fulton;

(4) Atlantic Judicial Circuit, composed of the Counties of Bryan, Liberty, McIntosh, Tattnall, Evans, and Long;

(5) Augusta Judicial Circuit, composed of the Counties of Burke and Richmond;

(5.1) Bell-Forsyth Judicial Circuit, composed of the County of Forsyth;

(6) Blue Ridge Judicial Circuit, composed of the County of Cherokee;

(7) Brunswick Judicial Circuit, composed of the Counties of Appling, Camden, Glynn, Wayne, and Jeff Davis;

(8) Chattahoochee Judicial Circuit, composed of the Counties of Chattahoochee, Harris, Marion, Muscogee, Talbot, and Taylor;

(9) Cherokee Judicial Circuit, composed of the Counties of Bartow and Gordon;

(10) Clayton Judicial Circuit, composed of the County of Clayton;

(11) Cobb Judicial Circuit, composed of the County of Cobb;

(11.1) Columbia Judicial Circuit, composed of the County of Columbia;

(12) Conasauga Judicial Circuit, composed of the Counties of Murray and Whitfield;

(13) Cordele Judicial Circuit, composed of the Counties of Dooly, Wilcox, Crisp, and Ben Hill;

(14) Coweta Judicial Circuit, composed of the Counties of Coweta, Meriwether, and Troup;

(14.1) DeKalb Judicial Circuit, composed of the County of DeKalb. The judges of the DeKalb Judicial Circuit, when the business of the circuit does not require their attention, may aid in the disposition of the business of the Atlanta Judicial Circuit;

(15) Dougherty Judicial Circuit, composed of the County of Dougherty;

(15.1) Douglas Judicial Circuit, composed of the County of Douglas;

(16) Dublin Judicial Circuit, composed of the Counties of Laurens, Johnson, Twiggs, and Treutlen;

(17) Eastern Judicial Circuit, composed of the County of Chatham;

(17.1) Enotah Judicial Circuit, composed of the Counties of Towns, Union, Lumpkin, and White;

- (18) Flint Judicial Circuit, composed of the County of Henry;
- (19) Griffin Judicial Circuit, composed of the Counties of Spalding, Pike, Upson, and Fayette;
- (20) Gwinnett Judicial Circuit, composed of the County of Gwinnett;
- (21) Houston Judicial Circuit, composed of the County of Houston;
- (22) Lookout Mountain Judicial Circuit, composed of the Counties of Catoosa, Dade, Chattooga, and Walker;
- (23) Macon Judicial Circuit, composed of the Counties of Bibb, Crawford, and Peach;
- (24) Middle Judicial Circuit, composed of the Counties of Emanuel, Jefferson, Washington, Toombs, and Candler;
- (25) Mountain Judicial Circuit, composed of the Counties of Banks, Habersham, Rabun, and Stephens;
- (26) Northeastern Judicial Circuit, composed of the Counties of Hall and Dawson;
- (27) Northern Judicial Circuit, composed of the Counties of Elbert, Hart, Madison, Oglethorpe, and Franklin;
- (28) Ocmulgee Judicial Circuit, composed of the Counties of Baldwin, Greene, Jasper, Jones, Morgan, Putnam, Wilkinson, and Hancock;
- (29) Oconee Judicial Circuit, composed of the Counties of Dodge, Montgomery, Pulaski, Telfair, Bleckley, and Wheeler;
- (30) Ogeechee Judicial Circuit, composed of the Counties of Bulloch, Effingham, Jenkins, and Screven;
- (31) Pataula Judicial Circuit, composed of the Counties of Clay, Early, Miller, Quitman, Randolph, Terrell, and Seminole;
- (31.1) Paulding Judicial Circuit, composed of the County of Paulding;
- (32) Piedmont Judicial Circuit, composed of the Counties of Barrow and Jackson;
- (32.1) Rockdale Judicial Circuit, composed of the County of Rockdale;
- (33) Rome Judicial Circuit, composed of the County of Floyd;
- (34) South Georgia Judicial Circuit, composed of the Counties of Baker, Calhoun, Decatur, Grady, and Mitchell;

(35) Southern Judicial Circuit, composed of the Counties of Brooks, Colquitt, Echols, Lowndes, and Thomas;

(36) Southwestern Judicial Circuit, composed of the Counties of Lee, Macon, Schley, Stewart, Sumter, and Webster;

(37) Reserved;

(38) Tallapoosa Judicial Circuit, composed of the Counties of Haralson and Polk;

(39) Tifton Judicial Circuit, composed of the Counties of Tift, Irwin, Worth, and Turner;

(40) Toombs Judicial Circuit, composed of the Counties of Glascock, Lincoln, McDuffie, Taliaferro, Warren, and Wilkes;

(40.1) Towaliga Judicial Circuit, composed of the Counties of Butts, Monroe, and Lamar;

(41) Waycross Judicial Circuit, composed of the Counties of Pierce, Coffee, Charlton, Ware, Bacon, and Brantley;

(41.1) West Georgia Judicial Circuit, composed of the Counties of Carroll and Heard; and

(42) Western Judicial Circuit, composed of the Counties of Clarke and Oconee.

History.

Orig. Code 1863, § 46; Code 1868, § 44; Ga. L. 1869, p. 20, §§ 1, 3; Ga. L. 1870, p. 37, § 1; Ga. L. 1870, p. 38, § 1; Ga. L. 1871-72, p. 32, § 1; Code 1873, § 42; Ga. L. 1874, p. 43, § 1; Ga. L. 1880-81, p. 112, § 1; Code 1882, § 42; Ga. L. 1884-85, p. 108, §§ 1, 4; Ga. L. 1887, p. 48, §§ 1, 2; Ga. L. 1890-91, p. 95, § 1; Civil Code 1895, § 4339; Ga. L. 1897, p. 44, § 2; Ga. L. 1899, p. 49, § 1; Ga. L. 1905, p. 52, § 2; Ga. L. 1905, p. 55, § 2; Ga. L. 1905, p. 58, § 2; Ga. L. 1905, p. 60, § 2; Ga. L. 1905, p. 62, § 1; Ga. L. 1905, p. 63, § 2; Ga. L. 1906, p. 28, § 1; Ga. L. 1906, p. 50, § 1; Ga. L. 1907, p. 67, § 1; Ga. L. 1907, p. 70, § 1; Ga. L. 1909, p. 94, § 1; Ga. L. 1909, p. 102, § 1; Ga. L. 1909, p. 107, § 1; Ga. L. 1910, p. 63, § 1; Civil Code 1910, § 4870; Ga. L. 1911, p. 81, § 1; Ga. L. 1911, p. 87, § 1; Ga. L. 1912, p. 38, § 1; Ga. L. 1912, p. 41, § 1; Ga. L. 1912, p. 101, § 1; Ga. L. 1913, p. 64, § 1; Ga. L. 1914, p. 23, § 2; Ga. L. 1914, p. 27, § 1; Ga. L. 1914, p. 29, § 1; Ga. L. 1914, p. 33, § 1; Ga. L. 1916, p.

62, § 1; Ga. L. 1917, p. 44, § 1; Ga. L. 1917, p. 69, § 1; Ga. L. 1919, p. 68, § 1; Ga. L. 1919, p. 109, § 1; Ga. L. 1919, p. 110, § 1; Ga. L. 1920, p. 19, § 1; Ga. L. 1920, p. 34, § 1; Ga. L. 1920, p. 38, § 1; Ga. L. 1920, p. 48, § 1; Ga. L. 1920, p. 52, § 1; Ga. L. 1923, p. 68, § 1; Ga. L. 1923, p. 76, § 1; Ga. L. 1924, p. 39, § 1; Code 1933, § 24-2501; Ga. L. 1949, p. 266, § 7; Ga. L. 1950, p. 23, § 7; Ga. L. 1951, p. 184, § 6; Ga. L. 1952, p. 84, § 1; Ga. L. 1956, p. 95, § 5; Ga. L. 1958, p. 125, § 4; Ga. L. 1960, p. 110, § 6; Ga. L. 1963, p. 182, § 12; Ga. L. 1964, Ex. Sess., p. 7, § 7; Ga. L. 1964, Ex. Sess., p. 220, § 1; Ga. L. 1969, p. 427, § 7; Ga. L. 1972, p. 152, § 7; Ga. L. 1980, p. 563, §§ 1, 7; Ga. L. 1982, p. 439, §§ 1, 3; Ga. L. 1983, p. 761, § 2; Ga. L. 1984, p. 22, § 15; Ga. L. 1992, p. 1786, § 2; Ga. L. 1998, p. 220, § 1; Ga. L. 1999, p. 67, §§ 11, 12; Ga. L. 2002, p. 405, § 3-1; Ga. L. 2021, p. 5, § 4-1/SB 9; Ga. L. 2024, p. 738, § 2/HB 158, effective January 1, 2025; Ga. L. 2024, p. 919, § 2-1/SB 259, effective January 1, 2025; Ga. L. 2024, p. 961, § 3-1/SB 424, effective July 1, 2024.

Amendments.

The 2021 amendment, effective July 1, 2021, deleted “, Columbia,” following “Burke” in paragraph (5); and added paragraph (11.1).

The first 2024 amendment, effective January 1, 2025, added paragraph (14.1) and substituted “Reserved” for “Stone Mountain Judicial Circuit, composed of the County of DeKalb. The judges of the Stone Mountain Judicial Circuit, when the business of the circuit does not require their attention, may aid in the disposition of the business of the Atlanta Judicial Circuit” in paragraph (37).

The second 2024 amendment, effective January 1, 2025, inserted “Banks” in paragraph (25); and substituted “and Jackson” for “, Jackson, and Banks” in paragraph (32).

The third 2024 amendment, effective July 1, 2024, substituted “Coweta,” for “Carroll, Coweta, Heard,” in paragraph (14); deleted “and” from the end of paragraph (41); and added paragraph (41.1).

Editor’s notes.

Ga. L. 2021, p. 5, §§ 1-1 through 3-4/SB 9, not codified by the General Assembly, provided for creation of the Columbia Judicial Circuit, which circuit shall be composed of Columbia County, provided for the transfer of pending litigation from the Superior Court of Columbia County at such time as it was a part of the Augusta Judicial Circuit, and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2024, p. 738, § 1/HB 158, not codified by the General Assembly,

provides: “On and after January 1, 2025, the Stone Mountain Judicial Circuit shall be known and may be referred to as the DeKalb Judicial Circuit. Any reference in local law to the Stone Mountain Judicial Circuit shall be deemed to refer to the DeKalb Judicial Circuit.”

Ga. L. 2024, p. 919, §§ 1-1 through 3-2/SB 259, not codified by the General Assembly, provided for transfer of Banks County from the Piedmont Judicial Circuit to the Mountain Judicial Circuit, provided for the transfer of pending litigation from the Superior Court of Banks County at such time as it was a part of the Piedmont Judicial Circuit, and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2024, p. 961, §§ 1-1 through 2-5/SB 424, not codified by the General Assembly, provided for creation of the West Georgia Judicial Circuit, which circuit shall be composed of Carroll County and Heard County, provided for the transfer of pending litigation from the Superior Courts of Carroll County and Heard County respectively, at such time as each was part of the Coweta Judicial Circuit, and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2024, p. 961, §§ 1-1 through 2-5/SB 424, which moved the Counties of Carroll and Heard from the Coweta Judicial Circuit to the newly created West Georgia Judicial Circuit, became effective January 1, 2025, while the amendment to this Code section is effective July 1, 2024.

15-6-2. Number of judges.

The number of judges for each of the superior courts for each of the judicial circuits shall be as follows:

(1) Alapaha Circuit	3
(2) Alcovy Circuit	5
(2.1) Appalachian Circuit	3
(3) Atlanta Circuit	20
(4) Atlantic Circuit	5
(5) Augusta Circuit	6
(5.1) Bell-Forsyth Circuit	3
(6) Blue Ridge Circuit	4

(7) Brunswick Circuit 5

(8) Chattahoochee Circuit 7

(9) Cherokee Circuit 4

(10) Clayton Circuit 5

(11) Cobb Circuit 11

(11.1) Columbia Circuit 3

(12) Conasauga Circuit 4

(13) Cordele Circuit 3

(14) Coweta Circuit 4

(14.1) DeKalb Circuit 10

(15) Dougherty Circuit 4

(15.1) Douglas Circuit 4

(16) Dublin Circuit 3

(17) Eastern Circuit 6

(17.1) Enotah Circuit 3

(18) Flint Circuit 4

(19) Griffin Circuit 5

(20) Gwinnett Circuit 11

(21) Houston Circuit 4

(22) Lookout Mountain Circuit 4

(23) Macon Circuit 5

(24) Middle Circuit 2

(25) Mountain Circuit 3

(26) Northeastern Circuit..... 5

(27) Northern Circuit 3

(28) Ocmulgee Circuit 5

(29) Oconee Circuit 3

(30) Ogeechee Circuit 4

(31) Pataula Circuit 2

(31.1) Paulding Circuit 3

(32) Piedmont Circuit 4

(32.1) Rockdale Circuit 2

(33) Rome Circuit 4

(34) South Georgia Circuit 3

(35) Southern Circuit 5

(36) Southwestern Circuit 3

(37) Reserved

(38) Tallapoosa Circuit 2

(39) Tifton Circuit 3

(40) Toombs Circuit 2

(40.1) Towaliga Circuit 2

(41) Waycross Circuit 4

(41.1) West Georgia Circuit 4

(42) Western Circuit 4

History.

Ga. L. 1982, p. 3, § 15; Ga. L. 1982, p. 428, §§ 1, 5; Ga. L. 1982, p. 434, § 1; Ga. L. 1982, p. 436, § 1; Ga. L. 1982, p. 439, §§ 1, 4; Ga. L. 1982, p. 501, §§ 1, 2; Ga. L. 1983, p. 761, § 3; Ga. L. 1984, p. 22, § 15; Ga. L. 1984, p. 434, § 1; Ga. L. 1984, p. 451, § 5; Ga. L. 1984, p. 469, § 1; Ga. L. 1984, p. 472, § 1; Ga. L. 1986, p. 160, § 1; Ga. L. 1986, p. 163, § 1; Ga. L. 1986, p. 417, § 1; Ga. L. 1986, p. 423, § 4; Ga. L. 1987, p. 279, § 9; Ga. L. 1987, p. 331, § 1; Ga. L. 1987, p. 410, § 1; Ga. L. 1987, p. 1145, § 1; Ga. L. 1988, p. 223, § 1; Ga. L. 1988, p. 234, § 1; Ga. L. 1989, p. 180, § 1; Ga. L. 1989, p. 188, § 1; Ga. L. 1989, p. 196, § 1; Ga. L. 1989, p. 200, § 1; Ga. L. 1989, p. 203, § 1; Ga. L. 1989, p. 205, § 1; Ga. L. 1990, p. 471, § 1; Ga. L. 1990, p. 474, § 1; Ga. L. 1990, p. 489, § 1; Ga. L. 1990, p. 497, § 2; Ga. L. 1991, p. 276, § 1; Ga. L. 1991, p. 278, § 1; Ga. L. 1991, p. 280, §§ 1, 12; Ga. L. 1991, p. 288, § 1; Ga. L. 1992, p. 328, § 1; Ga. L. 1992, p. 1668, § 1; Ga. L. 1992, p. 1786, § 3; Ga. L. 1992, p. 2067, § 1; Ga. L. 1992, p. 2776, §§ 1, 12; Ga. L. 1995, p. 1077, § 1; Ga. L. 1998, p. 220, §§ 2, 3; Ga. L. 1999, p. 40, § 1; Ga. L. 1999, p. 49, § 1; Ga. L. 1999, p. 67, §§ 13, 14; Ga. L. 2000, p. 205, § 1; Ga. L. 2001, p. 1060, §§ 1, 2; Ga. L. 2002, p. 405, §§ 3-2, 3-3; Ga. L. 2002, p. 851, § 1; Ga. L. 2005, p. 964, § 1-1/HB 97; Ga. L. 2006, p. 1024, § 1-1/HB 1073; Ga. L. 2007, p. 695, § 1-1/HB 118; Ga. L. 2008, p. 491, § 1-1/HB 1163; Ga. L. 2012, p. 166, § 1-1/SB 356; Ga. L. 2013, p. 570, §§ 1-1, 2-1/HB 451; Ga. L. 2014, p. 189, §§ 1-1, 2-1/HB 742; Ga. L. 2015, p. 919, § 2-2/HB 279; Ga. L. 2016, p. 183, § 1/HB 804; Ga. L. 2017, p. 191, § 1/HB 138; Ga. L. 2019, p. 4, § 1/HB 21; Ga. L. 2019, p. 504, § 1/HB 28; Ga. L. 2020, p. 338, § 1-1/HB 786; Ga. L. 2021, p. 5, § 4-2/SB 9; Ga. L. 2022, p. 181, § 1/HB 56; Ga. L. 2022, p. 214, § 1/HB 624; Ga. L. 2022, p. 395, § 1/SB 395, p. 395, § 1/SB 395; Ga. L. 2023, p. 117, § 1/HB 77, effective July 1, 2023; Ga. L. 2023, p. 126, § 1/HB 243, effective July 1, 2023; Ga. L. 2023, p. 245, § 1/SB 66, effective May 1, 2023; Ga. L. 2024, p. 134, § 1/HB 992, effective July 1, 2024; Ga. L. 2024, p. 485, § 1/HB 906, effective July 1, 2024; Ga. L. 2024, p. 738, § 3/HB 158, effective January 1, 2025; Ga. L. 2024, p.

961, § 3-2/SB 424, effective July 1, 2024; Ga. L. 2025, p. 161, § 1/SB 88, effective July 1, 2025; Ga. L. 2025, p. 164, § 1/SB 145, effective April 30, 2025; Ga. L. 2025, p. 506, § 1/HB 55, effective May 13, 2025.

Amendments.

The 2020 amendment, effective July 29, 2020, for purposes of making the initial appointments of the judges to fill the superior court judgeships created by this Act, and effective January 1, 2022, for all other purposes, substituted “11” for “10” in paragraph (11), substituted “4” for “3” in paragraph (18), and substituted “4” for “3” in paragraph (30).

The 2021 amendment, effective July 1, 2021, substituted “5” for “8” in paragraph (5); and added paragraph (11.1).

The first 2022 amendment, effective May 2, 2022 for the purpose of appointing the additional judge to the Blue Ridge Circuit and for all other purposes on January 1, 2023, substituted “4” for “3” in paragraph (6).

The second 2022 amendment, effective May 2, 2022 for the purpose of appointing the additional judge and effective July 1, 2022 for all other purposes, substituted “3” for “2” in paragraph (34).

The third 2022 amendment, effective July 1, 2022, substituted “3” for “2” in paragraph (25).

The first 2023 amendment, effective July 1, 2023, substituted “4” for “3” in paragraph (15).

The second 2023 amendment, effective July 1, 2023, substituted “8” for “7” in paragraph (14).

The third 2023 amendment, effective May 1, 2023 for the purpose of appointing the additional judge to the Atlantic Judicial Circuit and for all other purposes on July 1, 2023, substituted “5” for “4” in paragraph (4).

The first 2024 amendment, effective July 1, 2024, substituted “4” for “3” in paragraph (21).

The second 2024 amendment, effective July 1, 2024, substituted “3” for “2” in paragraph (39).

The third 2024 amendment, effective January 1, 2025, added paragraph (14.1) and substituted “Reserved” for “Stone Mountain Circuit 10” in paragraph (37).

The fourth 2024 amendment, effective July 1, 2024, substituted “4” for “8” in paragraph (14) and added paragraph (41.1).

The first 2025 amendment, effective July 1, 2025, substituted “4” for “3” in paragraph (15.1).

The second 2025 amendment, effective April 30, 2025, substituted “6” for “5” in paragraph (5).

The third 2025 amendment, effective May 13, 2025, substituted “3” for “2” in paragraph (1).

Editor’s notes.

Ga. L. 2021, p. 5, §§ 1-1 through 3-4/SB 9, not codified by the General Assembly, provided for creation of the Columbia Judicial Circuit, which circuit shall be composed of Columbia County, provided for the transfer of pending litigation from the Superior Court of Columbia County at such time as it was a part of the Augusta Judicial Circuit, and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2022, p. 181, §§ 2–12/HB 56, not codified by the General Assembly, provided for the appointment of an additional judge to the Blue Ridge Judicial Circuits as authorized by paragraph (6) and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2022, p. 214, §§ 2–12/HB 624, not codified by the General Assembly, provided for the appointment of an additional judge to the South Georgia Judicial Circuit as authorized by paragraph (34) and provided for terms, election of successors, powers, duties, dignity, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2022, p. 395, §§ 2–12/SB 395, not codified by the General Assembly, provided for the appointment of an additional judge to the Mountain Judicial Circuit as authorized by paragraph (25) and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2023, p. 117, § 1/HB 77, purported to amend paragraph (5) of this

Code section, but actually amended paragraph (15).

Ga. L. 2023, p. 117, §§ 2–12/HB 77, not codified by the General Assembly, provided for the appointment of an additional judge to the Dougherty Judicial Circuit as authorized by paragraph (15) and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2023, p. 126, §§ 2–12/HB 243, not codified by the General Assembly, provided for the appointment of an additional judge to the Coweta Judicial Circuit as authorized by paragraph (14) and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2023, p. 245, §§ 2–12/SB 66, not codified by the General Assembly, provided for the appointment of an additional judge to the Atlantic Judicial Circuit as authorized by paragraph (4) and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2024, p. 134, §§ 2–12/HB 992, not codified by the General Assembly, provided for the appointment of an additional judge to the Houston Judicial Circuit as authorized by paragraph (21) and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2024, p. 485, §§ 2–12/HB 906, not codified by the General Assembly, provided for the appointment of an additional judge to the Tifton Judicial Circuit as authorized by paragraph (39) and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2024, p. 738, § 1/HB 158, not codified by the General Assembly, provides: “On and after January 1, 2025, the Stone Mountain Judicial Circuit shall be known and may be referred to as the DeKalb Judicial Circuit. Any reference in local law to the Stone Mountain Judicial Circuit shall be deemed to refer to the DeKalb Judicial Circuit.”

Ga. L. 2024, p. 961, §§ 1-1 through 2-5/SB 424, not codified by the General Assembly, provided for creation of the West Georgia Judicial Circuit, which circuit shall be composed of Carroll County and Heard County, provided for the transfer of pending litigation from the Superior Courts of Carroll County and Heard County respectively, at such time as each was part of the Coweta Judicial Circuit, and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2024, p. 961, §§ 1-1 through 2-5/SB 424, which moved the Counties of Carroll and Heard from the Coweta Judicial Circuit to the newly created West Georgia Judicial Circuit, became effective January 1, 2025, while the amendment to this Code section is effective July 1, 2024.

Ga. L. 2025, p. 161, §§ 2-12/SB 88, not codified by the General Assembly, provided for the appointment of an additional judge to the Douglas Judicial Circuit as authorized by paragraph (15.1) and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2025, p. 164, §§ 2-12/SB 145, not codified by the General Assembly, provided for the appointment of an additional judge to the Augusta Judicial

Circuit as authorized by paragraph (5) and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2025, p. 164, § 13/SB 145, not codified by the General Assembly, provides: “This Act shall become effective for the purposes of appointing the additional judge upon its approval by the Governor or upon its becoming law without such approval, and for all other purposes on January 1, 2026.” This Act was signed by the Governor on April 30, 2025.

Ga. L. 2025, p. 506, §§ 2-12/HB 55, not codified by the General Assembly, provided for the appointment of an additional judge to the Alapaha Judicial Circuit as authorized by paragraph (1) and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2025, p. 506, § 13/HB 55, not codified by the General Assembly, provides: “This Act shall become effective for the purposes of appointing the additional judge upon its approval by the Governor or upon its becoming law without such approval, and for all other purposes on January 1, 2026.” This Act was signed by the Governor on May 13, 2025.

15-6-3. Terms of court.

The terms of court for the superior courts for each of the judicial circuits shall commence as follows:

(1) **Alapaha Circuit:**

- (A) Atkinson County — First Monday in April and October.
- (B) Berrien County — First Monday in February and August.
- (C) Clinch County — Third Monday in March and September.
- (D) Cook County — Second Monday in January and July.
- (E) Lanier County — Fourth Monday in April and October;

provided, however, that if any term of court in the Alapaha Circuit begins on an official state holiday, the term of court shall commence on the following Tuesday; and if any other day within the term of

court shall be an official state holiday, the court shall be closed for that holiday.

(2) **Alcovy Circuit:**

(A) Newton County — Second and third Mondays in January, April, July, and October.

(B) Walton County — First and second Mondays in February, May, August, and November.

(2.1) **Appalachian Circuit:**

(A) Fannin County — Second Monday in May and second Monday in November.

(B) Gilmer County — Second Monday in April and second Monday in October.

(C) Pickens County — Second Monday in March and second Monday in September.

(3) **Atlanta Circuit:**

Fulton County — First Monday in January, March, May, July, September, and November.

(4) **Atlantic Circuit:**

(A) Bryan County — Third Monday in March and first Monday in November.

(B) Evans County — First Monday in February and first Monday in August.

(C) Liberty County — Second Monday in February and September.

(D) Long County — First Monday in March and third Monday in August.

(E) McIntosh County — Third Monday in May and first Monday in December.

(F) Tattnall County — Third Monday in April and October.

(5) **Augusta Circuit:**

(A) Burke County — Fourth Monday in April and October.

(B) Richmond County — Third Monday in January, March, May, July, September, and November.

(5.1) **Bell-Forsyth Circuit:**

Forsyth County — Second Monday in March, July, and November.

(6) **Blue Ridge Circuit:**

Cherokee County — Second Monday in January, May, and September.

(7) **Brunswick Circuit:**

(A) Appling County — Second and third Mondays in February and third and fourth Mondays in October.

(B) Camden County — First Monday in April and November.

(C) Glynn County — Second Monday in March and September.

(D) Jeff Davis County — First and second Mondays in March; fourth Monday in September; and first Monday in October.

(E) Wayne County — Third and fourth Mondays in April and November.

(8) **Chattahoochee Circuit:**

(A) Chattahoochee County — Fourth Monday in March and September.

(B) Harris County — Second Monday in January, May, and September.

(C) Marion County — Fourth Monday in April and October.

(D) Muscogee County — First Monday in February, April, June, August, October, and December.

(E) Talbot County — Second Monday in March and November and third Monday in August.

(F) Taylor County — Second Monday in February, June, and October.

(9) **Cherokee Circuit:**

(A) Bartow County — First Monday in February, May, August, and November.

(B) Gordon County — First Monday in March, December, and June; and second Monday in September.

(10) **Clayton Circuit:**

Clayton County — First Monday in February, May, August, and November.

(11) **Cobb Circuit:**

Cobb County — Second Monday in January, March, May, July, September, and November.

(11.1) **Columbia Circuit:**

Columbia County — Fourth Monday in March and September.

(12) **Conasauga Circuit:**

(A) Murray County — Second Monday in February and August.

(B) Whitfield County — Second Monday in January and July.

(13) **Cordele Circuit:**

(A) Ben Hill County — Second and third Mondays in January; first, second, and third Mondays in April; third and fourth Mondays in June; and third and fourth Mondays in September and Monday following.

(B) Crisp County — Third and fourth Mondays in February and Monday following; third and fourth Mondays in May; first, second, and third Mondays in August; and second and third Mondays in November.

(C) Dooly County — First and second Mondays in February; fourth Monday in April and Monday following; third and fourth Mondays in July; and third and fourth Mondays in October.

(D) Wilcox County — Second and third Mondays in March; fourth Monday in August and Monday following; and first and second Mondays in December.

(14) **Coweta Circuit:**

(A) Coweta County — First Monday in March and first Tuesday in September.

(B) Meriwether County — Third Monday in February, May, August, and November.

(C) Troup County — First Monday in February, May, August, and November.

(14.1) **DeKalb Circuit:**

DeKalb County — First Monday in January, March, May, July, September, and November.

(15) **Dougherty Circuit:**

Dougherty County — Second Monday in January, March, May, July, September, and November.

(15.1) **Douglas Circuit:**

Douglas County — Second Monday in April and October.

(16) **Dublin Circuit:**

(A) Johnson County — Third Monday in March, June, September, and December.

(B) Laurens County — Fourth Monday in January, April, July, and October.

(C) Treutlen County — Third Monday in February and August.

(D) Twiggs County — Second Monday in January, April, July, and October.

(17) Eastern Circuit:

Chatham County — First Monday in March, June, September, and December.

(17.1) Enotah Circuit:

(A) Towns County — January 1 and July 1.

(B) Union County — January 1 and July 1.

(C) Lumpkin County — Fourth Monday in February and August.

(D) White County — First Monday in April and October.

(18) Flint Circuit:

Henry County — Fourth Monday in January, April, and October and second Monday in July.

(19) Griffin Circuit:

(A) Fayette County — Second Monday in March and second Monday in September.

(B) Pike County — Second Monday in March and second Monday in September.

(C) Spalding County — Second Monday in March and second Monday in September.

(D) Upson County — Second Monday in March and second Monday in September.

(20) Gwinnett Circuit:

Gwinnett County — First Monday in March, June, and December and second Monday in September.

(21) Houston Circuit:

Houston County — First Monday in January, April, July, and October.

(22) Lookout Mountain Circuit:

(A) Catoosa County — First Monday in March and second Monday in September.

(B) Chattooga County — First Monday in February and August.

(C) Dade County — First Monday in April and second Monday in October.

(D) Walker County — First Monday in May and November.

(23) Macon Circuit:

(A) Bibb County — First Monday in February, April, June, August, October, and December.

(B) Crawford County — Third and fourth Mondays in March and October.

(C) Peach County — First and second Mondays in March and August and third and fourth Mondays in November.

(24) Middle Circuit:

(A) Candler County — First and second Mondays in February and August.

(B) Emanuel County — Second Monday in January, April, July, and October.

(C) Jefferson County — Second Monday in May and November.

(D) Toombs County — Fourth Monday in February, May, August, and November.

(E) Washington County — First Monday in March, June, September, and December.

(25) Mountain Circuit:

(A) Banks County — January 1 and July 1.

(B) Habersham County — January 1 and July 1.

(C) Rabun County — January 1 and July 1.

(D) Stephens County — January 1 and July 1.

(26) Northeastern Circuit:

(A) Dawson County — First Monday in March and second Monday in September.

(B) Hall County — Second Monday in January, April, and July, and first Monday in October.

(27) Northern Circuit:

(A) Elbert County — Third Monday in January and fourth Monday in July.

- (B) Franklin County — Third Monday in March and September.
- (C) Hart County — Third Monday in February and August.
- (D) Madison County — Third Monday in April and October.
- (E) Oglethorpe County — Third Monday in May and November.

(28) Ocmulgee Circuit:

- (A) Baldwin County — Second Monday in January, April, July, and October.
- (B) Greene County — Fourth Monday in January, April, August, and November.
- (C) Hancock County — Fourth Monday in March and September.
- (D) Jasper County — Second Monday in February, May, August, and November.
- (E) Jones County — First Monday in February and August and third Monday in April and October.
- (F) Morgan County — First Monday in March, June, September, and December.
- (G) Putnam County — Third Monday in March, June, September, and December.
- (H) Wilkinson County — Fourth Monday in February, first Monday in April and October, and third Monday in August.

(29) Oconee Circuit:

- (A) Bleckley County — Second Monday in March and July and fourth Monday in October, and there shall be a grand jury for each term.
- (B) Dodge County — Third Monday in February, first Monday in June, and last Monday in September, and there shall be a grand jury for each term.
- (C) Montgomery County — First Monday in February and second Monday in August, and there shall be a grand jury for each term.
- (D) Pulaski County — Second Monday in April and September and first Monday in December, and there shall be a grand jury for each term.
- (E) Telfair County — Third Monday in March and August and first Monday in November, and there shall be a grand jury for each term.

(F) Wheeler County — Last Monday in January and first Monday in August, and there shall be a grand jury for each term.

(30) Ogeechee Circuit:

(A) Bulloch County — First Monday in February, May, August, and November.

(B) Effingham County — First Monday in June and December.

(C) Jenkins County — First Monday in March and September.

(D) Screven County — Second Monday in January and first Monday in April, July, and October.

(31) Pataula Circuit:

(A) Clay County — Second Monday in March and September.

(B) Early County — Second Monday in January and July.

(C) Miller County — Third Monday in February and August.

(D) Quitman County — Fourth Monday in March and September.

(E) Randolph County — Second Monday in May and November.

(F) Seminole County — Third Monday in April and October.

(G) Terrell County — First Monday in June and December.

(31.1) Paulding Circuit:

Paulding County — Second Monday in January and July.

(32) Piedmont Circuit:

(A) Barrow County — First Monday in February and August; and there shall be a grand jury for each term, but the grand jury shall not be required to be impaneled in the first day of each term.

(B) Jackson County — First Monday in February and August; and there shall be a grand jury for each term, but the grand jury shall not be required to be impaneled in the first day of each term.

(32.1) Rockdale Circuit:

Rockdale County — First Monday in January, April, July, and October.

(33) Rome Circuit:

Floyd County — Second Monday in January, March, July, and September and first Monday in May and November.

(34) South Georgia Circuit:

(A) Baker County — Third Monday in January and July.

- (B) Calhoun County — Last Monday in May and November.
- (C) Decatur County — First Monday in May and November.
- (D) Grady County — Third Monday in March and September.
- (E) Mitchell County — Third Monday in April and October.

(35) **Southern Circuit:**

- (A) Brooks County — First Monday in April and October.
- (B) Colquitt County — First Monday in February and August.
- (C) Echols County — First Monday in February and August.
- (D) Lowndes County — First Monday in March and first Tuesday immediately following first Monday in September.
- (E) Thomas County — First Monday in April and October.

(36) **Southwestern Circuit:**

- (A) Lee County — Fourth Monday in April and October.
- (B) Macon County — Second Monday in May and November.
- (C) Schley County — Second Monday in February and August.
- (D) Stewart County — Third Monday in March and September.
- (E) Sumter County — Fourth Monday in February, May, and August and the Monday following the fourth Thursday in November.

- (F) Webster County — Second Monday in January and July.

(37) Reserved.

(38) **Tallapoosa Circuit:**

- (A) Haralson County — Third Monday in January and August.
- (B) Polk County — Third Monday in March and July;

provided, however, that in the Tallapoosa Circuit, if the Monday set for the term of court to begin is a legal holiday, the term of court shall commence on the Tuesday next following that Monday.

(39) **Tifton Circuit:**

- (A) Irwin County — Second Monday in February and second Monday in August.
- (B) Tift County — Second Monday in March and second Monday in September.
- (C) Turner County — Second Monday in April and second Monday in October.

(D) Worth County — Second Monday in January and second Monday in July.

(40) Toombs Circuit:

(A) Glascock County — Third Monday in February, May, August, and November.

(B) Lincoln County — Fourth Monday in January, third Monday in April, fourth Monday in July, and third Monday in October.

(C) McDuffie County — Second Monday in March, June, September, and December.

(D) Taliaferro County — Fourth Monday in February, May, August, and November.

(E) Warren County — Third Monday in January and first Monday in April, July, and October.

(F) Wilkes County — First Monday in February, May, August, and November.

(40.1) Towaliga Circuit:

(A) Butts County — Second Monday in January, April, July, and October.

(B) Lamar County — Second Monday in March, June, September, and December.

(C) Monroe County — Second Monday in February, May, August, and November.

(41) Waycross Circuit:

(A) Bacon County — Third Monday in April and October.

(B) Brantley County — Fourth Monday in February and August.

(C) Charlton County — Second Monday in February and August.

(D) Coffee County — Second Monday in March and September.

(E) Pierce County — Third Monday in March and September.

(F) Ware County — Second Monday in April and October.

provided, however, that the grand jury shall not be required to be impaneled on the first day of each new term but upon a date and time as scheduled by the court.

(41.1) West Georgia Circuit:

(A) Carroll County — Second Monday in January, first Monday in April, third Monday in June, and first Monday in October.

(B) Heard County — Second Monday in January, first Monday in April, third Monday in June, and first Monday in October.

(42) Western Circuit:

(A) Clarke County — Second Monday in January, April, July, and October.

(B) Oconee County — Second Monday in March and September.

History.

Ga. L. 1982, p. 3, § 15; Ga. L. 1982, p. 439, §§ 1, 5; Ga. L. 1982, p. 536, § 2; Ga. L. 1982, p. 546, § 1; Ga. L. 1983, p. 3, § 12; Ga. L. 1983, p. 405, § 1; Ga. L. 1983, p. 415, § 1; Ga. L. 1983, p. 418, § 1; Ga. L. 1983, p. 761, § 4; Ga. L. 1984, p. 22, § 15; Ga. L. 1984, p. 331, § 1; Ga. L. 1984, p. 351, § 1; Ga. L. 1984, p. 439, § 1; Ga. L. 1984, p. 440, § 1; Ga. L. 1984, p. 498, § 1; Ga. L. 1985, p. 281, § 1; Ga. L. 1986, p. 230, § 1; Ga. L. 1986, p. 1526, § 1; Ga. L. 1987, p. 2, § 1; Ga. L. 1987, p. 37, § 1; Ga. L. 1987, p. 250, § 1; Ga. L. 1987, p. 294, § 1; Ga. L. 1987, p. 295, § 1; Ga. L. 1987, p. 296, § 1; Ga. L. 1988, p. 257, § 1; Ga. L. 1988, p. 258, § 1; Ga. L. 1988, p. 551, § 1; Ga. L. 1989, p. 283, § 1; Ga. L. 1990, p. 920, § 2; Ga. L. 1991, p. 372, § 1; Ga. L. 1992, p. 1786, § 4; Ga. L. 1993, p. 447, § 1; Ga. L. 1993, p. 805, § 1; Ga. L. 1994, p. 360, § 1; Ga. L. 1994, p. 1052, § 1; Ga. L. 1996, p. 829, § 1; Ga. L. 1998, p. 220, § 4; Ga. L. 1999, p. 67, § 15; Ga. L. 1999, p. 81, § 15; Ga. L. 1999, p. 158, § 1; Ga. L. 2000, p. 1242, § 1; Ga. L. 2000, p. 1312, § 1; Ga. L. 2002, p. 405, § 3-4; Ga. L. 2002, p. 468, §§ 1, 3; Ga. L. 2006, p. 701, § 1/SB 264; Ga. L. 2006, p. 873, §§ 1, 2/HB 1496; Ga. L. 2006, p. 893, § 1/HB 1423; Ga. L. 2007, p. 47, § 15/SB 103; Ga. L. 2007, p. 89, § 1/SB 177; Ga. L. 2007, p. 278, § 1/HB 53; Ga. L. 2008, p. 324, § 15/SB 455; Ga. L. 2009, p. 847, § 1/HB 216; Ga. L. 2013, p. 570, § 3-1/HB 451; Ga. L. 2014, p. 482, § 1/SB 386; Ga. L. 2018, p. 231, § 1/HB 808; Ga. L. 2019, p. 313, § 1/HB 296; Ga. L. 2021, p. 5, § 4-3/SB 9; Ga. L. 2024, p. 738, § 4/HB 158, effective January 1, 2025; Ga. L. 2024, p. 919, § 2-2/SB 259, effective January 1, 2025; Ga. L. 2024, p. 961, § 3-3/SB 424, effective July 1, 2024.

Amendments.

The 2021 amendment, effective July 1, 2021, deleted former subparagraph

(5)(B), which read: “Columbia County — Fourth Monday in March and September.”; redesignated former subparagraph (5)(C) as present subparagraph (5)(B); and added paragraph (11.1).

The first 2024 amendment, effective January 1, 2025, added paragraph (14.1) and substituted “Reserved” for “Stone Mountain Circuit: DeKalb County — First Monday in January, March, May, July, September, and November” in paragraph (37).

The second 2024 amendment, effective January 1, 2025, added subparagraph (25)(A) and redesignated former subparagraphs (25)(A) through (25)(C) as present subparagraphs (25)(B) through (25)(D); deleted former subparagraph (32)(A), which read: “Banks County — First Monday in February and August; and there shall be a grand jury for each term, but the grand jury shall not be required to be impaneled in the first day of each term.”, and redesignated former subparagraphs (32)(B) and (32)(C) as present subparagraphs (32)(A) and (32)(B).

The third 2024 amendment, effective July 1, 2024, rewrote paragraph (14) and added paragraph (41.1).

Editor’s notes.

Ga. L. 2021, p. 5, §§ 1-1 through 3-4/SB 9, not codified by the General Assembly, provided for creation of the Columbia Judicial Circuit, which circuit shall be composed of Columbia County, provided for the transfer of pending litigation from the Superior Court of Columbia County at such time as it was a part of the Augusta Judicial Circuit, and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2024, p. 738, § 1/HB 158, not codified by the General Assembly, provides: “On and after January 1, 2025,

the Stone Mountain Judicial Circuit shall be known and may be referred to as the DeKalb Judicial Circuit. Any reference in local law to the Stone Mountain Judicial Circuit shall be deemed to refer to the DeKalb Judicial Circuit.”

Ga. L. 2024, p. 919, §§ 1-1 through 3-2/SB 259, not codified by the General Assembly, provided for transfer of Banks County from the Piedmont Judicial Circuit to the Mountain Judicial Circuit, provided for the transfer of pending litigation from the Superior Court of Banks County at such time as it was a part of the Piedmont Judicial Circuit, and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2024, p. 919, § 2-2/SB 259, which amended this Code section, purported to strike paragraph (5) and enact paragraph (32), but paragraph (32) already existed.

Ga. L. 2024, p. 961, §§ 1-1 through 2-5/SB 424, not codified by the General Assembly, provided for creation of the West Georgia Judicial Circuit, which circuit shall be composed of Carroll County and Heard County, provided for the transfer of pending litigation from the Superior Courts of Carroll County and Heard County respectively, at such time as each was part of the Coweta Judicial Circuit, and provided for terms, election of successors, powers, duties, dignities, jurisdiction, privileges, immunities, and other similar matters.

Ga. L. 2024, p. 961, §§ 1-1 through 2-5/SB 424, which moved the Counties of Carroll and Heard from the Coweta Judicial Circuit to the newly created West Georgia Judicial Circuit, became effective January 1, 2025, while the amendment to this Code section is effective July 1, 2024.

JUDICIAL DECISIONS

ANALYSIS

OTHER

Other

Withdrawal of guilty pleas.

Dismissal of appellant’s pro se motion to withdraw a guilty plea stemming from the murder of the victim during an armed robbery was upheld because the term of

court had expired in which appellant was sentenced pursuant to a guilty plea, thus, the trial court lacked jurisdiction to allow the withdrawal. *Carter v. State*, 317 Ga. 322, 893 S.E.2d 52, 2023 Ga. LEXIS 200 (2023).

15-6-8. Jurisdiction and powers of superior courts.

JUDICIAL DECISIONS

ANALYSIS

GENERAL CONSIDERATION

General Consideration

Duty of clerk to process appeal. —

Dismissal of appellant’s petition for mandamus was reversed because the municipal court clerk had a duty to process the appeal in accordance with the law; the clerk lacked the authority to decide the

procedural or jurisdictional propriety of the appeal as that task belonged to the superior court upon receipt of the notice of appeal. *Allen v. Shepherd*, 368 Ga. App. 156, 889 S.E.2d 347, 2023 Ga. App. LEXIS 272 (2023).

Subject matter jurisdiction over claims between coin-operated amuse-

ment machine licensees. — Superior court properly concluded that the company's claims were within the court's subject-matter jurisdiction because O.C.G.A. § 50-27-102(d) did not confer exclusive jurisdiction over claims between coin-operated amusement machine licensees to the Georgia Lottery

Corporation (GLC); the General Assembly could have vested the GLC with exclusive jurisdiction, but it elected not to do so; and neither the legislature nor a judge could limit the jurisdiction of a superior court. *Alli v. Ultra Group of Cos., Inc.*, 366 Ga. App. 670, 883 S.E.2d 888, 2023 Ga. App. LEXIS 57 (2023).

RESEARCH REFERENCES

ALR.

Review of Excessiveness of Sentence for

Finding of Contempt Against Attorney — State Cases, 85 A.L.R.7th 3.

15-6-9. Authority of judges generally.

The judges of the superior courts have authority:

- (1) To grant for their respective circuits writs of supersedeas, quo warranto, mandamus, habeas corpus, and bail in actions ex delicto;
- (2) To entertain bills quia timet;
- (3) To grant writs of injunction, prohibition, and ne exeat;
- (4) To grant all other writs, original or remedial, either legal or equitable, which may be necessary to the exercise of their jurisdiction and which are not expressly prohibited;
- (5) To hear and determine questions arising upon:
 - (A) Writs of habeas corpus or bail, when properly brought before them;
 - (B) All motions to grant, revive, or dissolve injunctions; and
 - (C) The giving of new security or the lessening of the amount of bail;
- (6) To perform any and all other acts required of them at chambers;
- (7) To hear and determine all motions to dismiss petitions for equitable relief, and all motions to revoke or change orders appointing receivers, after ten days' written notice has been given to the opposite party or his attorney by either party by service with a copy of such motion to dismiss or to revoke or change such order; and

(8) To administer oaths and to exercise all other powers necessarily appertaining to their jurisdiction or which may be granted them by law.

History.

Orig. Code 1863, § 243; Code 1868, § 237; Code 1873, § 247; Code 1882, § 247; Civil Code 1895, § 4321; Penal Code 1895, § 792; Civil Code 1910, § 4850; Penal Code 1910, § 792; Code 1933, § 24-2616; Ga. L. 1982, p. 3, § 15; Ga. L. 2022, p. 767, § 2-7/HB 916.

Amendments.

The 2022 amendment, effective July 1, 2023, deleted “certiorari,” following

“writs of” in paragraph (1). See Editor’s note for applicability.

Editor’s notes.

Ga. L. 2022, p. 767, § 3-1/HB 916, not codified by the General Assembly, makes this Code section applicable to petitions for review filed in superior or state court on or after July 1, 2023.

15-6-11. Electronic filings of pleadings and documents; electronic payments and remittances; access; public disclosure.

(a)(1) Pursuant to rules promulgated by the Criminal Case Data Exchange Board, in effect on June 30, 2022, a superior court shall provide for the filing of pleadings in criminal cases and any other document related thereto and for the acceptance of payments and remittances by electronic means.

(2) The Judicial Council of Georgia shall submit the uniform standards adopted by the board pursuant to paragraph (5) of subsection (h) of Code Section 15-5-24.1 to The Council of Superior Court Judges and to the chief superior court judge of each judicial circuit. The chief superior court judge of each judicial circuit shall assist the superior court clerks and prosecutors within the judicial circuit with the implementation and continued maintenance of such uniform standards. A superior court judge may order any party to provide data needed by a clerk or a prosecutor to facilitate transmission of data.

(b)(1) On and after January 1, 2019, except as provided in paragraph (3) of this subsection, all pleadings and any other document related thereto filed by an attorney to initiate a civil action or in a civil case in a superior court shall be filed by electronic means through the court’s electronic filing service provider. Except as provided in paragraph (3) of this subsection, once a court has commenced mandatory electronic filings in civil cases, a clerk shall not accept, file, or docket any pleading or any other form of paper document related thereto from an attorney in a civil case.

(2)(A) Except as provided in subparagraph (B) of this paragraph, a court's electronic filing service provider may charge a fee which shall be a recoverable court cost and only include a:

(i) One-time fee for electronically filing pleadings or documents in a civil action and the electronic service of pleadings, regardless of how many parties shall be served, which shall not exceed \$30.00 per filer, per party. Such fee shall be paid at the time of the first filing on behalf of a party; provided that when filings are submitted via a public access terminal, upon the first filing not using such terminal, such fee shall be paid;

(ii) Supplemental fee of \$5.00 for each filing made in a civil action after a party has made ten electronic filings in such civil action; and

(iii) Convenience fee for credit card and bank drafting services, which shall not exceed 3.5 percent plus a 30¢ payment services fee per transaction.

(B) No electronic filing service provider shall charge a fee pursuant to this paragraph for the filing of:

(i) Pleadings or documents filed by the Department of Law, the Office of Legislative Counsel, the Office of the Secretary of State, a district attorney in his or her official capacity, or a public defender in his or her official capacity;

(ii) Pleadings or documents filed on behalf of municipal corporations or county governments; or

(iii) Leave of absence or conflict notices filed pursuant to the Uniform Rules for the Superior Courts.

(C) With respect to the fee charged pursuant to division (i) of subparagraph (A) of this paragraph, the clerk of superior court shall retain \$2.00 of the transaction fee and remit it to the governing authority of the county. No other portion of the transaction fee shall be remitted to any other office or entity of the state or governing authority of a county or municipality.

(D) An attorney, or party if he or she is pro se, shall be allowed unlimited access to view and download any pleading or document electronically filed in connection to the civil action in which he or she is counsel of record or pro se litigant, and an electronic service provider shall not be authorized to charge or collect a fee for such viewing or downloading.

(3) This subsection shall not apply to filings:

(A) In connection with:

- (i) A pauper's affidavit;
- (ii) Any validation of bonds as otherwise provided for by law;
- (iii) Pleadings or documents filed under seal or presented to a court in camera or ex parte; or
- (iv) Pleadings or documents to which access is otherwise restricted by law or court order;

(B) Made physically at the courthouse by an attorney or his or her designee or an individual who is not an attorney; provided, however, that the clerk shall require such pleadings or documents made physically at the courthouse by an attorney or his or her designee be submitted via a public access terminal in the clerk's office. The clerk shall not charge the fee as set forth in division (2)(A)(i) of this subsection for such filing but when payment is submitted by credit card or bank draft, the clerk may charge the convenience fee as set forth in division (2)(A)(iii) of this subsection;

(C) Made in a court located in an area that has been declared to be in a state of emergency pursuant to Article 3 of Chapter 3 of Title 38. The Judicial Council of Georgia shall provide rules for filings in such circumstances; or

(D) Made prior to the commencement of mandatory electronic filing for such court, wherein the filer shall continue to pay fees applicable to the case on the date of the first filing; provided, however, that a party may elect to make future filings through the court's electronic filing service provider and pay the applicable fees.

(4) The Judicial Council of Georgia shall make and publish in print or electronically such statewide minimum standards and rules as it deems necessary to carry out this Code section. Each clerk of superior court shall develop and enact policies and procedures necessary to carry out the standards and rules created by the Judicial Council of Georgia.

(c) Nothing in this Code section shall be construed to prevent a clerk's acceptance of payments and remittances by electronic means under the clerk's own authority.

(d) A superior court judge to whom the case is assigned and his or her staff shall, at all times, have access to all pleadings and documents electronically filed and such access shall be provided upon the physical acceptance of such pleadings and documents by the clerk.

(e) Any pleading or document filed electronically shall be deemed filed as of the time of its receipt by the electronic filing service provider. A pleading or document filed electronically shall not be subject to disclosure until it has been physically accepted by the clerk. Upon such

acceptance as provided for in this subsection, such pleading or document shall be publicly accessible for viewing at no cost to the viewer on a public access terminal available at the courthouse during regular business hours.

History.

Code 1981, § 15-6-11, enacted by Ga. L. 2016, p. 242, § 2/SB 262; Ga. L. 2018, p. 550, § 1-1/SB 407; Ga. L. 2019, p. 845, § 6-1/HB 239; Ga. L. 2022, p. 121, § 3/SB 441; Ga. L. 2023, p. 294, § 3/SB 272, effective May 1, 2023.

Amendments.

The 2022 amendment, effective July 1, 2022, designated the existing provisions of subsection (a) as paragraph (a)(1), substituted “in effect on June 30, 2022” for “on and after January 1, 2019” in paragraph (a)(1), and added paragraph (a)(2).

The 2023 amendment, effective May 1, 2023, in paragraph (a)(2), substituted “Judicial Council of Georgia” for “Council of Superior Court Clerks” at the beginning of the first sentence, substituted “Code Section 15-5-24.1 to The Council of Superior Court Judges and to the chief superior court judge of each judicial circuit” for “Code Section 15-6-50.3 to the Council of Superior Court Judges” at the end of the of the first sentence, substituted “clerks and prosecutors within the judicial circuit with the implementation and continued maintenance of such” for “clerk with the implementation of such” in the second sentence, and substituted “needed by a clerk or a prosecutor to facilitate” for “needed by the clerk to facilitate” in the third sentence.

Editor’s notes.

Ga. L. 2022, p. 121, § 1/SB 441, not codified by the General Assembly, provides: “(a) The General Assembly finds that:

“(1) The state’s current system for sharing criminal case data is not adequate to

provide to all appropriately interested parties, including, but not limited to, law enforcement agencies and officers, courts, crime victims and other impacted individuals, housing providers, and employers, complete criminal case data;

“(2) One recent report indicates there may be as many as 7 million criminal charges without a final disposition indicated, and, of those, as many as 5.4 million criminal charges have languished for years;

“(3) Georgia’s citizens and businesses are harmed by incomplete criminal case data. For example, in thousands of cases, as a result of incomplete criminal case data, citizens’ employability and housing opportunities have been negatively impacted; and

“(4) A more uniform, modern system and framework for handling criminal case data will support the state in meeting its obligations to victims to keep them informed as their perpetrators make their way through the criminal justice system.

“(b) It is the intent of the General Assembly that criminal case data be complete and accurately reported to the appropriate state data base and be accessible to state and local criminal justice agencies, employers, housing providers, victims, and all citizens.”

Ga. L. 2022, p. 121, § 2/SB 441, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Criminal Records Responsibility Act.’”

Law reviews.

For article, “SB 441: Criminal Records Responsibility Act,” see 39 Ga. St. U.L. Rev. 105 (2022).

15-6-16. Authority of superior court judges.

Each judge of the superior court shall have authority to perform any judicial act which he or she is lawfully entitled to perform, regardless of where such judge is located when such judicial act is performed.

History.

Orig. Code 1863, § 248; Code 1868, § 242; Code 1873, § 253; Code 1882, § 253; Civil Code 1895, § 4330; Civil Code 1910, § 4859; Code 1933, § 24-2627; Ga. L. 2021, p. 423, § 1-1/HB 635.

Amendments.

The 2021 amendment, effective May 4, 2021, substituted the present provisions of this Code section for the former provisions, which read: “No judge of the

superior courts shall have authority to perform any judicial act required of him by law when he is beyond the jurisdiction of this state.”

Cross references.

Authority of state court judges, § 15-7-4.

Authority of probate court judges, § 15-9-30.

Authority of magistrate to act, § 15-10-2.

15-6-18. Alternative locations; conditions and limitations; force and effect as if done at regular courthouse.

(a) Except as provided in subsection (b) of this Code section, if for any cause it shall be impracticable to hold any session of any superior or state court at the courthouse or other place provided by law therefor, it shall be lawful to hold such court at an alternative facility that the governing authority of the county or counties for such county or circuit, by appropriate resolution, deem would be in the best interest of the public with considerations for transportation burden being paramount; provided, however, that:

(1) No such court may be held at any place that is outside the county or an adjoining county or that is not open to and accessible by the public, including, but not limited to, members of the public who:

(A) Have a physical or mental impairment that substantially limits one or more major life activities;

(B) Have a record of such an impairment; or

(C) Are regarded as having such an impairment; and

(2) Criminal jury trials may be conducted in alternative locations so long as the governing authority owns the facility or has a contractual relationship with such alternative location for such use.

(b)(1) This subsection shall apply only in a county in which there exists a state court with one or more courtrooms regularly utilized by the state court outside the county site. In any such county any session of superior court may be held outside the county site in a courtroom of the state court, subject to the following conditions and limitations:

(A) The chief judge of superior court enters a written order for such session of superior court to be so held outside the county site, and such order shall incorporate a written finding that it is impracticable for the session of court to be held at the county site;

(B) A judge of the state court must enter a written order consenting for such session of superior court to be held in the courtroom of the state court;

(C) The holding of superior court sessions shall not affect the place of filing of documents to be filed with the superior court, except for documents filed in open court which may be filed where the session of court is held; and

(D) Any state court making courtroom space available to the superior court under this subsection shall be authorized under the same rules to hold sessions of state court in facilities of the superior court.

(2) In each county of this state where the county site is located in an unincorporated area of the county and the governing authority of such county determines by appropriate resolution that the best interest of the citizens of such county would be served by the construction of a courthouse annex or satellite courthouse outside the county site, it shall be lawful to hold any session of superior or state court or grand jury and to conduct all other related business of the courts at such annex or satellite courthouse.

(c) All acts of a superior court or state court done at a place provided by this Code section, other than at the county courthouse or other place of holding such court as fixed by law, shall have the same force and effect as if the same had been done at the regular courthouse or other place fixed by law for the holding of such court, including the satisfaction of the requirements of Code Section 15-6-17.

History.

Code 1981, § 15-6-18, enacted by Ga. L. 2021, p. 423, § 2-1/HB 635.

Effective date.

This Code section became effective May 4, 2021.

Editor's notes.

Former Code Section 15-6-18, pertained

to alternative locations, was based on Ga. L. 1896, p. 50, §§ 1, 2; Civil Code 1910, §§ 4840, 4841; Code 1933, §§ 24-3003, 24-3004; Ga. L. 1988, p. 259, § 1; Ga. L. 1994, p. 1052, § 2; Ga. L. 1998, p. 1159, § 2; Ga. L. 2012, p. 993, § 1/SB 50, and was repealed by Ga. L. 2021, p. 423, § 2-1/HB 635, effective May 4, 2021.

15-6-21. Time for deciding motions; filing and notification; non-compliance as ground for impeachment.

JUDICIAL DECISIONS

ANALYSIS

NOTICE
FINDINGS

Notice

Action to set aside under O.C.G.A. § 9-11-60(g). — In employment-related lawsuit, because trial court never sent order granting defendant's motion to dis-

miss lawsuit following hearing, case required remand for trial court to set aside order, re-enter judgment, thereby 30 day appeal period would run anew. *Garcia-Diaz v. Women's Specialists of N. Ga.*, 367 Ga. App. 479, 887 S.E.2d 77, 2023

Notice (Cont'd)

Ga. App. LEXIS 172 (2023).

Findings

No findings made on diligence of service of process. — Second defendant was entitled to have the order denying the motion to set aside the foreclosure vacated due to service of process issues because

the record showed no hearing or other means of receiving evidence to determine whether the plaintiff exercised due diligence in pursuing every reasonably available channel of information about the defendant's whereabouts. *Rampersad v. Plantation at Bay Creek Homeowners Ass'n*, 362 Ga. App. 329, 868 S.E.2d 475, 2022 Ga. App. LEXIS 33 (2022).

15-6-29. Salary of judges.

(a) Except as provided for in subsection (b) of this Code section, the annual salary of the judges of the superior courts shall be as provided in Code Section 45-7-4 and may be as provided in Code Section 15-6-29.1. The annual salary provided by Code Section 45-7-4 shall be paid by The Council of Superior Court Judges of Georgia in 12 equal monthly installments.

(b)(1) Each superior court judge in office on July 1, 2025, shall have the option to receive the annual salary provided by Code Section 45-7-4 and any locality pay provided for by Code Section 15-6-29.2, in lieu of his or her compensation which is otherwise provided by laws in effect on June 30, 2025. The option provided by this paragraph shall be exercised by such judge's filing a written notification thereof with The Council of Superior Court Judges of Georgia and the governing authority of each county comprising such judge's judicial circuit. A superior court judge in office on July 1, 2025, shall not be required or obligated to exercise the option provided by this paragraph, but if and when any such judge voluntarily and expressly exercises such option, such judge's exercise of such option shall be final and irrevocable. The failure to exercise the option shall be an election to continue to receive compensation as previously calculated by law in effect on June 30, 2025, and as outlined in paragraph (2) of this subsection, and until such option is exercised. The option exercised pursuant to this paragraph shall go into effect the next pay period beginning five business days following the exercise of such option.

(2) To ensure that no superior court judge in office on July 1, 2025, has his or her salary, allowance, or county salary supplements decreased during his or her term of office, any superior court judge in office on July 1, 2025, who does not exercise the irrevocable option provided by paragraph (1) of this subsection shall continue to be compensated in precisely the same manner as he or she was compensated as of June 30, 2025, including, but not limited to, county supplements, in accordance with Article VI, Section VII, Paragraph V of the Constitution.

(c) The annual salary shall be the total compensation to be paid by the state to the superior court judges and shall be in lieu of any and all other amounts to be paid from The Council of Superior Court Judges of Georgia, except as provided in Code Sections 15-6-29.1, 15-6-29.2, 15-6-30, and 15-6-32.

History.

Ga. L. 1904, p. 72, § 1; Civil Code 1910, § 323; Code 1933, § 24-2606; Ga. L. 1957, p. 273, §§ 1, 2, 3; Ga. L. 1962, p. 64, § 1; Ga. L. 1965, p. 528, § 1; Ga. L. 1969, p. 113, § 1; Ga. L. 1972, p. 1015, § 408; Ga. L. 1993, p. 1402, § 9.1; Ga. L. 1996, p. 405, § 3; Ga. L. 2008, p. 577, § 3/SB 396; Ga. L. 2015, p. 919, § 1-3/HB 279; Ga. L. 2025, p. 389, § 2/HB 85, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted “Except as provided

for in subsection (b) of this Code section, the annual” for “The annual” at the beginning of subsection (a); added subsection (b); redesignated former subsection (b) as present subsection (c) and inserted “15-6-29.2” near the end; and deleted former subsection (c).

Editor’s notes.

Ga. L. 2025, p. 389, § 1/HB 85, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Superior Court Judicial Compensation Reform Act.’”

15-6-29.1. Accountability court supplement.

(a) Whenever a circuit has implemented a drug court division, mental health court division, or veterans court division, then on and after January 1, 2016, the state shall pay each superior court judge in such circuit an annual accountability court supplement of \$6,000.00. Such supplement shall be paid from state funds by The Council of Superior Court Judges of Georgia in equal monthly installments as regular compensation.

(b) When a local law provides for a salary to be paid based on a percentage of, total compensation for, or similar mathematical relationship to a superior court judge’s salary, the accountability court salary supplement paid pursuant to this Code section shall not be included in the calculation of compensation to be paid by a county, municipality, or consolidated government.

History.

Code 1981, § 15-6-29.1, enacted by Ga. L. 2015, p. 919, § 1-4/HB 279; Ga. L. 2025, p. 389, § 3/HB 85, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, deleted subsection (c).

Editor’s notes.

Ga. L. 2025, p. 389, § 1/HB 85, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Superior Court Judicial Compensation Reform Act.’”

15-6-29.2. Locality pay for judges.

(a) Except as provided for in subsection (b) of this Code section, on or after July 1, 2025, the county or counties comprising a judicial circuit

may provide each judge of such circuit who either was not in office as a superior court judge as of July 1, 2025, or made an irrevocable election authorized by paragraph (1) of subsection (b) of Code Section 15-6-29, with locality pay as authorized by this Code section, and such judges shall not be eligible for county salary supplements provided by local Act. In no event shall locality pay exceed 10 percent of the state annual salary provided by Code Section 45-7-4 to such judge. All such locality pay shall be in lieu of and not in addition to any county salary supplements previously provided by the county or counties. All judges within a judicial circuit who are in office as of July 1, 2025, and exercise the option provided by paragraph (1) of subsection (b) of Code Section 15-6-29, or who take office after July 1, 2025, shall receive equal locality pay from any given county within such circuit that has opted to provide such pay.

(b) In no event shall the annual locality pay provided to a judge by the county or counties comprising a judicial circuit in aggregate exceed the lesser of:

(1) 10 percent of the state annual salary paid to a superior court judge pursuant to Code Section 45-7-4; or

(2) \$20,106.00;

provided, however, that if the state annual salary paid to superior court judges exceeds \$201,060.00, then the maximum allowable amount of annual locality pay provided to a judge by the county or counties comprising a judicial circuit shall instead be equal to the difference between \$20,106.00 and half of the amount by which such state annual salary exceeds \$201,060.00. The intent of this paragraph is to provide for a gradual decrease in the maximum amount of allowable locality pay as the state annual salary provided by Code Section 45-7-4 to superior court judges exceeds \$201,060.00 and continues to increase.

(c) When a new superior court judgeship is created by law for any judicial circuit, the new superior court judge shall upon taking office become entitled to and shall receive from the county or counties comprising such circuit the same locality pay, if any, then in effect for the other judge or judges of such circuit. Such locality pay for such new judge shall be authorized by this subsection and no other legislation or local legislation shall be required to authorize such locality pay.

(d) Except as provided for in subsection (b) of Code Section 15-6-29 and subsection (e) of this Code section and notwithstanding any other provision of law to the contrary, on and after July 1, 2025, no county or counties comprising a judicial circuit shall provide county salary supplements to a superior court judge.

(e)(1) Nothing in subsection (d) of this Code section shall operate to prevent a county or counties comprising a judicial circuit from

continuing to provide a local salary supplement to the chief judge of such circuit that was otherwise authorized by law on June 30, 2025. On or after July 1, 2025, no local supplement for a chief judge shall be enacted or increased.

(2) For all judges who elect to exercise the option provided by paragraph (1) of subsection (b) of Code Section 15-6-29, to the extent the aggregate salary provided for by subsection (a) of Code Section 15-6-29 and locality pay provided for by subsection (a) of this Code section to a particular judge do not equal or exceed such judge's aggregate salary and local supplement in effect at the time of such judge's exercise of such option, then the county or counties of the circuit shall pay an additional supplement in an amount equal to the difference between the aggregate salary and supplement in effect at the time of such judge's exercise of such option and the aggregate salary provided for by subsection (a) of Code Section 15-6-29 and locality pay provided for by subsection (a) of this Code section. When an additional supplement is required by this paragraph in a circuit consisting of more than one county, then each county shall pay such additional supplement in proportion to each county's contribution to the local supplement in effect at the time of such judge's exercise of the option to participate. In no event shall the additional supplement required by this paragraph result in a judge's aggregate salary that exceeds the aggregate salary and supplement existing at the time of a judge's exercise of such option.

(f) Nothing in subsection (d) of this Code section shall operate to prevent a county or counties comprising a judicial circuit from continuing to provide fringe benefits to any judge of such circuit in the same manner that such benefits were provided on June 30, 2025.

(g) Nothing in this Code section or subsection (b) of Code Section 15-6-29 shall operate to alter, amend, contract, expand, extend, limit, modify, or terminate retirement benefits or rights thereto in existence prior to July 1, 2025. All judges who exercise the option provided by paragraph (1) of subsection (b) of Code Section 15-6-29 shall have no right to any benefit existing at the time such option is exercised reduced. To the extent otherwise permitted by law, each county within a judicial circuit is authorized, but not required, to provide retirement benefits based upon the locality pay it provides pursuant to subsection (a) of this Code section.

History.

Code 1981, § 15-6-29.2, enacted by Ga. L. 2025, p. 389, § 4/HB 85, effective July 1, 2025.

Effective date.

This Code section became effective July 1, 2025.

Editor's notes.

Ga. L. 2025, p. 389, § 1/HB 85, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'Superior Court Judicial Compensation Reform Act.'"

15-6-34. Creation of The Council of Superior Court Judges of Georgia; composition; purpose; expenses; acceptance and publication of uniform standards; notifications.

(a) There is created a superior court judges’ council to be known as “The Council of Superior Court Judges of Georgia.” The council shall be composed of the judges, senior judges, and judges emeriti of the superior courts of this state. The council is authorized to organize itself and to develop a constitution and bylaws. The officers of said council shall consist of a president, a president-elect, a secretary-treasurer, and an executive committee composed of the administrative judges of the ten judicial administrative districts.

(b) It shall be the purpose of The Council of Superior Court Judges of Georgia to effectuate the constitutional and statutory responsibilities conferred upon it by law and to further the improvement of the superior courts and the administration of justice.

(c) Expenses of the administration of the council shall be paid from state funds appropriated for that purpose, from federal funds available to the council for that purpose, or from other appropriate sources.

(d) The Council of Superior Court Judges of Georgia shall accept the submission of uniform standards promulgated by the Criminal Case Data Exchange Board pursuant to paragraph (5) of subsection (h) of Code Section 15-5-24.1 and submitted by the Judicial Council of Georgia. Training on and publication of such uniform standards among the council and the superior courts of this state shall be to further improvement of the superior courts as provided in subsection (b) of this Code section.

(e) Any person elected or appointed as a superior court judge shall provide written notification to The Council of Superior Court Judges of Georgia of such within 30 days of the date of the election or appointment. Any state court judge who resigns, retires, or is removed from office shall provide written notification to The Council of Superior Court Judges of Georgia of such within 30 days of the date on which he or she resigns, retires, or is removed from office.

(f) The Council of Superior Court Judges of Georgia shall notify the Administrative Office of the Courts of any notification received pursuant to subsection (e) of this Code section within 30 days of receipt of such notification.

History.

Code 1981, § 15-6-34, enacted by Ga. L. 1985, p. 1130, § 1; Ga. L. 2023, p. 294, § 4/SB 272, effective May 1, 2023; Ga. L. 2024, p. 733, § 2/SB 508, effective July 1,

2025; Ga. L. 2024, p. 1052, § 6(6)/SB 448, effective July 1, 2024.

Amendments.

The 2023 amendment, effective May 1, 2023, added subsection (d).

The first 2024 amendment, effective July 1, 2025, added subsections (e) and (f).

The second 2024 amendment, effective July 1, 2024, part of an Act to revise,

modernize, and correct the Code, substituted “subsection (b)” for “paragraph (b)” at the end of subsection (d).

ARTICLE 2

CLERKS OF SUPERIOR COURTS

15-6-50.2. The Council of Superior Court Clerks of Georgia.

(a) There is created a superior court clerks’ council to be known as “The Council of Superior Court Clerks of Georgia.” The council shall be composed of the clerks of the superior courts of this state. The council is authorized to organize itself and to develop a constitution and bylaws.

(b) It shall be the purpose of the council to effectuate the constitutional and statutory responsibilities conferred upon it by law, to further the improvement of the superior courts and the administration of justice, to assist the superior court clerks throughout the state in the execution of their duties, and to promote and assist in the training of superior court clerks.

(c) Expenses of the administration of the council shall be paid from state funds appropriated for that purpose, from federal funds available to the council for that purpose, or from other appropriate sources.

(d) The Council of Superior Court Clerks of Georgia shall be a legal entity and an agency of the State of Georgia; shall have perpetual existence; may contract; may own property; may accept funds, grants, and gifts from any public or private source for use in defraying the expenses of the council; may adopt and use an official seal; may establish a principal office; may employ such administrative or clerical personnel as may be necessary and appropriate to fulfill its necessary duties; shall establish, maintain, and revise the state-wide master jury list as provided in Chapter 12 of this title; shall distribute the county master jury list as provided in Chapter 12 of this title; and shall have other powers, privileges, and duties as may be reasonable and necessary for the proper fulfillment of its purposes and duties.

(e) Notwithstanding any other law, a member of the council shall not be ineligible to hold the office of clerk of a superior court by virtue of his or her position as a member of the council or its executive committee.

(f) The council shall issue uniform standards not inconsistent with the uniform standards promulgated by the Criminal Case Data Exchange Board pursuant to paragraph (5) of subsection (h) of Code Section 15-5-24.1. Such uniform standards shall be incorporated into

the assistance and training provided to superior court clerks pursuant to subsection (b) of this Code section.

History.

Code 1981, § 15-6-50.2, enacted by Ga. L. 1990, p. 162, § 1; Ga. L. 2011, p. 59, § 1-2/HB 415; Ga. L. 2014, p. 451, § 1/HB 776; Ga. L. 2022, p. 121, § 4/SB 441; Ga. L. 2023, p. 294, § 5/SB 272, effective May 1, 2023.

Amendments.

The 2022 amendment, effective July 1, 2022, added subsections (f) and (g).

The 2023 amendment, effective May 1, 2023, rewrote subsection (f), which read: “The council shall issue uniform standards not inconsistent with the uniform standards promulgated by the Criminal Case Data Exchange Board pursuant to Code Section 15-6-50.3.” and deleted subsection (g), which read: “By January 15 of each year, the council shall prepare a report detailing the activities of the Criminal Case Data Exchange Board and the progress of the represented groups within the board’s membership to effect the uniform standards prescribed in paragraph (5) of subsection (h) of Code Section 15-6-50.3 for the previous year. Such report shall be transmitted electronically or mailed to the office of the chairs of the Senate Judiciary Committee and the House Committee on Judiciary and to the Governor, Lieutenant Governor, Speaker of the House, and Chief Justice of the Supreme Court of Georgia no later than January 15 of each year.”

Editor’s notes.

Ga. L. 2022, p. 121, § 1/SB 441, not codified by the General Assembly, provides: “(a) The General Assembly finds that:

“(1) The state’s current system for sharing criminal case data is not adequate to

provide to all appropriately interested parties, including, but not limited to, law enforcement agencies and officers, courts, crime victims and other impacted individuals, housing providers, and employers, complete criminal case data;

“(2) One recent report indicates there may be as many as 7 million criminal charges without a final disposition indicated, and, of those, as many as 5.4 million criminal charges have languished for years;

“(3) Georgia’s citizens and businesses are harmed by incomplete criminal case data. For example, in thousands of cases, as a result of incomplete criminal case data, citizens’ employability and housing opportunities have been negatively impacted; and

“(4) A more uniform, modern system and framework for handling criminal case data will support the state in meeting its obligations to victims to keep them informed as their perpetrators make their way through the criminal justice system.

“(b) It is the intent of the General Assembly that criminal case data be complete and accurately reported to the appropriate state data base and be accessible to state and local criminal justice agencies, employers, housing providers, victims, and all citizens.”

Ga. L. 2022, p. 121, § 2/SB 441, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Criminal Records Responsibility Act.’”

Law reviews.

For article, “SB 441: Criminal Records Responsibility Act,” see 39 Ga. St. U.L. Rev. 105 (2022).

15-6-50.3. [Repealed] Criminal Case Data Exchange Board created; membership; operation; role; public access.

History.

Code 1981, § 15-6-50.3, enacted by Ga. L. 2022, p. 121, § 5/SB 441; repealed by

Ga. L. 2023, p. 294, § 6/SB 272, effective May 1, 2023.

15-6-52. Practice of law restricted.

(a) Except as provided in subsection (b) of this Code section, the clerks of the superior courts are prohibited from practicing law in their own or another's name, as a partner or otherwise, in any court except in their own case.

(b) Nothing in this Code section shall be construed to limit in any way the ability of a clerk of a superior court to serve as or offer advice in his or her role as a judge advocate or in any other military role in an active duty or reserve component of the United States Army, United States Navy, United States Marine Corps, United States Coast Guard, United States Air Force, United States Space Force, United States National Guard, Georgia National Guard, Georgia Air National Guard, Georgia Naval Militia, the Georgia State Defense Force, or in the National Guard or Air National Guard of any state or territory of the United States.

History.

Laws 1799, Cobb's 1851 Digest, p. 574; Code 1863, § 250; Code 1868, § 244; Ga. L. 1871-72, p. 23, § 1; Code 1873, § 256; Code 1882, § 256; Civil Code 1895, § 4348; Civil Code 1910, § 4879; Code 1933, § 24-2702; Ga. L. 2022, p. 319, § 1/HB 1346.

Amendments.

The 2022 amendment, effective July 1, 2022, designated the existing provisions of this Code section as subsection (a), substituted "Except as provided in subsection (b) of this Code section, the" for "The" at the beginning of subsection (a), and added subsection (b).

15-6-61. Duties of clerks generally; computerized record-keeping system.

(a) It is the duty of a clerk of superior court:

(1) To keep the clerk's office and all things belonging thereto at the county site and at the courthouse or at such other place or places as authorized by law;

(2) To attend to the needs of the court through the performance of the duties of the clerk required and enumerated by law, or as defined in court order, or rules;

(3) To issue and sign every summons, writ, execution, process, order, or other paper under authority of the court and attach seals thereto when necessary. The clerk shall be authorized to issue and sign under authority of the court any order to show cause in any pending litigation and any other order in the nature of a rule nisi, where no injunctive or extraordinary relief is granted;

(4) To keep in the clerk's office the following:

(A) An automated civil case management system which shall contain separate case number entries for all civil actions filed in the

office of the clerk, including complaints, proceedings, Uniform Interstate Family Support Act actions, domestic relations, contempt actions, motions and modifications on closed civil actions, any postjudgment proceeding filed more than 30 days after judgment or dismissal in an action, and all other actions civil in nature except adoptions;

(B) An automated criminal case management system which shall contain a summary record of all criminal indictments in which true bills are rendered and all criminal accusations filed in the office of clerk of superior court in accordance with uniform standards issued by The Council of Superior Court Clerks of Georgia pursuant to subsection (f) of Code Section 15-6-50.2. The criminal case management system shall contain entries of other matters of a criminal nature filed with the clerk, including quasi-civil proceedings and entries of cases which are ordered dead docketed. When a case is dead docketed, all witnesses who may have been subpoenaed therein shall be released from further attendance until resubpoenaed; and

(C) A docket, file, series of files, book or series of books, microfilm records, or electronic data base for recording all deeds, liens, executions, lis pendens, maps and plats, and all other documents concerning or evidencing title to real or personal property. When any other law of this state refers to a general execution docket, lis pendens docket, or attachment docket, such other law shall be deemed to refer to the docket or other record or records provided for in this subparagraph, regardless of the format used to store such docket;

(5) To keep all the books, papers, dockets, and records belonging to the office with care and security and to keep the papers filed, arranged, numbered, and labeled, so as to be of easy reference;

(6) To keep at the clerk's office all publications of the laws of the United States furnished by the state and all publications of the laws and journals of this state, all statute laws and digests, this Code, which shall be paid for from county or law library funds, the Supreme Court and Court of Appeals reports, and all other law books or other public documents distributed to the clerk, for the public's convenience; provided, however, that the clerk may consent that these publications be maintained in the public law library;

(7) To procure a substantial seal of office with the name of the court and the county inscribed thereon;

(8) To make out and deliver to any applicant, upon payment to the clerk of legal fees, a correct transcript, properly certified, of any minute, record, or file of the clerk's office except for such records or documents which are, by provision of law, not to be released;

(9) Upon payment of legal fees to the clerk, to make out a transcript of the record of each case to be considered by the Supreme Court or the Court of Appeals and a duplicate thereof numbered in exact accordance with the numbering of the pages of the original transcript of the record to be transmitted to the Supreme Court and the Court of Appeals;

(10) To make a notation on all conveyances of real or personal property, including liens, of the date and time they were filed for recordation, which shall be evidence of the facts stated. When the clerk accepts an instrument or document for filing, the clerk shall note the date and time of receipt of such instrument or document on the instrument or document. All liens or conveyances presented to the clerk for filing shall be on 8 1/2 inch by 11 inch or 8 1/2 inch by 14 inch paper or the digital equivalent and shall have a three-inch margin at the top to allow space for the clerk's notation required by this paragraph. The clerk shall not record any instrument or document conveying real or personal property, including liens, that is not prepared as required by this paragraph and without receiving all required fees and taxes that are due in connection with such filing. The notation required by this paragraph may be made by the clerk or the clerk's deputy or employee by written signature, facsimile signature, mechanical printing, or electronic signature or stamp;

(11) To attest deeds and other written instruments for registration;

(12) To administer all oaths required by the court or that may otherwise be required by law and to record all oaths required by law;

(13) To transmit to the Georgia Superior Court Clerks' Cooperative Authority or its designated agent within 24 hours of filing of any financing statement, amendment to a financing statement, assignment of a financing statement, continuation statement, termination statement, or release of collateral, by facsimile or other electronic means, such information and in such form and manner as may be required by the Georgia Superior Court Clerks' Cooperative Authority, for the purpose of including such information in the central indexing system administered by such authority; provided, however, that weekends and holidays shall not be included in the calculation of the 24 hour period;

(14) To remit to the Georgia Superior Court Clerks' Cooperative Authority a portion of all fees collected with respect to the filings of financing statements, amendments to financing statements, assignments of financing statements, continuation statements, termination statements, releases of collateral, or any other documents related to personal property and included in the central index, in accordance with the rules and regulations of such authority regarding the

amount and payment of such fees; provided, however, that such fees shall be remitted to the authority not later than the tenth day of the month following the collection of such fees, and the clerk shall not be required to remit such fees more often than once a week;

(15) To participate in the state-wide uniform automated information system for real and personal property records, as provided for by Code Sections 15-6-97 and 15-6-98, and any network established by the Georgia Superior Court Clerks' Cooperative Authority relating to the transmission and retrieval of electronic information concerning real estate and personal property data for any such information systems established by such authority so as to provide for public access to real estate and personal property information, including liens filed pursuant to Code Section 44-2-2 and maps and plats. Each clerk of superior court shall provide to the authority or its designated agent in accordance with the rules and regulations of the authority such real estate information concerning or evidencing title to real property and such personal property information or access to such information which is of record in the office of clerk of superior court and which is necessary to establish and maintain the information system, including information filed pursuant to Code Section 44-2-2 and maps and plats. Each clerk of superior court shall provide and transmit real estate and personal property information filed in the office of clerk of superior court, including information required by Code Section 44-2-2 and maps and plats, to the authority for testing and operation of the information system at such times and in such form as prescribed by the authority;

(16) To participate in any network established by the Georgia Superior Court Clerks' Cooperative Authority relating to the transmission and retrieval of electronic information concerning carbon sequestration results and related transactions for any such information systems established by such authority for purposes of the carbon sequestration registry established pursuant to Article 5 of Chapter 6 of Title 12, so as to provide for public access to carbon sequestration registry information. Each clerk of superior court shall provide to the authority or its designated agent in accordance with the rules and regulations of the authority such information evidencing carbon sequestration results and related transactions and access to such information which is of record in the office of clerk of superior court and which is necessary for purposes of the carbon sequestration registry. Each clerk of superior court shall provide and transmit carbon sequestration results and related transaction information filed in the office of clerk of superior court to the authority for testing and operation of the electronic information system for the carbon sequestration registry at such times and in such form as prescribed by the authority. Each clerk shall charge and collect such fees as may

be established by the Georgia Superior Courts Clerks' Cooperative Authority, which shall be paid into the county treasury less and except any sums as are otherwise directed to be paid to the authority, all in accordance with rules and regulations adopted by the authority pursuant to Code Section 15-6-97.2;

(17) To file all civil case filing and disposition forms and transmit the data contained on such forms to the Administrative Office of the Courts through electronic means provided by the Administrative Office of the Courts for such purpose which shall constitute the only transmission of such data required between the clerks of the superior courts and the Administrative Office of the Courts;

(18) To electronically collect all data elements required pursuant to subsection (g) of Code Section 35-3-36, and such clerk of superior court shall transmit such data to the Georgia Crime Information Center, in a form and format required by and consistent with uniform standards issued by The Council of Superior Court Clerks of Georgia pursuant to subsection (f) of Code Section 15-6-50.2 and shall provide the data to the Administrative Office of the Courts for use by the state judicial branch upon request. Public access to said data shall remain the responsibility of only the Georgia Crime Information Center;

(19) To participate in agreements, contracts, and networks necessary or convenient for the performance of duties required by law;

(20) To perform such other duties required by law or as necessarily appertain to the office of clerk of superior court; and

(21) To keep an automated, computer based jury management system that facilitates the maintenance of the county master jury list pursuant to the provisions of Chapter 12 of this title unless such duty is delegated to a jury clerk as provided in subsection (a) of Code Section 15-12-11 or Code Section 15-12-12.

(b) Nothing in this Code section shall restrict or otherwise prohibit a clerk from electing to store for computer retrieval any or all records, dockets, indices, or files; nor shall a clerk be prohibited from combining or consolidating any books, dockets, files, or indices in connection with the filing for record of papers of the kind specified in this Code section or any other law, provided that any automated or computerized record-keeping method or system shall provide for the systematic and safe preservation and retrieval of all books, dockets, records, or indices. When the clerk of superior court elects to store for computer retrieval any or all records, the same data elements used in a manual system shall be used, and the same integrity and security maintained. Regardless of the automated or computerized system elected, each clerk shall maintain and make readily available to the public real estate grantor and grantee indices, which shall be updated regularly and prepared in

compliance with paragraph (15) of subsection (a) of this Code section and Code Section 15-6-66. A clerk of superior court shall be deemed to satisfy the provisions of subsection (i) of Code Section 50-18-71 when on-site, electronic access to computerized indices of county records is provided to the public during regular business hours and in compliance with this Code section.

History.

Laws 1799, Cobb's 1851 Digest, p. 573.; Laws 1807, Cobb's 1851 Digest, p. 199.; Laws 1810, Cobb's 1851 Digest, p. 577.; Laws 1850, Cobb's 1851 Digest, p. 455.; Ga. L. 1851-52, p. 77, § 1; Code 1863, § 262; Code 1868, § 256; Code 1873, § 267; Code 1882, §§ 267, 4710a; Ga. L. 1882-83, p. 55, § 1; Ga. L. 1889, p. 99, § 1; Ga. L. 1889, p. 106, § 1; Ga. L. 1890-91, p. 208, § 1; Ga. L. 1892, p. 68, § 1; Civil Code 1895, §§ 4360, 4361; Penal Code 1895, § 797; Civil Code 1910, §§ 4891, 4892; Penal Code 1910, § 797; Code 1933, §§ 24-2714, 24-2715; Ga. L. 1939, p. 345, § 2; Ga. L. 1946, p. 726, § 1; Ga. L. 1950, p. 108, § 1; Ga. L. 1953, Nov.-Dec. Sess., p. 304, § 1; Ga. L. 1956, p. 785, § 1; Ga. L. 1960, p. 120, § 1; Ga. L. 1960, p. 196, §§ 1, 2; Ga. L. 1962, p. 639, § 1; Ga. L. 1962, p. 662, § 1; Ga. L. 1965, p. 625, § 1; Ga. L. 1967, p. 648, § 1; Ga. L. 1978, p. 1787, § 1; Ga. L. 1982, p. 3, § 15; Ga. L. 1982, p. 2107, § 5; Ga. L. 1983, p. 3, § 12; Ga. L. 1989, p. 395, § 1; Ga. L. 1993, p. 1550, § 8; Ga. L. 1994, p. 1693, § 14; Ga. L. 1997, p. 565, §§ 1, 2; Ga. L. 1999, p. 81, § 15; Ga. L. 2000, p. 850, § 6; Ga. L. 2000, p. 1205, § 1; Ga. L. 2001, p. 1001, § 1; Ga. L. 2002, p. 799, §§ 1, 2; Ga. L. 2004, p. 343, § 2; Ga. L. 2008, p. 324, § 15/SB 455; Ga. L. 2011, p. 59, § 1-3/HB 415; Ga. L. 2012, p. 173, § 1-10/HB 665; Ga. L. 2014, p. 126, § 1/HB 215; Ga. L. 2014, p. 451, § 2/HB 776; Ga. L. 2017, p. 632, § 2-5/SB 132; Ga. L. 2018, p. 550, § 1-2/SB 407; Ga. L. 2019, p. 845, § 6-2/HB 239; Ga. L. 2022, p. 121, § 6/SB 441; Ga. L. 2023, p. 294, § 7/SB 272, effective May 1, 2023.

Amendments.

The 2022 amendment, effective July 1, 2022, substituted "The Council of Superior Court Clerks of Georgia" for "the Criminal Case Data Exchange Board" at the end of the first sentence in subparagraph (a)(4)(B), and rewrote paragraph (a)(18).

The 2023 amendment, effective May 1, 2023, in subsection (a), substituted "with uniform standards issued by The Council of Superior Court Clerks of Georgia pursuant to subsection (f) of Code Section 15-6-50.2" for "with rules promulgated by The Council of Superior Court Clerks of Georgia" at the end of the first sentence in subparagraph (a)(4)(B), and, in paragraph (a)(18), substituted "The Council of Superior Court Clerks of Georgia pursuant to subsection (f) of Code Section 15-6-50.2 and shall" for "The Council of Superior Court Clerks of Georgia, which shall".

Editor's notes.

Ga. L. 2022, p. 121, § 1/SB 441, not codified by the General Assembly, provides: "(a) The General Assembly finds that:

"(1) The state's current system for sharing criminal case data is not adequate to provide to all appropriately interested parties, including, but not limited to, law enforcement agencies and officers, courts, crime victims and other impacted individuals, housing providers, and employers, complete criminal case data;

"(2) One recent report indicates there may be as many as 7 million criminal charges without a final disposition indicated, and, of those, as many as 5.4 million criminal charges have languished for years;

"(3) Georgia's citizens and businesses are harmed by incomplete criminal case data. For example, in thousands of cases, as a result of incomplete criminal case data, citizens' employability and housing opportunities have been negatively impacted; and

"(4) A more uniform, modern system and framework for handling criminal case data will support the state in meeting its obligations to victims to keep them informed as their perpetrators make their way through the criminal justice system.

“(b) It is the intent of the General Assembly that criminal case data be complete and accurately reported to the appropriate state data base and be accessible to state and local criminal justice agencies, employers, housing providers, victims, and all citizens.”

Ga. L. 2022, p. 121, § 2/SB 441, not

codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Criminal Records Responsibility Act.’”

Law reviews.

For article, “SB 441: Criminal Records Responsibility Act,” see 39 Ga. St. U.L. Rev. 105 (2022).

15-6-77. Fees; construction of other fee provisions.

(a) The clerks of the superior courts of this state shall be entitled to charge and collect the sums enumerated in this Code section.

(b) All sums as provided for in this Code section shall be inclusive of the sums that the clerks of the superior courts may be required to collect pursuant to Code Section 15-6-61, 15-6-77.4, 15-6-98, 45-17-4, or 47-14-51, or as otherwise provided by law as a deduction from the applicable fee. The sums provided in this Code section are exclusive of costs for service of process or other additional sums as may be provided by law.

(c)(1) Any fees received as provided for in this Code section shall be paid into the county treasury less and except such sums as are otherwise directed to be paid by the clerk to another entity according to some other general law expressly providing for same, including, but not limited to, any sums pursuant to Code Section 15-6-61 and such sums as are collected pursuant to Code Section 15-6-77.4, 15-6-98, 36-15-9, 45-17-4, or 47-14-51, which sums shall be remitted to such authorities as provided by law.

(2) Except as otherwise provided in paragraph (3) of this subsection, fees, sums, or other remuneration for the performance of duties provided for under the laws of the United States or regulations promulgated pursuant to such laws shall be as provided in such laws or regulations as personal compensation to the clerk of the superior court for the performance of such duties.

(3)(A) Fees, sums, or other remuneration for the performance of passport duties provided for under the laws of the United States or regulations promulgated pursuant to such laws, including, but not limited to, passport application or processing fees, shall be subject to the requirements and limitations of this paragraph except as otherwise provided in such laws or regulations.

(B) The clerk of the superior court shall disclose in a written report to the county governing authority on a quarterly basis the total amount of all passport application or processing fees, sums, or other remuneration received by the clerk during the previous quarter.

(d) Except for the filing of civil cases in which the filing party is indigent as provided in subsection (e) of this Code section, all sums specified in this Code section shall be paid to the clerk at the time of filing or other service.

(e) Costs in civil cases:

(1) As used in this subsection, the term “civil cases” shall include all actions, cases, proceedings, motions, or filings civil in nature, including but not limited to actions for divorce, domestic relations actions, modifications on closed civil cases, adoptions, condemnation actions, and actions for the validation and confirmation of revenue bonds. Any postjudgment proceeding filed more than 30 days after judgment or dismissal in an action shall be considered as a new case for the purposes of this Code section and shall be given a new case number by the clerk of the superior court; provided, however, that such new case number shall not subject a party to any fee other than provided for in this Code section.

(2) Except as provided in paragraphs (3) and (4) of this subsection, the total sum for all services rendered by the clerk of the superior court through entry of judgment in civil cases shall be \$58.00. Such sum shall not be required if the party desiring to file such case or proceeding is unable, because of indigence, to pay such sum and such party files with the clerk an affidavit to such effect, as provided by law. Nothing contained in this subsection shall be deemed to require advance payment of such sum by the state, its agencies, or political subdivisions.

(3) In all cases involving condemnations or the validation and confirmation of revenue bonds, the following additional sums shall be charged at the conclusion of the action:

- (A) Validation and confirmation of revenue bonds pursuant to Code Section 36-82-79, first 500 bonds, each \$1.00
- All bonds over 500, each 50
- (B) Recording on final record, per page 1.50

(4) No fee or cost shall be assessed for any service rendered by the clerk of superior court through entry of judgment in family violence cases under Chapter 13 of Title 19 or in connection with the filing, issuance, registration, or service of a protection order or a petition for a prosecution order to protect a victim of domestic violence, stalking, or sexual assault. A petitioner seeking a temporary protective order or a respondent involved in a temporary protective order hearing under the provisions of Code Section 19-13-3 or 19-13-4 shall be provided with a foreign language or sign language interpreter when necessary for the hearing on the petition. The reasonable cost of the

interpreter shall be paid by the local victim assistance funds as provided by Article 8 of Chapter 21 of this title. The provisions of this paragraph shall control over any other conflicting provisions of law.

(5) Nothing contained in this Code section shall be construed so as to prohibit the collection of any other costs authorized by law for postjudgment proceedings or for any other services which the clerk or the sheriff shall perform. Nothing contained in this Code section shall be construed to affect in any way the power and authority of the superior courts from taxing costs in accordance with law, but no costs shall be refunded by the clerk unless and until the same have been paid to the clerk by the losing party.

(f) Sums for filing documents, instruments, etc., pertaining to real estate or personal property, such sums to include recording and returning where applicable, shall be as follows and shall continue to be subject to the remittance requirements to be paid by the clerk pursuant to Code Section 15-6-61, 15-6-98, or 47-14-51:

(1) (A) (i)	Filing each instrument pertaining to real estate including, but not limited to, each deed, deed of trust, affidavit, release, notice, certificate, cancellation, assignment, notice filing for Uniform Commercial Code related real estate, and assignment of a security deed or mortgage.....	\$25.00
	For any instrument that includes a request for cancellation, satisfaction, release, or assignment of more than one instrument, the filing fee specified in this division shall be submitted and paid for each such instrument which is to be canceled, satisfied, released, or assigned.	
(ii)	Filing an instrument pertaining to real estate and personal property including a lien on real estate and personal property, hospital lien, notice of lis pendens, written information on utilities, cancellation of a lien, and writ of fieri facias	25.00
	For any instrument that includes a request for cancellation, satisfaction, release, or assignment of more than one instrument, the filing fee specified in this division shall be submitted and paid for each such instrument which is to be canceled, satisfied, released, or assigned.	
(iii)	Filing of a tax lien by a state or local government agency	5.00
	Each page, after the first page.....	2.00

For each tax cancellation, satisfaction, release, notice, withdrawal, or other document referencing a previously filed tax lien, an additional sum for each previous tax lien referenced	2.00
(B) Filing a financing statement, amendment to a financing statement, continuation statement, termination statement, release of collateral, or other filing pursuant to Article 9 of Title 11	25.00
(2) Filing maps or plats, each page	10.00
(g) Miscellaneous fees:	
(1) Recording any instrument or writing, fee not otherwise specified, first page	\$5.00
Each page, after the first	2.00
(2) Uncertified copies of documents, if no assistance is required from the office of the clerk of superior court, per page	.50
Uncertified copies, if assistance is required.....	1.00
Uncertified copies, if transmitted telephonically or electronically, first page	2.50
Each page, after the first	1.00
(3) Uncertified copies of documents, drawings, or plats, copy larger than 8.5 x 14 inches.....	2.00
(4) Certification or exemplification of record, including certificates and seals, first page	2.50
Each page, after the first	.50
(5) Clerk's certificate	1.00
(6) Court's seal	1.00
(7) The clerk may provide computer generated printouts of public records subject to disclosure maintained on computer by, or available to, the clerk, for each page or partial page of printed data or copies of such or its equivalent.....	2.50
Nothing in this paragraph shall be construed to require any clerk to provide computer generated reports nor shall any clerk be required to prepare custom or individualized computer compilations or reports for any person or entity which would require preparation of a computer program which is not a standard existing computer program in use by the clerk. The clerk shall not be required to permit access to, or to provide copies of, copyrighted computer programs or any other computer programs in violation of any software license agreement or containing confidential records otherwise excluded or exempted by this Code section or any other applicable law.	

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| (8) | Issuing certificate of pending or unsatisfied judgment, as provided in Code Section 40-9-40..... | 3.00 |
| (9) | Issuing certificate of appointment and reappointment to notaries public, as provided by Code Section 45-17-4..... | 20.00 |
| (10) | Registering and filing trade names pursuant to Code Section 10-1-490 | 15.00 |
| (11) | Issuing subpoena, signed and sealed, notwithstanding subsection (e) of this Code section, each..... | 5.00 |
| (12) | Preparation of record and transcript to the Supreme Court and Court of Appeals, per page..... | 1.00 |
| | Where a transcript of the evidence and proceedings is filed with the clerk and does not require recopying, the clerk shall not receive the fee herein prescribed with respect to such transcript but shall receive, for filing and transmission of such transcript, a fee of... | 35.00 |
| (13) | Reserved. | |
| (14) | Reserved. | |
| (15) | For performing the duties required of them by Article 2 of Chapter 2 of Title 44, the clerks shall receive the same sums as in civil cases. | |
| (16) | For performing the duties required of them by Article 1 of Chapter 9A of Title 14, the "Uniform Limited Partnership Act," and for filing statements of partnership pursuant to Code Section 14-8-10.1, the clerks shall receive the sums as in civil cases. | |
| (h) Fees in criminal cases: | | |
| (1) | Entering and docketing bills of indictment, presentments, no-bills, accusations | \$3.00 |
| (2) | Reserved. | |
| (3) | Reserved. | |
| (4) | Reserved. | |
| (5) | Reserved. | |
| (6) | Preparation and furnishing copy of the record of appeal in criminal cases where the accused was convicted of capital felony, except when provided in accordance with subsection (b) of Code Section 5-6-43, per page | 1.00 |
| | Clerk's certificate | 1.00 |
| | The clerk shall not receive compensation for the transcript of evidence and proceedings. | |

- (7) When costs are assessed by the court the minimum amount assessed as court costs in the disposition of any criminal case in the superior court shall be \$100.00. Any surcharge provided for by law shall be in addition to such sum.

(i) No fees shall be charged for the following:

(1) Recording discharge certificates of veterans, as provided in Code Section 15-6-78;

(2) Filing a petition as provided in Code Section 42-8-66;

(3) Recording and certifying documents in connection with admission to practice law; and

(4) Costs associated with the filing of criminal charges by an alleged victim of a violation of Code Section 16-5-90, 16-5-91, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5.1, 16-6-22.1, or 16-6-22.2 or an alleged victim of any domestic violence offense or for the issuance or service of a warrant, protective order, or witness subpoena arising from the violation of Code Section 16-5-90, 16-5-91, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5.1, 16-6-22.1, or 16-6-22.2 or the incident of domestic violence.

(j) All laws in force in this state which provide compensation for clerks of the superior courts for the discharge of duties not enumerated in this Code section nor in conflict with this Code section shall remain in full force and effect.

(k) No fees, assessments, or other charges may be assessed or collected except as authorized in this Code section or some other general law expressly providing for same.

(l) The clerk of superior court may provide such additional services for which there is no fee specified by statute in connection with the operation of the clerk's offices as may be requested by the public and agreed to by the clerk. Any charges for such additional services shall be as agreed to between the clerk and the party making the request. Nothing in this subsection shall be construed to require any clerk to provide any such service not otherwise required by law.

(m) The sheriffs of this state shall not be required to pay recording fees for criminal bonds and writs of fieri facias issued on criminal bond forfeitures.

(n) The clerk of superior court shall not be required to refund excess sums tendered to the clerk as payment of costs or fees enumerated in this Code section when such payment exceeds the amount required by this Code section by less than \$15.00.

(o) In addition to the fees required by this Code section:

(1) With respect to any instrument that includes a request for cancellation, satisfaction, or release of any instrument described in division (f)(1)(A)(i) or (f)(1)(A)(ii) of this Code section, the clerk shall file, index, and record the cancellation of each such instrument identified and requested to be canceled, provided that the requesting party pays the applicable filing fee and that such instrument accurately identifies the recording information for such instrument to be canceled, satisfied, or released; and

(2) For the purposes of this subsection and any other Code section requiring the clerk of superior court to cross-index, cross-reference, or make any other notation affecting any instrument filed in the clerk's office, including, but not limited to, real estate, personal property, liens, plats, and any other instruments, the clerk shall be authorized to make such entry or notation through electronic or automated means in lieu of entering such information manually in paper books or dockets.

(p) Notwithstanding any provision of this Code section to the contrary, the filing fee for an application to be appointed as a certified process server pursuant to paragraph (2) of subsection (h) of Code Section 9-11-4.1 shall be \$58.00.

History.

Laws 1792, Cobb's 1851 Digest, pp. 353, 354.; Ga. L. 1857, p. 49, § 2; Code 1863, § 3619; Code 1868, § 3644; Ga. L. 1870, p. 67, § 1; Code 1873, § 3695; Ga. L. 1880-81, p. 87, § 1; Code 1882, § 3695; Civil Code 1895, § 5397; Penal Code 1895, § 1106; Civil Code 1910, § 5995; Penal Code 1910, § 1133; Ga. L. 1921, p. 184, § 1; Code 1933, § 24-2727; Ga. L. 1939, p. 345, § 2; Ga. L. 1946, p. 225, § 1; Ga. L. 1946, p. 726, § 1; Ga. L. 1947, p. 1177, §§ 2, 3; Ga. L. 1953, Jan.-Feb. Sess., p. 32, § 2; Ga. L. 1955, p. 421, § 1; Ga. L. 1957, p. 321, § 1; Ga. L. 1965, p. 525, §§ 1, 2; Ga. L. 1970, p. 497, § 1; Ga. L. 1971, p. 214, § 1; Ga. L. 1971, p. 699, § 1; Ga. L. 1971, p. 774, § 1; Ga. L. 1972, p. 664, §§ 1, 4; Ga. L. 1977, p. 1098, § 4; Ga. L. 1978, p. 1787, § 2; Ga. L. 1980, p. 1045, § 1; Code 1933, §§ 24-2727.1, 24-2727.2, 24-2727.3, 24-2727.4, 24-2727.5, 24-2727.6, 24-2727.7, enacted by Ga. L. 1981, p. 1396, § 1; Ga. L. 1982, p. 3, § 15; Ga. L. 1982, p. 879, § 1; Ga. L. 1983, p. 3, § 12; Ga. L. 1983, p. 1210, § 1; Ga. L. 1986, p. 1002, §§ 1, 2; Ga. L. 1987, p. 320, § 3; Ga. L. 1988, p. 320, § 2; Ga. L. 1989, p. 14, § 15; Ga. L. 1989, p. 395, § 5; Ga. L. 1989,

p. 498, § 3; Ga. L. 1989, p. 931, § 3; Ga. L. 1989, p. 946, § 109; Ga. L. 1990, p. 805, § 2; Ga. L. 1991, p. 1051, § 3; Ga. L. 1991, p. 1324, § 1; Ga. L. 1992, p. 1311, § 1; Ga. L. 1993, p. 1550, § 9; Ga. L. 1994, p. 1693, § 15; Ga. L. 1995, p. 260, § 1; Ga. L. 1995, p. 863, § 1; Ga. L. 1996, p. 883, §§ 1, 2; Ga. L. 1996, p. 1502, § 2; Ga. L. 2001, p. 362, § 27; Ga. L. 2001, p. 885, §§ 1, 2; Ga. L. 2002, p. 799, § 3; Ga. L. 2002, p. 832, § 2; Ga. L. 2003, p. 140, § 15; Ga. L. 2003, p. 258, § 1; Ga. L. 2004, p. 900, § 1; Ga. L. 2006, p. 532, § 1/HB 989; Ga. L. 2007, p. 595, § 4/HB 197; Ga. L. 2008, p. 164, § 1/HB 1018; Ga. L. 2009, p. 135, § 1/HB 453; Ga. L. 2010, p. 9, § 1-38/HB 1055; Ga. L. 2011, p. 24, § 2/HB 41; Ga. L. 2012, p. 216, § 1/HB 198; Ga. L. 2012, p. 819, § 2/HB 1048; Ga. L. 2015, p. 422, § 5-5/HB 310; Ga. L. 2016, p. 435, § 1/HB 851; Ga. L. 2019, p. 683, § 2/HB 288; Ga. L. 2019, p. 845, § 6-3/HB 239; Ga. L. 2020, p. 493, § 15/SB 429; Ga. L. 2024, p. 909, § 1/SB 19, effective January 1, 2025.

Amendments.

The 2024 amendment, effective January 1, 2025, designated the existing provisions of subsection (c) as paragraphs (c)(1) and (c)(2) and added paragraph

(c)(3); and substituted “Except as otherwise provided in paragraph (3) of this subsection, fees,” for “Fees” at the beginning of paragraph (c)(2).

15-6-83. Clerk’s liability.

JUDICIAL DECISIONS

Surety is not liable on untimely claims. — In a suit arising from a court employee embezzling funds, the grant of summary judgment to a county was reversed because the surety company’s denial of coverage was proper since the 3-year limitation period in O.C.G.A. § 45-8-9 applied as superior court clerks and child support receivers qualified as

collecting officers and officers to hold public funds under the statute and the county’s action was untimely because it had notice of the theft no later than 2014, but did not file suit until 2020. *Old Republic Surety Company v. Glynn County*, 374 Ga. App. 444, 913 S.E.2d 97, 2025 Ga. App. LEXIS 74 (2025).

CHAPTER 7

STATE COURTS OF COUNTIES

Article 1		Sec.	
General Provisions			Judges of Georgia; notifications.
Sec.			
15-7-4.	Jurisdiction; authority of state court judges.		Article 3
15-7-5.	Electronic filings of pleadings and documents; electronic payments and remittances; access; public disclosure.		Practice and Procedure
	Article 2	15-7-47.	(Effective until January 1, 2026.) Court reporters; waiver; compensation.
	Judges	15-7-47.	(Effective January 1, 2026.) Court reporters and digital recording systems.
15-7-26.	The Council of State Court		

ARTICLE 1

GENERAL PROVISIONS

15-7-4. Jurisdiction; authority of state court judges.

(a) Each state court shall have jurisdiction, within the territorial limits of the county or counties for which it was created and concurrent with the superior courts, over the following matters:

- (1) The trial of criminal cases below the grade of felony;
- (2) The trial of civil actions without regard to the amount in

controversy, except those actions in which exclusive jurisdiction is vested in the superior courts;

(3) The hearing of applications for and the issuance of arrest and search warrants;

(4) The holding of courts of inquiry;

(5) The punishment of contempt by fines not exceeding \$1,000.00, by imprisonment not exceeding 20 days, or both; and

(6) Review of decisions of other courts as may be provided by law.

(b) Each state court shall have jurisdiction, within the territorial limits of the county or counties for which it was created and concurrent with other courts having such jurisdiction, over possession of one ounce or less of marijuana, in accordance with Code Sections 16-13-2 and 16-13-30.

(c) Each judge of the state court shall have authority to perform any judicial act which he or she is lawfully entitled to perform, regardless of where such judge is located when such judicial act is performed.

History.

Code 1981, § 15-7-4, enacted by Ga. L. 1983, p. 1419, § 2; Ga. L. 1997, p. 1377, § 1; Ga. L. 2013, p. 561, § 2/SB 66; Ga. L. 2021, p. 423, § 1-2/HB 635.

Amendments.

The 2021 amendment, effective May 4, 2021, added subsection (c).

Cross references.

Authority of superior court judges, § 15-6-16.

Authority of probate court judges, § 15-9-30.

Authority of magistrate to act, § 15-10-2.

15-7-5. Electronic filings of pleadings and documents; electronic payments and remittances; access; public disclosure.

(a)(1) Pursuant to rules promulgated by the Criminal Case Data Exchange Board in effect on June 30, 2022, a state court shall provide for the filing of pleadings in criminal cases and any other document related thereto and for the acceptance of payments and remittances by electronic means.

(2) The Judicial Council of Georgia shall submit the uniform standards adopted by the board pursuant to paragraph (5) of subsection (h) of Code Section 15-5-24.1 to The Council of State Court Judges. The chief state court judge of each county shall assist the state court clerk with the implementation of such uniform standards. A state court judge may order any party to provide data needed by the clerk to facilitate transmission of data.

(b)(1) On and after January 1, 2019, except as provided in paragraph (3) of this subsection, all pleadings and any other document related

thereto filed by an attorney to initiate a civil action or in a civil case in a state court shall be filed by electronic means through the court's electronic filing service provider. Except as provided in paragraph (3) of this subsection, once a court has commenced mandatory electronic filings in civil cases, a clerk shall not accept, file, or docket any pleading or any other form of paper document related thereto from an attorney in a civil case.

(2)(A) Except as provided in subparagraph (B) of this paragraph, a court's electronic filing service provider may charge a fee which shall be a recoverable court cost and only include a:

(i) One-time fee for electronically filing pleadings or documents in a civil action and the electronic service of pleadings, regardless of how many parties shall be served, which shall not exceed \$30.00 per filer, per party. Such fee shall be paid at the time of the first filing on behalf of a party; provided that when filings are submitted via a public access terminal, upon the first filing not using such terminal, such fee shall be paid;

(ii) Supplemental fee of \$5.00 for each filing made in a civil action after a party has made ten electronic filings in such civil action; and

(iii) Convenience fee for credit card and bank drafting services, which shall not exceed 3.5 percent plus a 30¢ payment services fee per transaction.

(B) No electronic filing service provider shall charge a fee pursuant to this paragraph for the filing of:

(i) Pleadings or documents filed by the Department of Law, the Office of Legislative Counsel, the Office of the Secretary of State, a solicitor-general in his or her official capacity, or a public defender in his or her official capacity;

(ii) Pleadings or documents filed on behalf of municipal corporations or county governments; or

(iii) Leave of absence or conflict notices filed pursuant to the Uniform Rules for the State Courts.

(C) With respect to the fee charged pursuant to division (i) of subparagraph (A) of this paragraph, the clerk of state court shall retain \$2.00 of the transaction fee and remit it to the governing authority of the county. No other portion of the transaction fee shall be remitted to any other office or entity of the state or governing authority of a county or municipality.

(D) An attorney, or party if he or she is pro se, shall be allowed unlimited access to view and download any pleading or document

electronically filed in connection to the civil action in which he or she is counsel of record or pro se litigant, and an electronic service provider shall not be authorized to charge or collect a fee for such viewing or downloading.

(3) This subsection shall not apply to filings:

(A) In connection with:

(i) A pauper's affidavit;

(ii) Pleadings or documents filed under seal or presented to a court in camera or ex parte; or

(iii) Pleadings or documents to which access is otherwise restricted by law or court order;

(B) Made physically at the courthouse by an attorney or his or her designee or an individual who is not an attorney; provided, however, that the clerk shall require such pleadings or documents made physically at the courthouse by an attorney or his or her designee be submitted via a public access terminal in the clerk's office. The clerk shall not charge the fee as set forth in division (2)(A)(i) of this subsection for such filing but when payment is submitted by credit card or bank draft, the clerk may charge the convenience fee as set forth in division (2)(A)(iii) of this subsection;

(C) Made in a court located in an area that has been declared to be in a state of emergency pursuant to Article 3 of Chapter 3 of Title 38. The Judicial Council of Georgia shall provide rules for filings in such circumstances; or

(D) Made prior to the commencement of mandatory electronic filing for such court, wherein the filer shall continue to pay fees applicable to the case on the date of the first filing; provided, however, that a party may elect to make future filings through the court's electronic filing service provider and pay the applicable fees.

(4) The Judicial Council of Georgia shall make and publish in print or electronically such statewide minimum standards and rules as it deems necessary to carry out this Code section. Each clerk of state court shall develop and enact policies and procedures necessary to carry out the standards and rules created by the Judicial Council of Georgia.

(c) Nothing in this Code section shall be construed to prevent a clerk's acceptance of payments and remittances by electronic means under the clerk's own authority.

(d) A state court judge to whom the case is assigned and his or her staff shall, at all times, have access to all pleadings and documents

electronically filed and such access shall be provided upon the physical acceptance of such pleadings and documents by the clerk.

(e) Any pleading or document filed electronically shall be deemed filed as of the time of its receipt by the electronic filing service provider. A pleading or document filed electronically shall not be subject to disclosure until it has been physically accepted by the clerk. Upon such acceptance as provided for in this subsection, such pleading or document shall be publicly accessible for viewing at no cost to the viewer on a public access terminal available at the courthouse during regular business hours.

History.

Code 1981, § 15-7-5, enacted by Ga. L. 2016, p. 242, § 3/SB 262; Ga. L. 2018, p. 550, § 1-3/SB 407; Ga. L. 2019, p. 845, § 6-4/HB 239; Ga. L. 2022, p. 121, § 7/SB 441; Ga. L. 2023, p. 294, § 8/SB 272, effective May 1, 2023.

Amendments.

The 2022 amendment, effective July 1, 2022, redesignated subsection (a) as paragraph (a)(1), substituted “in effect on June 30, 2022,” for “on and after January 1, 2019” in paragraph (a)(1), and added paragraph (a)(2).

The 2023 amendment, effective May 1, 2023, in paragraph (a)(2), substituted “The Judicial Council of Georgia” for “The Council of Superior Court Clerks” at the beginning of the first sentence and substituted “Code Section 15-5-24.1 to The Council of State Court Judges” for “Code Section 15-6-50.3 to the Council of State Court Judges” at the end of the first sentence.

Editor’s notes.

Ga. L. 2022, p. 121, § 1/SB 441, not codified by the General Assembly, provides: “(a) The General Assembly finds that:

“(1) The state’s current system for sharing criminal case data is not adequate to provide to all appropriately interested parties, including, but not limited to, law enforcement agencies and officers, courts, crime victims and other impacted individuals, housing providers, and employers, complete criminal case data;

“(2) One recent report indicates there may be as many as 7 million criminal charges without a final disposition indicated, and, of those, as many as 5.4 million criminal charges have languished for years;

“(3) Georgia’s citizens and businesses are harmed by incomplete criminal case data. For example, in thousands of cases, as a result of incomplete criminal case data, citizens’ employability and housing opportunities have been negatively impacted; and

“(4) A more uniform, modern system and framework for handling criminal case data will support the state in meeting its obligations to victims to keep them informed as their perpetrators make their way through the criminal justice system.

“(b) It is the intent of the General Assembly that criminal case data be complete and accurately reported to the appropriate state data base and be accessible to state and local criminal justice agencies, employers, housing providers, victims, and all citizens.”

Ga. L. 2022, p. 121, § 2/SB 441, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Criminal Records Responsibility Act.’”

Law reviews.

For article, “SB 441: Criminal Records Responsibility Act,” see 39 Ga. St. U.L. Rev. 105 (2022).

ARTICLE 2

JUDGES

15-7-26. The Council of State Court Judges of Georgia; notifications.

(a) There is created a state court judges' council to be known as "The Council of State Court Judges of Georgia." The council shall be composed of the judges, senior judges, and judges emeriti of the state courts of this state. The council is authorized to organize itself and to develop a constitution and bylaws.

(b) It shall be the purpose of The Council of State Court Judges of Georgia to effectuate the constitutional and statutory responsibilities conferred upon it by law and to further the improvement of the state courts, the quality and expertise of the judges thereof, and the administration of justice.

(c) Expenses of the administration of the council shall be paid from state funds appropriated for that purpose, from federal funds available to the council for that purpose, or from other appropriate sources.

(d) The Judicial Council of Georgia and its Administrative Office of the Courts shall provide technical services to the council and shall assist the council's composition in complying with all its legal requirements. Such requirements shall include, but shall not be limited to, the transmission of criminal history data not inconsistent with the uniform standards promulgated pursuant to paragraph (5) of subsection (h) of Code Section 15-5-24.1.

(e) Any person elected or appointed as a state court judge shall provide written notification to The Council of State Court Judges of Georgia of such within 30 days of the date of the election or appointment. Any state court judge who resigns, retires, or is removed from office shall provide written notification to The Council of State Court Judges of Georgia of such within 30 days of the date on which he or she resigns, retires, or is removed from office.

(f) The Council of State Court Judges of Georgia shall notify the Administrative Office of the Courts of any notification received pursuant to subsection (e) of this Code section within 30 days of receipt of such notification.

History.

Code 1981, § 15-7-26, enacted by Ga. L. 1988, p. 461, § 1; Ga. L. 2002, p. 1018, § 1; Ga. L. 2023, p. 294, § 9/SB 272, effective May 1, 2023; Ga. L. 2024, p. 733, § 3/SB 508, effective July 1, 2025.

Amendments.

The 2023 amendment, effective May 1, 2023, in subsection (d), inserted "Judicial Council of Georgia and its" at the beginning of the first sentence and substituted "the council's composition" for "the

council”, and added the second sentence.
The 2024 amendment, effective July 1, 2025, added subsections (e) and (f).

ARTICLE 3
PRACTICE AND PROCEDURE

15-7-47. (Effective until January 1, 2026.) Court reporters; waiver; compensation.

- (a) Court reporting personnel shall be made available for the reporting of civil and criminal trials in state courts, subject to the laws governing same in the superior courts of this state.
- (b) Reporting of any trial may be waived by consent of the parties.
- (c) Appointment of a court reporter or reporters, as defined in Article 2 of Chapter 14 of this title, for court proceedings in each court shall be made by the judge thereof; the compensation and allowances of reporters for the courts shall be paid by the county governing authority and shall be the same as that for reporters of the superior courts of this state.

History. January 1, 2026. For version effective January 1, 2026, see the following version.
Code 1981, § 15-7-47, enacted by Ga. L. 1983, p. 1419, § 2; Ga. L. 1993, p. 1315, § 5.

Delayed effective date.
Code Section 15-7-47 is set out twice in this Code. This version is effective until

15-7-47. (Effective January 1, 2026.) Court reporters and digital recording systems.

- (a) State courts shall make available for the reporting of civil and criminal trials a court reporter, as defined in Code Section 15-14-22, or a digital recording system, as defined in Code Section 15-14-22, and as provided for by uniform court rules adopted and published by order of the Supreme Court with the advice and consent of The Council of State Court Judges of Georgia, subject to the laws governing same in the superior courts of this state, or both. Except as provided in subsection (k) of Code Section 5-6-41, the judge shall have discretion as to whether to use a digital recording system, as defined in Code Section 15-14-22.
- (b) Reporting of any trial may be waived by consent of the parties.
- (c) Appointment of a court reporter or reporters, as defined in Article 2 of Chapter 14 of this title, for court proceedings in each court shall be made by the judge thereof; the compensation and allowances of reporters for the courts shall be paid by the county governing authority and

shall be the same as that for reporters of the superior courts of this state.

History.

Code 1981, § 15-7-47, enacted by Ga. L. 1983, p. 1419, § 2; Ga. L. 1993, p. 1315, § 5; Ga. L. 2025, p. 151, § 2-2/HB 179, effective January 1, 2026.

Delayed effective date.

Code Section 15-7-47 is set out twice in this Code. This version is effective

January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, rewrote subsection (a).

CHAPTER 9

PROBATE COURTS

Article 1

General Provisions

- Sec.
15-9-2.1. Appointment, compensation, authority, qualifications, training, and other limitations of associate probate court judges.
- 15-9-4. Additional judicial eligibility requirements in certain counties.
- 15-9-15. Council of Probate Court Judges of Georgia; notifications.

Article 2

Jurisdiction, Power, and Duties

- 15-9-30. Subject matter jurisdiction; powers and duties generally; copy of Official Code of Georgia Annotated furnished for each judge; authority of probate court judges.
- 15-9-36. Judges of probate courts as clerks thereof; chief clerk; powers of clerks; untested matters; oaths.

Article 3

Costs and Compensation

- Sec.
15-9-60. Fees.
- 15-9-60.1. Additional marriage license fee for State Children's Trust Fund.
- 15-9-63.1. Compensation for services as magistrate or chief magistrate; longevity increases.
- 15-9-64. Supplement to minimum salaries.

Article 4

Time, Place, and Procedure

- 15-9-82. Terms of court; place for court.

Article 6

Jury Trials and Appeals

- 15-9-120. Definitions.
- 15-9-127. Concurrent jurisdiction with superior courts; probate court jurisdiction; service.

ARTICLE 1
GENERAL PROVISIONS

15-9-2.1. Appointment, compensation, authority, qualifications, training, and other limitations of associate probate court judges.

(a) Appointment, compensation, and term.

(1) The judge of the probate court may appoint one or more individuals to serve as associate judges of the probate court in probate matters on a full-time or part-time basis subject to the approval of the governing authority of the county. Such associate judges of the probate court shall serve at the pleasure of the judge of the probate court.

(2) Whenever an associate judge of the probate court is appointed to serve in a probate court, the clerk of the probate court shall forward a certified copy of the order of appointment to the Council of Probate Court Judges of Georgia.

(3) Associate judges of the probate court shall be included in the list of members of the Council of Probate Court Judges of Georgia as set forth in Code Section 15-9-15. An associate judge of the probate court shall not be a voting member and shall not serve as an officer of the Council of Probate Court Judges of Georgia.

(4) Compensation of the associate judges of the probate court shall be fixed by the judge of the probate court subject to the approval of the governing authority or governing authorities of the county or counties for which the associate judge of the probate court is appointed. The salary and any employment benefits of each associate judge of the probate court shall be paid from county funds. No associate judge of the probate court shall be eligible to participate in the Judges of the Probate Courts Retirement Fund of Georgia.

(b) Authority. Both full-time and part-time associate judges of the probate court shall be vested with all of the authority of the judge of the probate court of the county or counties for which the associate judge of the probate court is appointed. In all proceedings before the court, the judgment of an associate judge of the probate court shall be the final judgment of the court for appeal purposes.

(c) Qualifications and training requirements.

(1) With the exception of the residency requirement set forth in subparagraph (a)(1)(B) of Code Section 15-9-2, all associate judges of the probate court shall have the same qualifications required of the elected judge of the probate court of the county or counties for which the associate judge of the probate court is appointed.

(2) All full-time associate judges of the probate court shall complete the training requirements set forth for judges of the probate court in Code Section 15-9-1.1. All part-time associate judges of the probate court shall be required to attend a minimum of nine hours of training in an area related to probate court, mental health, or traffic matters as determined by the elected judge of the probate court. All probate required training shall be paid for by the governing authority or governing authorities of the county or counties for which the associate judge of the probate court is appointed.

(d) Oath and bond.

(1) Before entering on the duties of their offices, all associate judges of the probate court shall take the oaths required of all civil officers and, in addition, the following oath:

“I do swear that I will well and faithfully discharge the duties of associate judge of the probate court for the County of _____ during my continuation in office, according to law, to the best of my knowledge and ability, without favor or affection to any party. So help me God.”

(2) The clerk of the probate court shall make an entry of the oath of each associate judge of the probate court on the minutes of the probate court. In the case of an associate judge of the probate court serving as a magistrate, no oath, certificate, or commission shall be required except the oath and commission of the associate judge of the probate court as an associate judge of the probate court.

(e) Restriction on the practice of law and the fiduciary role.

(1) It shall be unlawful for any associate judge of the probate court to engage directly or indirectly in the practice of law in his or her own name or in the name of another as a partner in any manner in any case, proceeding, or matter of any kind in his or her own court or in any other court in any case, proceeding, or any other matters of which his or her own court has pending jurisdiction or has jurisdiction. It shall be unlawful for any associate judge of the probate court to give advice or counsel to any individual on any matter of any kind whatsoever that has arisen directly or indirectly in his or her own court. Nothing in this chapter shall be construed to limit in any way the ability of an associate judge of the probate court to serve as or offer advice in his or her role as a judge advocate or in any other military role in an active duty or reserve component of the United States Army, United States Navy, United States Marine Corps, United States Coast Guard, United States Air Force, United States Space Force, United States National Guard, Georgia National Guard, Georgia Air National Guard, Georgia Naval Militia, the Georgia State Defense Force, or in the National Guard or Air National Guard of any state or territory of the United States.

(2) Subsection (b) of Code Section 15-9-2 regarding a judge’s limitations on the fiduciary role shall apply to all associate judges of the probate court.

(f) **Proceedings when an associate judge of the probate court is disqualified.** Whenever the judge of the probate court is unable to act in any case because of a conflict of interest, an unlawful act or the accusation of an unlawful act by such judge, or other disqualification of such judge, any associate judge of the probate court shall also be disqualified.

History. Code 1981, § 15-9-2.1, enacted by Ga. L. 2009, p. 827, § 1/HB 495; Ga. L. 2017, p. 157, § 2-1/HB 126; Ga. L. 2018, p. 356, § 1-3/SB 436; Ga. L. 2024, p. 81, § 1/HB 299, effective July 1, 2024.	Amendments. The 2024 amendment , effective July 1, 2024, inserted “United States Space Force,” in the last sentence of paragraph (e)(1).
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15-9-4. Additional judicial eligibility requirements in certain counties.

(a) No individual elected judge of the probate court in any county provided for in this Code section shall engage in the private practice of law.

(b)(1) Except as otherwise provided by subsection (c) of this Code section, in any county of this state having a population of more than 90,000 persons according to the United States decennial census of 2010 or any future such census and in which the probate court of such county meets the definition of a probate court as provided by Article 6 of this chapter, no individual shall be judge of the probate court unless at the time of qualification, in addition to the qualifications required by law, he or she:

- (A) Has attained the age of 30 years;
- (B) Has been admitted to practice law for seven years; and
- (C) Is a member in good standing with the State Bar of Georgia, and has been duly reinstated to the practice of law in the event of his or her disbarment therefrom.

(2) In addition to and not in lieu of the affidavit required to be filed at qualification pursuant to paragraph (2) of subsection (a) of Code Section 15-9-2, each individual offering as a candidate for the office of judge of the probate court in any county of this state to whom paragraph (1) of this subsection is applicable shall file a supplemental affidavit with the officer before whom such individual has qualified to seek the office of judge of the probate court prior to or at the time of qualifying as a candidate. The supplemental affidavit

shall affirm that the individual meets all the qualifications required by subparagraphs (A), (B), and (C) of paragraph (1) of this subsection.

(c) A judge of the probate court holding such office on or after June 30, 2000, shall continue to hold such office and shall be allowed to seek reelection for such office. Notwithstanding the requirement that in certain counties the judge of the probate court be admitted to practice law for seven years preceding election, no decision, judgment, ruling, or other official action of any judge of the probate court shall be overturned, denied, or overruled based solely on this requirement for qualification, election, and holding the office of judge of the probate court.

History.

Code 1933, § 24-1711.1, enacted by Ga. L. 1953, Jan.-Feb. Sess., p. 2739, §§ 1, 2, 2A; Ga. L. 1959, p. 358, § 1; Ga. L. 1971, p. 3065, § 1; Ga. L. 1979, p. 954, § 1; Ga. L. 1986, p. 1581, § 1; Ga. L. 1987, p. 406, § 1; Ga. L. 1994, p. 1665, § 1; Ga. L. 2002, p. 811, § 1; Ga. L. 2009, p. 827, § 2/HB 495; Ga. L. 2012, p. 683, § 1/HB 534; Ga.

L. 2018, p. 356, § 1-5/SB 436; Ga. L. 2020, p. 377, § 2-14/HB 865; Ga. L. 2025, p. 623, § 1/HB 180, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, rewrote subsection (b) and inserted a comma following “ruling” in the second sentence of subsection (c).

15-9-15. Council of Probate Court Judges of Georgia; notifications.

(a) There is created a council to be known as “The Council of Probate Court Judges of Georgia.” The council shall be composed of the judges of the probate courts of this state. The council is authorized to organize itself and to develop a constitution and bylaws. The officers of said council shall consist of a president, president-elect, vice president, secretary-treasurer, and such other officers and committees as the council shall deem necessary.

(b) It shall be the purpose of The Council of Probate Court Judges of Georgia to effectuate the constitutional and statutory responsibilities conferred on it by law and to further the improvement of the probate courts and the administration of justice.

(c) Expenses of the administration of the council shall be paid from state funds appropriated for that purpose or from other funds available to the council.

(d) The council through its officers may contract with a person or firm including any member of the council for the production of educational material and compensate said member for producing such material, provided that funds are available to the council at the time of execution of the contract or will be available at the time of the completion of the contract and provided that the terms of the contract are disclosed to the full council and made available to the general public

and news media. At the request of the council, the Administrative Office of the Courts shall be authorized to act as the agent of the council for the purpose of supervising and implementing the contract.

(e) Any person elected or appointed as a probate court judge shall provide written notification to The Council of Probate Court Judges of Georgia of such within 30 days of the date of the election or appointment. Any probate court judge who resigns, retires, or is removed from office shall provide written notification to The Council of Probate Court Judges of Georgia of such within 30 days of the date on which he or she resigns, retires, or is removed from office.

(f) The Council of Probate Court Judges of Georgia shall notify the Administrative Office of the Courts of any notification received pursuant to subsection (e) of this Code section within 30 days of receipt of such notification.

History.

Code 1981, § 15-9-15, enacted by Ga. L. 1988, p. 743, § 1; Ga. L. 1989, p. 1247, § 1; Ga. L. 2018, p. 356, § 1-15/SB 436; Ga. L. 2024, p. 733, § 4/SB 508, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2025, added subsections (e) and (f).

ARTICLE 2
JURISDICTION, POWER, AND DUTIES

15-9-30. Subject matter jurisdiction; powers and duties generally; copy of Official Code of Georgia Annotated furnished for each judge; authority of probate court judges.

(a) Probate courts have authority, unless otherwise provided by law, to exercise original, exclusive, and general jurisdiction of the following subject matters:

- (1) The probate of wills;
- (2) The granting of letters testamentary and of administration and the repeal or revocation of the same;
- (3) All controversies in relation to the right of executorship or administration;
- (4) The sale and disposition of the property belonging to, and the distribution of, deceased persons' estates;
- (5) The appointment and removal of guardians of minors, conservators of minors, guardians of incapacitated adults, and conservators of incapacitated adults and persons who are incompetent because of mental illness or intellectual disability;

(6) All controversies as to the right of guardianship and conservatorship, except that the probate court shall not be an appropriate court to take action under Code Section 19-7-4;

(7) The auditing and passing of returns of all executors, administrators, guardians of property, conservators, and guardians;

(8) The discharge of former sureties and the requiring of new sureties from administrators, guardians of property, conservators, and guardians;

(9) All matters as may be conferred on them by Chapter 3 of Title 37;

(10) All matters as may be conferred on them by Chapter 13 of Title 53;

(11) All other matters and things as appertain or relate to estates of deceased persons and to persons who are incompetent because of mental illness or intellectual disability; and

(12) All matters as may be conferred on them by the Constitution and laws.

(b) In addition to the jurisdiction granted in subsection (a) of this Code section and unless otherwise provided by law, the probate courts shall have the power to carry out the following duties as assigned by specific laws:

(1) Perform county governmental administration duties;

(2) Fill vacancies in public offices by appointment;

(3) Administer oaths to public officers;

(4) Accept, file, approve, and record bonds of public officers;

(5) Register and permit certain enterprises;

(6) Issue marriage licenses;

(7) Hear traffic cases;

(8) Hear cases of violations of game and fish laws;

(9) Hold criminal commitment hearings; and

(10) Perform such other judicial and ministerial functions as may be provided by law.

(c) To assure proper administration of the court's duties, the judge of the probate court of each county shall be furnished a copy of the Official Code of Georgia Annotated and annual supplements to the Code to keep it current. The costs of such Code and maintenance thereof shall be paid by the governing authority of each such county from the county library

fund, if sufficient, otherwise any additional amount required shall be paid from the general funds of the county.

(d) Each judge of the probate court shall have authority to perform any judicial act which he or she is lawfully entitled to perform, regardless of where such judge is located when such judicial act is performed.

History.

Laws 1799, Cobb’s 1851 Digest, p. 281.; Laws 1810, Cobb’s 1851 Digest, p. 283.; Ga. L. 1851-52, p. 91, § 1; Ga. L. 1855-56, p. 147, § 1; Code 1863, § 306; Code 1868, § 366; Code 1873, § 331; Code 1882, § 331; Civil Code 1895, § 4232; Civil Code 1910, § 4790; Code 1933, § 24-1901; Ga. L. 1969, p. 505, § 2; Ga. L. 1982, p. 1369, §§ 1, 3; Ga. L. 1982, p. 1502, § 1; Ga. L. 1988, p. 745, § 1; Ga. L. 2009, p. 827, § 4/HB 495; Ga. L. 2015, p. 385, § 4-15/HB 252; Ga. L. 2018, p. 356, § 1-19/SB 436; Ga. L. 2018, p. 1089, § 4/SB 301; Ga. L. 2021, p. 423, § 1-3/HB 635; Ga. L. 2024, p. 689, § 1/SB 212, effective January 1, 2025.

Amendments.

The 2021 amendment, effective May 4, 2021, added subsection (d).

The 2024 amendment, effective January 1, 2025, deleted former paragraph (b)(2), which read: “Perform duties relating to elections” and redesignated former paragraphs (b)(3) through (b)(11) as present paragraphs (b)(2) through (b)(10), respectively.

Cross references.

Authority of superior court judges, § 15-6-16.

Authority of state court judges, § 15-7-4.

Authority of magistrate to act, § 15-10-2.

Law reviews.

For article, “Guardianship and Conservatorship 101,” see 28 Ga. St. B.J. 16 (December 2022).

RESEARCH REFERENCES

ALR. with Incapacitated Person, 90 A.L.R.7th 8.
Guardianship Powers over Visitation

15-9-36. Judges of probate courts as clerks thereof; chief clerk; powers of clerks; uncontested matters; oaths.

(a) The judges of the probate courts are, by virtue of their offices, clerks of their own courts; but they may appoint one or more clerks, for whose conduct they are responsible, who hold their offices at the pleasure of the judge. The judges of the probate courts shall also have the authority to appoint one of their clerks as chief clerk of the probate judge unless otherwise provided by local law. Any individual appointed as chief clerk shall take the oath provided for under subsection (d) of this Code section.

(b) The appointed clerks, including the chief clerk of the probate judge, may do all acts the judges of the probate courts could do which are not judicial in their nature. The chief clerk of the probate judge shall also have the authority prescribed in Code Section 15-9-10.

(c)(1) In addition to other powers granted to appointed clerks, the

chief clerk of the probate judge or, if there is no chief clerk, a clerk designated by the judge may exercise all the jurisdiction of the judge of the probate court concerning uncontested matters in the probate court. Such clerk may exercise such power regardless of whether the judge of the probate court is present and shall take the oath provided for under subsection (d) of this Code section.

(2) The powers granted by paragraph (1) of this subsection shall be exercised only by a chief clerk or designated clerk who has been a member of the State Bar of Georgia for at least three years or has been a clerk in the probate court for at least five years.

(d)(1) Any individual appointed as chief clerk or as a designated clerk under paragraph (1) of subsection (c) of this Code section shall take the oath required of all civil officers and, in addition, the following oath:

“I do swear that I will well and faithfully discharge the duties of (chief clerk or designated clerk) of the probate court for the County of _____, during my continuance in office, according to law, to the best of my knowledge and ability, without favor or affection to any party. So help me God.”

(2) The oath provided for under paragraph (1) of this subsection shall be taken by such individual prior to discharging of his or her duties, shall be administered by the judge of the probate court, and, the taking of which, shall be recorded in the minutes of the probate court.

History.

Ga. L. 1851-52, p. 50, § 1; Code 1863, §§ 313, 314; Code 1868, §§ 374, 375; Code 1873, §§ 341, 342; Code 1882, §§ 341, 342; Civil Code 1895, §§ 4247, 4248; Civil Code 1910, §§ 4805, 4806; Code 1933, §§ 24-1801, 24-1802; Ga. L. 1978, p. 891, § 2; Ga. L. 1986, p. 1581, § 3; Ga. L. 1987, p. 524, § 1; Ga. L. 1988, p. 586, § 2; Ga. L. 1991, p. 394, § 5; Ga. L. 1994, p. 1665, § 3; Ga. L. 2012, p. 683, § 2/HB 534; Ga.

L. 2014, p. 395, § 1/SB 341; Ga. L. 2018, p. 356, § 1-20/SB 436; Ga. L. 2021, p. 318, § 1/HB 97.

Amendments.

The 2021 amendment, effective July 1, 2021, added the third sentence in subsection (a); added “and shall take the oath provided for under subsection (d) of this Code section” at the end of paragraph (c)(1); and added subsection (d).

ARTICLE 3

COSTS AND COMPENSATION

15-9-60. Fees.

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

(b) All sums that the probate courts may be required to collect

pursuant to Code Sections 15-23-7, 15-9-60.1, and 36-15-9 and all other sums required by law shall be in addition to the fees provided for in this Code section. The fees in this Code section are in addition to any costs for service of process, fees for publication of citation or notice, or any other sums that may be required by law.

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

(c.1)(1) Fees, sums, or other remuneration for the performance of passport duties provided for under the laws of the United States or regulations promulgated pursuant to such laws, including, but not limited to, passport application or processing fees, shall be subject to the requirements and limitations of this subsection to the extent not otherwise required in such laws or regulations.

(2) The judge of the probate court shall disclose in a written report to the county governing authority on a quarterly basis the total amount of all passport application or processing fees, sums, or other remuneration received by the judge during the previous quarter.

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

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

- (1) Petition.....\$ 175.00
- (2) Motion, response, request, citation, or caveat..... 75.00
- (3) Fiduciary compliance report with assets 40.00
- (4) Fiduciary compliance report with no assets No fee

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

- (1) Petition, except petition to terminate guardianship of minor and petition for temporary letters of guardianship of minor\$ 175.00
- (2) Petition for temporary letters of guardianship of minor..... 125.00
- (3) Motion, response, request, citation, or caveat..... 75.00

- | | |
|---|--------|
| (4) Petition to terminate guardianship of minor | 40.00 |
| (5) Fiduciary compliance report with assets | 40.00 |
| (6) Fiduciary compliance report with no assets | No fee |

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

- | | |
|--|-----------|
| (1) Petition | \$ 175.00 |
| (2) Motion, response, request, citation, or caveat | 75.00 |
| (3) Fiduciary compliance report with assets | 40.00 |
| (4) Fiduciary compliance report with no assets | No fee |

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

- | | |
|---|-----------|
| (1) Petition..... | \$ 175.00 |
| (2) Motion, response, request, citation, or caveat..... | 75.00 |
| (3) Petition in support, affidavit in support, or issuance of an order to apprehend | No fee |

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

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

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

- | | |
|--|--------|
| (1) Issuance of veteran’s license | No fee |
| (2) Issuance of writ of fieri facias (fi. fa.) | No fee |
| (3) Copies (per page) | \$1.00 |
| (4) Certificate of residence | 10.00 |
| (5) Certified copy of letters (including copy cost)..... | 10.00 |
| (6) Certification of publication for insurance company charter | 10.00 |
| (7) Certification under seal of copies (excluding copy cost) | 10.00 |
| (8) For filing a bond of official, officer, or employee of any: | |

(A) Municipality or authority within county	10.00
(B) For filing of bond of county official or officer	No fee
(9) For examination of records or files by employee of the probate court to provide abstract of information contained therein or to provide copies therefrom (per estate or name)	10.00
(10) Junk dealer registration	10.00
(11) Subpoena	10.00
(12) Application for weapons carry license (exclusive of fees charged by other agencies for the examination of criminal records and mental health records)	30.00
(13) Replacement of weapons carry license (lost, stolen, name change, or address change)	6.00
(14) Personal identification cards to a judge or Supreme Court justice Fee shall be determined by Council of Probate Court Judges of Georgia pursuant to Code Section 15-25-3	No Fee
(15) Marriage license with premarital education pursuant to Code Section 19-3-30.1	No Fee
(16) Marriage license without premarital education	\$40.00
(17) Marriage certificate	10.00
(18) Creditor's claim	15.00
(19) Declination to serve of nominated personal representative	15.00
(20) Exemplification	15.00
(21) Recording of marks and brands (each)	15.00
(22) Renunciation of right of succession	15.00
(23) Will filed for safekeeping	15.00
(24) Petition for declaration of exemptions	25.00
(25) Appeal to superior court (petition for review)	30.00
(26) Preparation of record and transcript to the Supreme Court and Court of Appeals (per page)	1.00
(27) For appeals to the Supreme Court or Court of Appeals, where a transcript of the evidence and proceedings is filed with the clerk and does not require recopying, the clerk shall not receive the fee herein prescribed with respect to such transcript but shall receive, for filing and transmission of such transcript	35.00
(28) Petition to establish lost papers	50.00
(29) Fireworks application	50.00
(30) Application for writ of habeas corpus	75.00

(31) Petition for Authority to Open Safety Deposit Box...	75.00
(32) Petition to amend marriage license application.....	75.00
(33) Petition to amend vital record	75.00
(34) Any other petition filed in the probate court other than those proceedings and actions set forth in Title 29 or Title 53 and not specifically set forth in subsections (e) through (k) of this Code section.....	75.00

History.

Laws 1792, Cobb's 1851 Digest, p. 352.; Laws 1824, Cobb's 1851 Digest, p. 358.; Ga. L. 1851-52, p. 91, § 18; Ga. L. 1855-56, p. 147, § 1; Ga. L. 1857, p. 49, § 1; Code 1863, § 3618; Ga. L. 1865-66, p. 40, § 1; Code 1868, § 3643; Ga. L. 1870, p. 67, § 1; Code 1873, § 3694; Ga. L. 1882-83, p. 61, § 1; Code 1882, § 3694; Ga. L. 1889, p. 76, § 1; Ga. L. 1889, p. 79, § 1; Civil Code 1895, § 4269; Civil Code 1910, § 4827; Code 1933, § 24-1716; Ga. L. 1939, p. 210, § 1; Ga. L. 1950, p. 140, § 1; Ga. L. 1958, p. 354, § 2; Ga. L. 1971, p. 591, § 1; Ga. L. 1976, p. 1062, § 2; Ga. L. 1978, p. 1939, § 1; Ga. L. 1980, p. 1661, § 4; Ga. L. 1982, p. 3, § 15; Code 1933, § 24-1716.2, enacted by Ga. L. 1982, p. 552, § 1; Ga. L. 1982, p. 552, § 2; Ga. L. 1983, p. 3, § 12; Ga. L. 1983, p. 404, § 1; Ga. L. 1983, p. 867, § 1; Ga. L. 1991, p. 1753, § 2; Ga. L. 1992, p. 6, § 15; Ga. L. 1992, p. 1192, § 1; Ga. L. 1992, p. 2521, §§ 1-3; Ga. L. 1993, p. 91, § 15; Ga. L. 1994, p. 97, § 15; Ga. L. 1994, p. 1173, § 1; Ga. L. 1995, p. 139, §§ 5, 6; Ga. L. 2000, p. 1589, § 4; Ga. L. 2001, p. 960, § 1; Ga. L. 2002, p. 415, § 15; Ga. L. 2002, p. 1011, § 1; Ga. L. 2005, p. 1485, § 1/HB 378; Ga. L. 2010, p. 9, § 1-39/HB 1055; Ga. L. 2010, p. 963, § 2-3/SB 308; Ga. L. 2016, p. 263, § 2/SB 332; Ga. L. 2020, p. 377, § 2-17/HB 865; Ga. L. 2021, p. 922, § 15/HB 497; Ga. L. 2024, p. 537, § 1/SB 232, effective January 1, 2025; Ga. L. 2024, p. 909, § 2/SB 19, effective January 1, 2025.

Amendments.

The 2021 amendment, effective May 10, 2021, part of an Act to revise, modernize, and correct the Code, deleted "\$" preceding each monetary fee amount in subparagraphs (f)(2)(B) through (f)(2)(H); and revised language throughout subsection (k).

The first 2024 amendment, effective

January 1, 2025, rewrote this Code section.

The second 2024 amendment, effective January 1, 2025, added subsection (c.1).

Editor's notes.

Ga. L. 2024, p. 537, § 1/SB 232, effective January 1, 2025, repealed the Code section formerly codified at this Code section and enacted the current Code section. The former Code section was based on Laws 1792, Cobb's 1851 Digest, p. 352.; Laws 1824, Cobb's 1851 Digest, p. 358.; Ga. L. 1851-52, p. 91, § 18; Ga. L. 1855-56, p. 147, § 1; Ga. L. 1857, p. 49, § 1; Code 1863, § 3618; Ga. L. 1865-66, p. 40, § 1; Code 1868, § 3643; Ga. L. 1870, p. 67, § 1; Code 1873, § 3694; Ga. L. 1882-83, p. 61, § 1; Code 1882, § 3694; Ga. L. 1889, p. 76, § 1; Ga. L. 1889, p. 79, § 1; Civil Code 1895, § 4269; Civil Code 1910, § 4827; Code 1933, § 24-1716; Ga. L. 1939, p. 210, § 1; Ga. L. 1950, p. 140, § 1; Ga. L. 1958, p. 354, § 2; Ga. L. 1971, p. 591, § 1; Ga. L. 1976, p. 1062, § 2; Ga. L. 1978, p. 1939, § 1; Ga. L. 1980, p. 1661, § 4; Ga. L. 1982, p. 3, § 15; Code 1933, § 24-1716.2, enacted by Ga. L. 1982, p. 552, § 1; Ga. L. 1982, p. 552, § 2; Ga. L. 1983, p. 3, § 12; Ga. L. 1983, p. 404, § 1; Ga. L. 1983, p. 867, § 1; Ga. L. 1991, p. 1753, § 2; Ga. L. 1992, p. 6, § 15; Ga. L. 1992, p. 1192, § 1; Ga. L. 1992, p. 2521, §§ 1-3; Ga. L. 1993, p. 91, § 15; Ga. L. 1994, p. 97, § 15; Ga. L. 1994, p. 1173, § 1; Ga. L. 1995, p. 139, §§ 5, 6; Ga. L. 2000, p. 1589, § 4; Ga. L. 2001, p. 960, § 1; Ga. L. 2002, p. 415, § 15; Ga. L. 2002, p. 1011, § 1; Ga. L. 2005, p. 1485, § 1/HB 378; Ga. L. 2010, p. 9, § 1-39/HB 1055; Ga. L. 2010, p. 963, § 2-3/SB 308; Ga. L. 2016, p. 263, § 2/SB 332; Ga. L. 2020, p. 377, § 2-17/HB 865; and Ga. L. 2021, p. 922, § 15/HB 497.

Ga. L. 2024, p. 537, § 1/SB 232, did not engross the paragraph (f)(4) designation.

Ga. L. 2024, p. 537, § 6/SB 232, not codified by the General Assembly, makes this Code section applicable to fees paid in a probate court on and after January 1, 2025.

Ga. L. 2024, p. 945, § 8/SB 417, amended Code Section 25-10-4 in a manner that renders the fee set forth in paragraph (k)(11) of this Code section unable to be collected by a probate court as the power to issue permits relating to

the discharge of fireworks was transferred pursuant to such Act.

Ga. L. 2024, p. 945, § 8/SB 417, amended Code Section 25-10-4 in a manner that renders the fee set forth in paragraph (k)(29) of this Code section unable to be collected by a probate court as the power to issue permits relating to the discharge of fireworks was transferred pursuant to such Act.

15-9-60.1. Additional marriage license fee for State Children's Trust Fund.

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

History.

Code 1981, § 15-9-60.1, enacted by Ga. L. 1987, p. 1133, § 3; Ga. L. 1988, p. 13, § 15; Ga. L. 2004, Ex. Sess., p. ES3, § 4/HB 1EX; Ga. L. 2008, p. VO1, § 1-4/HB 529; Ga. L. 2014, p. 866, § 15/SB 340; Ga. L. 2024, p. 537, § 2/SB 232, effective January 1, 2025.

Amendments.

The 2024 amendment, effective January 1, 2025, near the beginning of the first sentence, substituted "in subsection (k) of Code Section 15-9-60 for marriage appli-

cations," for "in Code Section 15-9-60 for receiving marriage applications, issuing marriage licenses, and recording relative thereto," and added "for the State Children's Trust Fund" at the end of the third sentence. See Editor's notes for applicability.

Editor's notes.

Ga. L. 2024, p. 537, § 6/SB 232, not codified by the General Assembly, makes this Code section applicable to fees paid in a probate court on and after January 1, 2025.

15-9-63.1. Compensation for services as magistrate or chief magistrate; longevity increases.

(a) Beginning January 1, 2022, in any county in which the probate

judge serves as chief magistrate or magistrate, he or she shall be compensated for such service based on a minimum annual amount of \$14,162.10; provided, however, that compensation for a probate judge shall not be reduced during his or her term of office. A county governing authority shall not be required to pay the compensation provided by this subsection beyond the term for which such probate judge serves as a chief magistrate or magistrate.

(b) Whenever the state employees subject to compensation plans authorized and approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amount provided in subsection (a) of this Code section shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amount provided in subsection (a) of this Code section shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amount provided in subsection (a) of this Code section, as authorized by this subsection, shall become effective on the first day of January following the date that the cost-of-living increases or general performance based increases received by state employees become effective; provided, however, that if such increases received by state employees become effective on January 1, such periodic changes in the amount provided in subsection (a) of this Code section, as authorized by this subsection, shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective.

(c) On and after January 1, 2002, the amounts provided in subsections (a) and (b) of this Code section shall be increased by multiplying said amounts by the percentage which equals 5 percent times the number of completed four-year terms of office served by any probate judge serving as a chief magistrate or magistrate where such terms have been completed after December 31, 1999, effective the first day of January following the completion of each such period of service.

History.

Code 1981, § 15-9-63.1, enacted by Ga. L. 1999, p. 765, § 2; Ga. L. 2001, p. 902, § 5; Ga. L. 2006, p. 568, § 4/SB 450; Ga. L. 2009, p. 745, § 1/SB 97; Ga. L. 2012, p. 446, § 2-13/HB 642; Ga. L. 2014, p. 395,

§ 3/SB 341; Ga. L. 2019, p. 1015, § 4/SB 171; Ga. L. 2021, p. 412, § 3/HB 488.

Amendments.

The 2021 amendment, effective May 4, 2021, in the first sentence of subsection (a), substituted “January 1, 2022” for

“January 1, 2021”, “service” for “services”, and “\$14,162.10” for “\$13,223.25”.

15-9-64. Supplement to minimum salaries.

The amount of the minimum salary provided in Code Section 15-9-63 for the judges of the probate courts on a salary who are responsible for traffic cases under any general or local law of this state shall also be increased by \$482.28 per month. A county governing authority shall not be required to pay the compensation provided by this Code section beyond the term for which such judge performs such services.

History.

Ga. L. 1974, p. 455, § 2; Ga. L. 1978, p. 1953, § 2; Ga. L. 1981, p. 518, §§ 1, 2; Ga. L. 1983, p. 482, § 2; Ga. L. 1985, p. 932, § 2; Ga. L. 1998, p. 1159, § 10; Ga. L. 2001, p. 902, § 6; Ga. L. 2006, p. 568, § 5/SB 450; Ga. L. 2014, p. 395, § 4/SB

341; Ga. L. 2019, p. 1015, § 5/SB 171; Ga. L. 2024, p. 689, § 2/SB 212, effective January 1, 2025.

Amendments.

The 2024 amendment, effective January 1, 2025, deleted the former first sentence.

ARTICLE 4

TIME, PLACE, AND PROCEDURE

15-9-82. Terms of court; place for court.

(a) The probate court shall be held at the place prescribed for the superior court or in the office of the judge of the probate court in each county, by the judge thereof, on the first Monday in January, April, July, and October and shall continue in session from day to day as the business of the court may require. If the first Monday in a given term should happen to fall on a legal holiday, the probate courts throughout this state shall convene on the following day.

(b) Nothing in this Code section shall be construed to restrict the judge of the probate court from having the authority to engage in any judicial act which he or she is lawfully entitled to perform, regardless of where the judge is located when the act is performed.

History.

Ga. L. 1851-52, p. 91, § 8; Code 1863, §§ 305, 4011; Code 1868, §§ 365, 4040; Code 1873, §§ 330, 4111; Code 1882, §§ 330, 4111; Civil Code 1895, §§ 4231, 4251; Civil Code 1910, §§ 4789, 4809; Ga. L. 1921, p. 117, § 1; Code 1933, § 24-2101; Ga. L. 1953, Jan.-Feb. Sess., p. 520, § 1; Ga. L. 1961, p. 461, § 1; Ga. L. 2008, p. 715, § 3/SB 508; Ga. L. 2021, p. 423, § 1-4/HB 635.

Amendments.

The 2021 amendment, effective May 4, 2021, designated the existing provisions of this Code section as subsection (a) and added subsection (b).

Cross references.

Authority of superior court judges, § 15-6-16.
Authority of state court judges, § 15-7-4.
Authority of probate court judges, § 15-9-30.

ARTICLE 6

JURY TRIALS AND APPEALS

15-9-120. Definitions.

As used in this article, the term:

(1) “Civil case” means those civil matters:

(A) Over which the judge of the probate court exercises judicial powers;

(B) Within the original, exclusive, or general subject matter jurisdiction of the probate court; and

(C) Which, if not for this article and Code Section 5-6-33, could be appealed to superior court for a de novo investigation with the right to a jury trial under Code Sections 5-3-4 and 5-3-5.

(2) “Probate court” means a probate court of a county having a population of more than 90,000 persons according to the United States decennial census of 2010 or any future such census in which the judge thereof has been admitted to the practice of law for at least seven years.

History.

Code 1981, § 15-9-120, enacted by Ga. L. 1986, p. 982, § 6; Ga. L. 1988, p. 743, § 2; Ga. L. 1988, p. 745, § 2; Ga. L. 1988, p. 746, § 2; Ga. L. 1994, p. 1665, § 2; Ga. L. 2012, p. 683, § 3/HB 534; Ga. L. 2022, p. 767, § 2-8/HB 916.

Amendments.

The 2022 amendment, effective July 1, 2023, substituted “Code Sections 5-3-4 and 5-3-5” for “Code Sections 5-3-2 and 5-3-29” at the end of subparagraph (1)(C). See Editor’s notes for applicability.

Editor’s notes.

Ga. L. 2022, p. 767, § 3-1/HB 916, not codified by the General Assembly, makes this Code section applicable to petitions for review filed in superior or state court on or after July 1, 2023.

Law reviews.

For article with annual survey on wills, trusts, guardianships, and fiduciary administration, see 73 Mercer L. Rev. 281 (2021).

15-9-123. Appeal.

JUDICIAL DECISIONS

Appellate court lacked jurisdiction over appeal when below probate action still pending. — Georgia Court of Appeals lacked jurisdiction of an appeal challenging two probate court orders entered in a proceeding for the appointment of a guardian and conservator because the

orders were not final as the proceeding remained pending in the probate court and were not subject to a statutory provision allowing a direct appeal. *In re Bruni*, 369 Ga. App. 488, 893 S.E.2d 862, 2023 Ga. App. LEXIS 481 (2023).

15-9-127. Concurrent jurisdiction with superior courts; probate court jurisdiction; service.

(a) Probate courts subject to this article shall have concurrent jurisdiction with superior courts with regard to the proceedings for:

(1) Declaratory judgments involving fiduciaries pursuant to Code Sections 9-4-4, 9-4-5, 9-4-6, 9-4-8, 9-4-9, and 9-4-11;

(2) Tax motivated estate planning dispositions of wards' property pursuant to Code Sections 29-3-36 and 29-5-36;

(3) Approval of settlement agreements pursuant to former Code Section 53-3-22 as such existed on December 31, 1997, if applicable; Code Section 53-5-25 or 53-5-27 for which the settlement agreement would affect an interest in real or personal property to be taken by a trust designated in the will; or Code Section 53-12-9;

(4) Adjudication of actions concerning trusts, trustees, and trust directors authorized by the provisions of Chapter 12 of Title 53;

(5) Adjudication of petitions under Code Section 10-6B-16 to construe a power of attorney, review an agent's conduct, and grant appropriate relief;

(6) Adjudication of petitions under subsection (i) of Code Section 10-6B-40 to grant an agent authority under a power of attorney; and

(7) Adjudication of petitions for direction or construction of a will or trust instrument pursuant to Code Section 23-2-92, 53-4-55, 53-4-56, 53-7-75, or 53-12-27, or other applicable law.

(b) In civil cases, probate courts subject to this article may:

(1) Apply equitable principles;

(2) Hear evidence on and decide any contested question; and

(3) Issue such orders as are appropriate under the circumstances.

(c) Probate courts subject to this article shall have and may exercise the jurisdiction and authority conferred by subsections (a) and (b) of this Code section to the greatest extent that does not infringe the exclusive jurisdiction of the superior courts pursuant to Article VI, Section IV, Paragraph I of the Constitution of this state.

(d) In a proceeding in the probate court under subsection (a) of this Code section, service of summons, notice, or process may be made pursuant to Chapter 11 of Title 53.

History.

Code 1981, § 15-9-127, enacted by Ga. L. 1987, p. 912, § 1; Ga. L. 1989, p. 917, § 1; Ga. L. 1991, p. 810, § 7; Ga. L. 1998, p. 128, § 15; Ga. L. 2002, p. 1316, § 9; Ga. L. 2004, p. 161, § 3; Ga. L. 2005, p. 583,

§ 1/HB 406; Ga. L. 2008, p. 715, § 5/SB 508; Ga. L. 2010, p. 579, § 12/SB 131; Ga. L. 2011, p. 752, § 15/HB 142; Ga. L. 2020, p. 377, § 2-22/HB 865; Ga. L. 2025, p. 806, § 9/HB 327, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, added subsection (d).

Law reviews.

For article with annual survey on wills, trusts, guardianships, and fiduciary administration, see 73 Mercer L. Rev. 281 (2021).

CHAPTER 10

MAGISTRATE COURTS

Article 1

General Provisions

- Sec.
15-10-2. General jurisdiction; authority of magistrate to act.
15-10-7. Council of Magistrate Court Judges; notifications.

Article 2

Magistrates

- 15-10-20. Number; selection; term; filling vacancies; chief magistrate; bonds.
15-10-22. Qualifications; restrictions on practice of law.
15-10-23. Minimum compensation; annual salary; increases; supplements.

Article 3

Civil Proceedings

- Sec.
15-10-41. No jury trials; appeal.

Article 4

Violation of Ordinances of Counties and State Authorities

- 15-10-65. Petition for review to superior court.

Article 6

Constables, Clerk, and Other Court Personnel

- 15-10-101. Eligibility of constables.
15-10-105. Selection of clerk; compensation; eligibility.

ARTICLE 1

GENERAL PROVISIONS

15-10-2. General jurisdiction; authority of magistrate to act.

(a) Each magistrate court and each magistrate thereof shall have jurisdiction and power over the following matters:

- (1) The hearing of applications for and the issuance of arrest and search warrants;
- (2) Issuance of warrants and related proceedings as provided in Article 4 of Chapter 6 of Title 17, relating to bonds for good behavior and bonds to keep the peace;
- (3) The holding of courts of inquiry;

(4) The trial of charges of violations of county ordinances and penal ordinances of state authorities;

(5) The trial of civil claims including garnishment and attachment in which exclusive jurisdiction is not vested in the superior court and the amount demanded or the value of the property claimed does not exceed \$15,000.00, provided that no prejudgment attachment may be granted;

(6) The issuance of summons, trial of issues, and issuance of writs and judgments in dispossessory proceedings and distress warrant proceedings as provided in Articles 3 and 4 of Chapter 7 of Title 44;

(7) The punishment of contempts by fine not exceeding \$200.00 or by imprisonment not exceeding ten days or both;

(8) The administration of any oath which is not required by law to be administered by some other officer;

(9) The granting of bail in all cases where the granting of bail is not exclusively committed to some other court or officer;

(10) The issuing of subpoenas to compel attendance of witnesses in the magistrate court and subpoenas for the production of documentary evidence before the magistrate court;

(11) Such other matters as are committed to their jurisdiction by other general laws;

(12) The trial and sentencing of misdemeanor violations of Code Section 16-9-20, relating to criminal issuance of bad checks, as provided by Article 10 of this chapter;

(13) The execution or subscribing and the acceptance of written waivers of extradition in the same manner provided for in Code Section 17-13-46;

(14) The trial and sentencing of misdemeanor violations of other Code sections as provided by Article 13 of this chapter;

(15) The foreclosure of liens on animals as established in Title 4;

(16) The foreclosure of liens on abandoned mobile homes as established in Article 6 of Chapter 7 of Title 44;

(17) The foreclosure of liens on abandoned motor vehicles as established in Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act";

(18) The trial and sentencing of unlawful squatting violations as provided in Code Section 16-7-21.1; and

(19) Proceedings against intruders and unlawful squatting as provided in Code Sections 44-11-30, 44-11-31, 44-11-32, and 44-11-33.

(b) Each magistrate shall have authority to perform any judicial act which he or she is lawfully entitled to perform, regardless of where such magistrate is located when such judicial act is performed.

History.

Code 1981, § 15-10-2, enacted by Ga. L. 1983, p. 884, § 2-1; Ga. L. 1985, p. 1003, § 1; Ga. L. 1986, p. 701, § 1; Ga. L. 1987, p. 399, § 1; Ga. L. 1987, p. 448, § 1; Ga. L. 1987, p. 1032, § 1; Ga. L. 1989, p. 320, § 1; Ga. L. 1989, p. 338, § 1; Ga. L. 1999, p. 834, § 1; Ga. L. 2000, p. 1155, § 1; Ga. L. 2008, p. 324, § 15/SB 455; Ga. L. 2016, p. 178, § 8/SB 356; Ga. L. 2018, p. 666, § 2/HB 381; Ga. L. 2019, p. 872, § 1/HB 307; Ga. L. 2021, p. 423, § 1-5/HB 635; Ga. L. 2024, p. 400, § 2/HB 1017, effective April 24, 2024.

Amendments.

The 2021 amendment, effective May 4, 2021, designated the existing provi-

sions of this Code section as subsection (a) and added subsection (b).

The 2024 amendment, effective April 24, 2024, deleted “and” from the end of paragraph (a)(16); substituted “Act’.” for “Act.” at the end of paragraph (a)(17); and added paragraphs (a)(18) and (a)(19).

Editor’s notes.

Ga. L. 2024, p. 400, § 1/HB 1017, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Georgia Squatter Reform Act.’”

15-10-7. Council of Magistrate Court Judges; notifications.

(a) There is created a council of magistrate court judges to be known as the “Council of Magistrate Court Judges.” The council shall be composed of the chief magistrates, magistrates, and senior magistrates of the magistrate courts of this state. The council is authorized to organize itself and to develop a constitution and bylaws.

(b) It shall be the purpose of the council to effectuate the constitutional and statutory responsibilities conferred upon it by law, to further the improvement of the magistrate courts and the administration of justice, to assist the chief magistrates, magistrates, and senior magistrates throughout the state in the execution of their duties, and to promote and assist in the training of chief magistrates, magistrates, and senior magistrates.

(c) Expenses of the administration of the council shall be paid from state funds appropriated for that purpose, from federal funds available to the council for that purpose, or from other appropriate sources.

(d) Any person elected or appointed as a magistrate court judge shall provide written notification to the council of such within 30 days of the date of the election or appointment. Any magistrate court judge who resigns, retires, or is removed from office shall provide written notification to the council of such within 30 days of the date on which he or she resigns, retires, or is removed from office.

(e) The council shall notify the Administrative Office of the Courts of any notification received pursuant to subsection (d) of this Code section within 30 days of receipt of such notification.

History.

Code 1981, § 15-10-7, enacted by Ga. L. 1988, p. 461, § 2; Ga. L. 1993, p. 910, § 3; Ga. L. 2019, p. 658, § 1/HB 257; Ga. L. 2024, p. 733, § 5/SB 508, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2025, added subsections (d) and (e).

ARTICLE 2
MAGISTRATES

15-10-20. Number; selection; term; filling vacancies; chief magistrate; bonds.

(a) Each magistrate court shall have a chief magistrate and may have one or more other magistrates. Such magistrates shall be the judges of the magistrate court and shall be known as magistrates of the county. Unless otherwise provided by local law, the number of magistrates in each county shall be fixed from time to time by majority vote of the judges of the superior court of the county, but no magistrate shall be removed from office during a term of office except for cause as provided by Code Sections 15-10-24 and 15-10-25. The number of magistrates authorized for the county shall be one magistrate until increased by the judges of superior court or by local law; but this subsection shall not operate to remove a magistrate from office during his or her term of office.

(b) The term of office of any magistrate taking office on or after January 1, 1985, shall be for four years beginning on the first day of an odd-numbered year, except that in selecting magistrates to fill newly created positions or if otherwise necessary, a magistrate may be selected for a term of less than four years to expire on the last day of an even-numbered year.

(c) Unless otherwise provided by local law, all magistrates taking office on or after January 1, 1985, shall be selected as provided in this subsection. The chief magistrate shall be elected by the voters of the county at the general election next preceding the expiration of the term of the incumbent chief magistrate, in a nonpartisan election in the same manner as county judicial officers are elected, for a term beginning on the first day of January following his or her election. As of July 1, 2025, no local Act providing for partisan election of a chief magistrate or other magistrate shall be enacted or enforceable. His or her successors shall likewise be elected quadrennially thereafter for terms beginning on the first day of January following their election. Magistrates other than the chief magistrate shall be appointed by the chief magistrate with the consent of the judges of superior court. The term of a magistrate so appointed shall run concurrently with the term of the chief magistrate by whom he or she was appointed.

(d) Unless otherwise provided by local law, a vacancy in the office of chief magistrate shall be filled by an appointment by majority vote of the judges of superior court for the remainder of the unexpired term; and a vacancy in the office of any other magistrate shall be filled by an appointment by the chief magistrate with the consent of the judges of superior court for the remainder of the unexpired term. If, however, a vacancy occurs which does not reduce the number of magistrates for the county below the number of magistrates authorized for the county, then such vacancy shall not be filled.

(e) The General Assembly may by local law provide for the number of magistrates of a county, provide for a different method of selecting magistrates than that specified in subsection (d) of this Code section, and provide for a different method of filling vacancies than that specified in subsection (d) of this Code section.

(f) The General Assembly may at any time provide by local law that the probate judge shall serve as chief magistrate or magistrate and provide for compensation of the probate judge in his or her capacity as chief magistrate or magistrate; and in such a case the chief magistrate or magistrate shall not be separately elected but shall be the probate judge.

(g) Each magistrate taking office after July 1, 1985, shall before entering on the performance of his or her duties execute bond in the amount of \$100,000.00 for the faithful performance of his or her duties. Each magistrate in office on July 1, 1985, shall execute such a bond not later than September 1, 1985. The amount of bond required of the magistrate or magistrates of any county may be increased by local law. Such bonds shall be subject to all provisions of Chapter 4 of Title 45 in the same manner as bonds of other county officials. The premiums due on such bonds shall be paid by the fiscal authority of the county out of county funds.

History.

Code 1981, § 15-10-20, enacted by Ga. L. 1983, p. 884, § 2-1; Ga. L. 1984, p. 22, § 15; Ga. L. 1984, p. 442, § 1; Ga. L. 1984, p. 1096, § 2; Ga. L. 1985, p. 149, § 15; Ga. L. 1985, p. 636, § 1; Ga. L. 1994, p. 607, § 2; Ga. L. 1996, p. 1231, § 3; Ga. L. 2019, p. 658, § 2/HB 257; Ga. L. 2025, p. 780, § 1/HB 426, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, in subsection (c), substituted “nonpartisan” for “partisan”, inserted “judicial” in the second sentence, and added the third sentence.

15-10-22. Qualifications; restrictions on practice of law.

(a) Each magistrate taking office on or after July 1, 2019, shall:

(1) Have been a resident of the county for two years next preceding the beginning of his or her term of office;

- (2) Be at least 25 years of age;
 - (3) Remain a resident of such county during his or her term of office;
 - (4) Be a citizen of the United States;
 - (5) Be a registered voter; and
 - (6) Have obtained a state accredited high school diploma or state approved high school equivalency (HSE) diploma.
- (b) Additional qualifications for the office of chief magistrate or magistrate or both may be imposed by local law.
- (c) A magistrate who is an attorney may practice in other courts but may not practice in the magistrate’s own court or appear in any matter as to which that magistrate has exercised any jurisdiction.

History.
Code 1981, § 15-10-22, enacted by Ga. L. 1983, p. 884, § 2-1; Ga. L. 1984, p. 1096, § 3; Ga. L. 1987, p. 430, § 1; Ga. L. 2019, p. 658, § 3/HB 257; Ga. L. 2022, p. 168, § 1/SB 397.

Amendments.
The 2022 amendment, effective July 1, 2022, substituted “state approved high school equivalency (HSE)” for “general educational development (GED)” in paragraph (a)(6).

15-10-23. Minimum compensation; annual salary; increases; supplements.

- (a)(1) As used in this Code section, the term “full-time capacity” means, in the case of a chief magistrate, a chief magistrate who regularly exercises the powers of a magistrate as set forth in Code Section 15-10-2 at least 40 hours per workweek. In the case of all other magistrates, such term means a magistrate who was appointed to a full-time magistrate position and who regularly exercises the powers of a magistrate as set forth in Code Section 15-10-2 at least 40 hours per workweek.
- (2) Unless otherwise provided by local law, effective January 1, 2022, the chief magistrate of each county who serves in a full-time capacity other than those counties where the probate judge serves as chief magistrate shall receive a minimum annual salary of the amount fixed in the following schedule:

<u>Population</u>	<u>Minimum Salary</u>
0 — 5,999	\$ 36,288.19
6,000 — 11,889	49,833.79
11,890 — 19,999	56,451.65
20,000 — 28,999	59,934.60
29,000 — 38,999	64,512.39
39,000 — 49,999	68,547.73

<u>Population</u>		<u>Minimum Salary</u>
50,000	— 74,999	76,834.09
75,000	— 99,999	82,472.75
100,000	— 149,999	88,109.64
150,000	— 199,999	94,082.74
200,000	— 249,999	102,736.58
250,000	— 299,999	111,523.74
300,000	— 399,999	123,109.97
400,000	— 499,999	128,108.37
500,000	or more	133,106.73

The minimum salary for each affected chief magistrate shall be fixed from the table in this subsection according to the population of the county in which the chief magistrate serves as determined by the United States decennial census of 2010 or any future such census; provided, however, that such annual salary shall be recalculated in any year following a census year in which the Department of Community Affairs publishes a census estimate for the county prior to July 1 that is higher than the immediately preceding decennial census. Notwithstanding the provisions of this subsection, unless otherwise provided by local law, effective January 1, 1996, in any county in which more than 70 percent of the population according to the United States decennial census of 1990 or any future such census resides on property of the United States government which is exempt from taxation by this state, the population of the county for purposes of this subsection shall be deemed to be the total population of the county minus the population of the county which resides on property of the United States government.

(3) All other chief magistrates shall receive a minimum monthly salary equal to the hourly rate that a full-time chief magistrate of the county would receive according to paragraph (2) of this subsection multiplied by the number of actual hours worked by the chief magistrate as certified by the chief magistrate to the county governing authority.

(4) Unless otherwise provided by local law, each magistrate who serves in a full-time capacity other than the chief magistrate shall receive a minimum monthly salary of \$4,685.00 per month or 90 percent of the monthly salary that a full-time chief magistrate would receive according to paragraph (2) of this subsection, whichever is less.

(5) All magistrates other than chief magistrates who serve in less than a full-time capacity or on call shall receive a minimum monthly salary of the lesser of \$27.07 per hour for each hour worked as certified by the chief magistrate to the county governing authority or 90 percent of the monthly salary that a full-time chief magistrate

would receive according to paragraph (2) of this subsection; provided, however, that notwithstanding any other provisions of this subsection, no magistrate who serves in less than a full-time capacity shall receive a minimum monthly salary of less than \$720.86 unless a magistrate waives such minimum monthly salary in writing.

(6) Magistrates shall be compensated solely on a salary basis and not in whole or in part from fees. The salaries and supplements of all magistrates shall be paid in equal monthly installments from county funds.

(b) The amounts provided in subsection (a) of this Code section, as increased by the supplement, if any, provided by subsection (d) of Code Section 15-10-105, shall be increased by multiplying said amounts by the percentage which equals 5 percent times the number of completed four-year terms of office served by any chief magistrate or magistrate where such terms have been completed after December 31, 1995, effective the first day of January following the completion of each such period of service.

(c)(1) Whenever the state employees subject to compensation plans authorized and approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amounts provided in subsection (a) of this Code section, as increased by the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the application of longevity increases pursuant to subsection (b) of this Code section, shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amounts provided in subsection (a) of this Code section, as increased by the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the application of longevity increases pursuant to subsection (b) of this Code section, shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amounts provided in subsection (a) of this Code section, as increased by the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the application of longevity increases pursuant to subsection (b) of this Code section, as authorized by this subsection, shall become effective on the first day of January following the date that the cost-of-living increases or general performance based

increases received by state employees become effective; provided, however, that if the cost-of-living increases received by state employees become effective on January 1, such periodic changes in the amounts provided in subsection (a) of this Code section, as increased by the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the application of longevity increases pursuant to subsection (b) of this Code section, as authorized by this subsection, shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective.

(2) Any cost-of-living increases or general performance based increases that have been applied prior to July 1, 2022, have been included in all minimum salary calculations. Effective July 1, 2022, any new cost-of-living increases or general performance based increases shall be calculated as provided in this Code section.

(d) The county governing authority may supplement the minimum annual salary of the chief or other magistrate in such amount as it may fix from time to time, but no such magistrate's compensation or supplement shall be decreased during any term of office. Nothing contained in this subsection shall prohibit the General Assembly by local law from supplementing the annual salary of any magistrates.

(e) The General Assembly may by local law fix the compensation of any or all of a county's magistrates. The chief magistrate or magistrate shall be entitled to the greater of the compensation established by local law, including any supplement by the county governing authority, or the minimum annual salary stated in subsection (a) of this Code section but in no event to both.

(f) This Code section shall apply to any chief magistrate who is also serving as a judge of a civil court which is provided for in Article VI, Section I, Paragraph I of the Constitution of the State of Georgia of 1983. In such case, the salary of such chief magistrate shall be as provided by the local governing authority of the county.

(g) The salaries and supplements of senior magistrates shall be paid from county funds at a per diem rate equal to the daily rate that a full-time chief magistrate of the county would receive under paragraph (2) of subsection (a) of this Code section; provided, however, that the minimum annual and monthly salaries provided for in this Code section shall not apply to senior magistrates.

History.

Code 1981, § 15-10-23, enacted by Ga. L. 1983, p. 884, § 2-1; Ga. L. 1988, p. 424, § 1; Ga. L. 1989, p. 426, § 1; Ga. L. 1993, p. 910, § 4; Ga. L. 1995, p. 562, § 1; Ga. L. 1998, p. 1159, §§ 11, 12; Ga. L. 2001, p. 902, § 8; Ga. L. 2002, p. 1088, § 1; Ga. L. 2006, p. 568, § 6/SB 450; Ga. L. 2006, p.

875, § 1/HB 1399; Ga. L. 2009, p. 745, § 1/SB 97; Ga. L. 2012, p. 446, § 2-14/HB 642; Ga. L. 2021, p. 412, § 1/HB 488.

Amendments.

The 2021 amendment, effective May 4, 2021, substituted “January 1, 2022” for “January 1, 2006” in paragraph (a)(2); modified the minimum annual salaries in the table in paragraph (a)(2); substituted “2010” for “2000” in the undesignated

paragraph following the table of paragraph (a)(2); in paragraph (a)(4), substituted “\$4,685.00” for “\$3,851.46”; in paragraph (a)(5), substituted “\$27.07” for “\$22.22” near the beginning and substituted “\$720.86” for “\$592.58” near the end; designated the existing provisions of subsection (c) as paragraph (c)(1); and added paragraph (c)(2).

ARTICLE 3
CIVIL PROCEEDINGS

15-10-41. No jury trials; appeal.

- (a) There shall be no jury trials in the magistrate court.
- (b)(1) Except as otherwise provided in this subsection, appeals may be had from judgments returned in the magistrate court to the state court of the county or to the superior court of the county and the same provisions now provided for by general law for appeals contained in Chapter 3 of Title 5 shall be applicable to appeals from the magistrate court, the same to be a de novo appeal. The provisions of Chapter 3 of Title 5 shall also apply to appeals to state court.
- (2) No appeal shall lie from a default judgment or from a dismissal for want of prosecution after a nonappearance of a plaintiff for trial. Any voluntary dismissal by the plaintiff or by order of the court for want of prosecution shall be without prejudice except that the filing of a second such dismissal shall operate as an adjudication upon the merits. Review, including review of a denial of a postjudgment motion to vacate a judgment, shall be by petition for review to the state court of that county or to the superior court of that county. Upon a reversal of a default judgment or reversal of a refusal to open a default judgment, the magistrate court shall retain jurisdiction to hear the merits of the case de novo.

History.

Code 1981, § 15-10-41, enacted by Ga. L. 1983, p. 884, § 2-1; Ga. L. 1984, p. 1096, § 5; Ga. L. 1986, p. 701, § 2; Ga. L. 1987, p. 1009, § 1; Ga. L. 1993, p. 974, § 1; Ga. L. 2008, p. 824, § 1/HB 958; Ga.

L. 2022, p. 767, § 2-9/HB 916; Ga. L. 2024, p. 201, § 4/SB 450, effective April 22, 2024.

Amendments.

The 2024 amendment, effective April 22, 2024, added the last sentence in paragraph (b)(2).

15-10-42. Applicability of the Civil Practice Act.**RESEARCH REFERENCES**

ALR. agreement or award in landlord-tenant
Litigation challenging arbitration disputes, 76 A.L.R.7th 6.

15-10-45. Compulsory and permissive counterclaims.**JUDICIAL DECISIONS**

Debtor's argument that parties' agreement created security interest in property, not leasehold, was compulsory counterclaim. — Debtor's argument that the parties' agreement created a security interest in the property, not a leasehold, was a compulsory counterclaim that should have been raised in the state court dispossession proceeding as it arose out of the same transaction and operative facts as the dispossession proceeding and the presence of third parties was not required for the adjudication. *Gilmore v. Northgard* (In re *Gilmore*), No. 20-10781, No. 20-01011, 2021 Bankr. LEXIS 914 (Bankr. S.D. Ga. Mar. 30, 2021).

ARTICLE 4**VIOLATION OF ORDINANCES OF COUNTIES AND STATE AUTHORITIES****15-10-65. Petition for review to superior court.**

Review of convictions shall be by petition for review to the superior court.

History.

Code 1981, § 15-10-65, enacted by Ga. L. 1983, p. 884, § 2-1; Ga. L. 1987, p. 448, § 2; Ga. L. 2022, p. 767, § 2-10/HB 916.

Amendments.

The 2022 amendment, effective July 1, 2023, substituted "petition for review" for "certiorari". See Editor's notes for applicability.

Editor's notes.

Ga. L. 2022, p. 767, § 3-1/HB 916, not codified by the General Assembly, makes this Code section applicable to petitions for review filed in superior or state court on or after July 1, 2023.

ARTICLE 6**CONSTABLES, CLERK, AND OTHER COURT PERSONNEL****15-10-101. Eligibility of constables.**

(a) Each constable taking office on or after July 1, 2023, shall:

- (1) Be at least 21 years of age;
- (2) Be a citizen of the United States;
- (3) Be a registered voter; and

(4) Have obtained a state approved high school equivalency (HSE) diploma.

(b) Additional qualifications for the office of chief constable or constable or both may be imposed by local law.

History.

Code 1981, § 15-10-101, enacted by Ga. L. 1983, p. 884, § 2-1; Ga. L. 1986, p. 198, § 1; Ga. L. 2024, p. 668, § 1/HB 166, effective July 1, 2024; Ga. L. 2025, p. 1029, § 15(2)/SB 153, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2024, substituted the present provisions of this Code section for the former provisions, which read: “(a) Except as provided in subsection (b) of this Code sec-

tion, the eligibility for constable is the same as for magistrate.

“(b) Each constable shall have attained the age of at least 21 years prior to the date of his assuming the duties of constable.”

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted “approved high school equivalency (HSE)” for “accredited high school diploma or general educational development (GED)” in paragraph (a)(4).

15-10-105. Selection of clerk; compensation; eligibility.

(a) The General Assembly may provide by local law for the superior court clerk or state court clerk to serve as clerk of magistrate court or for the selection of some other person as the clerk of magistrate court and for the compensation of the clerk of magistrate court. In the absence of local law, the selection and compensation of the clerk of magistrate court shall be as provided by subsections (b), (c), and (d) of this Code section.

(b) With the consent of the clerk of superior court, the county governing authority may provide that the clerk of superior court shall serve as clerk of magistrate court and shall be compensated for his or her service as clerk of magistrate court in an amount not less than \$393.66 per month. With the consent of the clerk of the superior court and clerk of the state court, the county governing authority may provide that the state court clerk shall serve as clerk of magistrate court and shall be compensated for his or her service as clerk of magistrate court in an amount not less than \$393.66 per month. Such compensation shall be retained by the clerk of superior court as his or her personal funds without regard to whether he or she is otherwise compensated on a fee basis or salary basis or both.

(c) If the clerk of superior court or the clerk of state court does not serve as clerk of magistrate court, then the county governing authority may provide for the appointment by the chief magistrate of a clerk to serve at the pleasure of the chief magistrate. A clerk of magistrate court so appointed shall be compensated in an amount fixed by the county governing authority at not less than \$393.66 per month.

(d) If there is no clerk of magistrate court, the chief magistrate or

some other magistrate appointed by the chief magistrate shall perform the duties of clerk. A chief magistrate performing the duties of clerk, or another magistrate appointed by the chief magistrate to perform the duties of clerk, shall receive, in addition to any other compensation to which he or she is entitled, compensation for performing the duties of clerk, the amount of which compensation shall be fixed by the county governing authority at not less than \$393.66 per month.

(e) The compensation of the clerk or magistrate performing the duties of clerk shall be paid in equal monthly installments from county funds.

(f) The clerk shall be required to be at least 18 years of age and shall possess a high school diploma or its equivalent. The clerk shall not be subject to a residency requirement.

(g) In any case any magistrate may perform any duty to be performed by the clerk.

History.

Code 1981, § 15-10-105, enacted by Ga. L. 1983, p. 884, § 2-1; Ga. L. 1986, p. 701, § 6; Ga. L. 1987, p. 364, § 1; Ga. L. 1993, p. 1061, § 1; Ga. L. 1998, p. 1159, § 13; Ga. L. 2001, p. 902, § 10; Ga. L. 2006, p. 568, § 7/SB 450; Ga. L. 2020, p. 493, § 15/SB 429; Ga. L. 2021, p. 412, § 2/HB 488.

Amendments.

The 2021 amendment, effective May 4, 2021, substituted “\$393.66” for “\$323.59” at the end of the first and second sentences in subsection (b) and at the end of the second sentence in subsections (c) and (d).

CHAPTER 11

JUVENILE CODE

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Sec.

- 15-11-442. Disposition hearing; time limitations; disposition of a child in need of services.
- 15-11-442.1. Placement of child in need of services.

Article 6**Delinquency****PART 1****GENERAL PROVISIONS**

- 15-11-471. Definitions.

PART 3**CUSTODY AND RELEASE OF CHILD**

- 15-11-504. Place of detention; data on child detained.
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PART 9**TRANSFERS**

- 15-11-560. Concurrent and original jurisdiction of superior court.

Sec.

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- 15-11-601. Disposition of delinquent act.
- 15-11-601.1. Role of judiciary prior to placing child in custody of DFCS.

Article 9**Access to Hearings and Records**

- 15-11-704. Public inspection of court files and records; use in subsequent juvenile or criminal prosecution.
- 15-11-708. Separation of juvenile and adult records for law enforcement; inspection; limited fingerprint access.

Article 11**Georgia Child Advocate for the Protection of Children Act**

- 15-11-747. Child advocate advisory committee; membership; role of committee.

ARTICLE 1**GENERAL PROVISIONS****15-11-1. Purpose of chapter.****JUDICIAL DECISIONS**

Reliance of evidence outside record error. — In a dependency action, the juvenile court erred in ruling that it was in the child's best interest to be reunited with the child's mother in Guatemala despite the fact that the record established that the child was fearful of returning to Guatemala due to a significant presence of

gangs because the juvenile court relied on facts outside the record including that there were gangs in the child's community in the U.S., without any evidence that the gangs in the community had any effect on the child. In the Interest of M. J. H., 366 Ga. App. 872, 884 S.E.2d 559, 2023 Ga. App. LEXIS 94 (2023).

15-11-2. Definitions.

As used in this chapter, the term:

(1) “Abandonment” or “abandoned” means any conduct on the part of a parent, guardian, or legal custodian showing an intent to forgo parental duties or relinquish parental claims. Intent to forgo parental duties or relinquish parental claims may be evidenced by:

(A) Failure, for a period of at least six months, to communicate meaningfully with a child;

(B) Failure, for a period of at least six months, to maintain regular visitation with a child;

(C) Leaving a child with another person without provision for his or her support for a period of at least six months;

(D) Failure, for a period of at least six months, to participate in any court ordered plan or program designed to reunite a child’s parent, guardian, or legal custodian with his or her child;

(E) Leaving a child without affording means of identifying such child or his or her parent, guardian, or legal custodian and:

(i) The identity of such child’s parent, guardian, or legal custodian cannot be ascertained despite diligent searching; and

(ii) A parent, guardian, or legal custodian has not come forward to claim such child within three months following the finding of such child;

(F) Being absent from the home of his or her child for a period of time that creates a substantial risk of serious harm to a child left in the home;

(G) Failure to respond, for a period of at least six months, to notice of child protective proceedings; or

(H) Any other conduct indicating an intent to forgo parental duties or relinquish parental claims.

(2) “Abuse” means:

(A) Any nonaccidental physical injury or physical injury which is inconsistent with the explanation given for it suffered by a child as the result of the acts or omissions of a person responsible for the care of a child;

(B) Emotional abuse;

(C) Sexual abuse or sexual exploitation;

(D) Prenatal abuse; or

(E) The commission of an act of family violence as defined in Code Section 19-13-1 in the presence of a child. An act includes a single act, multiple acts, or a continuing course of conduct. As used in this subparagraph, the term “presence” means physically present or able to see or hear.

(3) “Adult” means any individual who is not a child as defined in paragraph (10) of this Code section.

(4) “Affiliate court appointed special advocate program” means a locally operated program operating with the approval of the local juvenile court which screens, trains, and supervises volunteers to advocate for the best interests of an abused or neglected child in dependency proceedings.

(5) “Aggravated circumstances” means the parent has:

(A) Abandoned a child;

(B) Aided or abetted, attempted, conspired, or solicited to commit murder or voluntary manslaughter of another child of such parent;

(C) Subjected a child or his or her sibling to torture, chronic abuse, sexual abuse, or sexual exploitation;

(D) Committed the murder or voluntary manslaughter of his or her child’s other parent or has been convicted of aiding or abetting, attempting, conspiring, or soliciting the murder or voluntary manslaughter of his or her child’s other parent;

(E) Committed the murder or voluntary manslaughter of another child of such parent;

(F) Committed an assault that resulted in serious bodily injury to his or her child or another child of such parent; or

(G) Caused his child to be conceived as a result of having nonconsensual sexual intercourse with the mother of his child or when the mother is less than ten years of age.

(6) “Biological father” means the male who impregnated the biological mother resulting in the birth of a child.

(6.1) “Blatant disregard” means a real, significant, and imminent risk of harm that would be so obvious to a legal custodian that a legal custodian acting reasonably would not have exposed the child to the imminent risk of harm without exercising precautionary measures to protect the child from such harm.

(7) “Business day” means Mondays through Fridays and shall not include weekends or legal holidays.

(8) “Caregiver” means any person providing a residence for a child or any person legally obligated to provide or secure adequate care for a child, including his or her parent, guardian, or legal custodian.

(9) “Case plan” means a plan which is designed to ensure that a child receives protection, proper care, and case management and may include services for a child, his or her parent, guardian, or legal custodian, and other caregivers.

(10) “Child” means any individual who is:

(A) Under the age of 18 years;

(B) Under the age of 17 years when alleged to have committed a delinquent act;

(C) Between 18 and 21 years of age and receiving extended care youth services from DFCS; or

(D) Under the age of 21 years who committed an act of delinquency before reaching the age of 17 years and who has been placed under the supervision of the court or on probation to the court for the purpose of enforcing orders of the court.

(11) “Child in need of services” means:

(A) A child adjudicated to be in need of care, guidance, counseling, structure, supervision, treatment, or rehabilitation and who is adjudicated to be:

(i) Subject to compulsory school attendance and who is habitually and without good and sufficient cause truant, as such term is defined in Code Section 15-11-381, from school;

(ii) Habitually disobedient of the reasonable and lawful commands of his or her parent, guardian, or legal custodian and is ungovernable or places himself or herself or others in unsafe circumstances;

(iii) A runaway, as such term is defined in Code Section 15-11-381;

(iv) A child who has committed an offense applicable only to a child;

(v) A child who wanders or loiters about the streets of any city or in or about any highway or any public place between the hours of 12:00 Midnight and 5:00 A.M.;

(vi) A child who disobeys the terms of supervision contained in a court order which has been directed to such child who has been adjudicated a child in need of services; or

(vii) A child who patronizes any bar where alcoholic beverages are being sold, unaccompanied by his or her parent, guardian, or legal custodian, or who possesses alcoholic beverages; or

(B) A child who has committed a delinquent act and is adjudicated to be in need of supervision but not in need of treatment or rehabilitation.

(12) “Class A designated felony act” means a delinquent act committed by a child 13 years of age or older which, if committed by an adult, would be one or more of the following crimes:

(A)(i) Aggravated assault in violation of paragraph (3) of subsection (a) of Code Section 16-5-21;

(ii) Aggravated assault in violation of paragraph (1) or (4) of subsection (a) of Code Section 16-5-21 other than upon a public safety officer as such acts are prohibited under subsection (c) of Code Section 16-5-21, not involving a firearm; or

(iii) Aggravated assault upon an individual or situation described in subsection (d), (h), or (k) of Code Section 16-5-21 or assault with a deadly weapon or with any object, device, or instrument which, when used offensively against a person, actually does result in serious bodily injury; provided, however, that such injured person is not a public safety officer as defined in Code Section 16-5-19 and such acts are not prohibited under subsection (c) of Code Section 16-5-21;

(B) Aggravated battery not upon a public safety officer as such acts are prohibited under subsection (c) of Code Section 16-5-24;

(C) Armed robbery not involving a firearm;

(D) Arson in the first degree;

(E) Attempted murder;

(F) Escape in violation of Code Section 16-10-52, if such child has previously been adjudicated to have committed a class A designated felony act or class B designated felony act;

(G) Hijacking a motor vehicle in the first degree;

(G.1) Home invasion in the first degree;

(H) Kidnapping;

(I) Participating in criminal gang activity, as defined in subparagraphs (A) through (G) and (J) of paragraph (1) of Code Section 16-15-3, in violation of Code Section 16-15-4;

(J) Trafficking of substances in violation of Code Section 16-13-31 or 16-13-31.1;

(K) Any other act which, if committed by an adult, would be a felony in violation of Chapter 5 or 6 of Title 16, if such child has three times previously been adjudicated for delinquent acts all of which, if committed by an adult, would have been felonies in violation of any chapter of Title 16, provided that the prior adjudications of delinquency shall not have arisen out of the same transaction or occurrence or series of events related in time and location; or

(L) Any other act which, if committed by an adult, would be a felony, if such child has three times previously been adjudicated for delinquent acts all of which, if committed by an adult, would have been felonies in violation of any chapter of Title 16 and one of which, if committed by an adult, would have been a felony in violation of Chapter 5 or 6 of Title 16, provided that the prior adjudications of delinquency shall not have arisen out of the same transaction or occurrence or series of events related in time and location.

(13) “Class B designated felony act” means a delinquent act committed by a child 13 years of age or older which, if committed by an adult, would be one or more of the following crimes:

(A)(i) Aggravated assault in violation of subsection (e), (f), or (i) of Code Section 16-5-21; or

(ii) Aggravated assault involving an assault with a deadly weapon or with any object, device, or instrument which, when used offensively against a person, would be likely to result in serious bodily injury but which did not result in serious bodily injury;

(B) Arson in the second degree;

(C) Attempted kidnapping;

(D) Battery in violation of Code Section 16-5-23.1, if the victim is a teacher or other school personnel;

(E) Racketeering in violation of Code Section 16-14-4;

(F) Robbery;

(F.1) Home invasion in the second degree;

(G) Participating in criminal gang activity, as defined in subparagraph (H) of paragraph (1) of Code Section 16-15-3, in violation of Code Section 16-15-4;

(H) Smash and grab burglary;

(I) Possessing, manufacturing, transporting, distributing, possessing with the intent to distribute, or offering to distribute a destructive device in violation of Code Section 16-7-82;

(J) Distributing certain materials to persons under the age of 21 in violation of Code Section 16-7-84;

(K) Any subsequent violation of Code Sections 16-8-2 through 16-8-5 or 16-8-5.2 through 16-8-9, if the property which was the subject of the theft was a motor vehicle and such child has had one or more separate, prior adjudications of delinquency based upon a violation of Code Sections 16-8-2 through 16-8-5 or 16-8-5.2 through 16-8-9, provided that the prior adjudications of delinquency shall not have arisen out of the same transaction or occurrence or series of events related in time and location;

(L) Any subsequent violation of Code Section 16-7-85 or 16-7-87, if such child has had one or more separate, prior adjudications of delinquency based upon a violation of Code Section 16-7-85 or 16-7-87, provided that the prior adjudications of delinquency shall not have arisen out of the same transaction or occurrence or series of events related in time and location;

(M) Any subsequent violation of subsection (b) of Code Section 16-11-132, if such child has had one or more separate, prior adjudications of delinquency based upon a violation of subsection (b) of Code Section 16-11-132, provided that the prior adjudications of delinquency shall not have arisen out of the same transaction or occurrence or series of events related in time and location;

(N)(i) An act which constitutes a violation of Code Section 16-11-127.1 involving a:

(I) Firearm, as defined in Code Section 16-11-131;

(II) Dangerous weapon or machine gun, as defined in Code Section 16-11-121; or

(III) Weapon, as defined in Code Section 16-11-127.1, together with an assault; or

(ii) An act which constitutes a second or subsequent adjudication of delinquency based on a violation of Code Section 16-11-127.1; or

(O) Any other act which, if committed by an adult, would be a felony in violation of any chapter of Title 16 other than Chapter 5 or 6 of Title 16, if such child has three times previously been adjudicated for delinquent acts, all of which, if committed by an adult, would have been felonies in violation of any chapter of Title 16 other than Chapter 5 or 6 of Title 16, provided that the prior adjudications of delinquency shall not have arisen out of the same transaction or occurrence or series of events related in time and location.

(13.05) “Commercial sexual exploitation recovery center” means a child-caring institution certified as a victim assistance program, as provided for in subsection (e) of Code Section 15-21-132, which provides full-time residential care and support services to youth through 18 years of age who are victims of sexual exploitation as defined in Code Section 49-5-40.

(13.1) “Community supervision officer” means an individual employed by the Department of Community Supervision who supervises probationers who were adjudicated for committing a Class A designated felony act or Class B designated felony act, placed in restrictive custody, and released from such custody.

(14) “Complaint” is the initial document setting out the circumstances that resulted in a child being brought before the court.

(15) “Court” means the juvenile court or the court exercising jurisdiction over juvenile matters.

(16) “Court appointed special advocate” or “CASA” means a community volunteer who:

(A) Has been screened and trained regarding child abuse and neglect, child development, and juvenile court proceedings;

(B) Has met all the requirements of an affiliate court appointed special advocate program;

(C) Is being actively supervised by an affiliate court appointed special advocate program; and

(D) Has been sworn in by a judge of the juvenile court in the court or circuit in which he or she wishes to serve.

(17) “Criminal justice purposes” means the performance of any activity directly involving:

(A) The investigation, detection, apprehension, detention, pre-trial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of children or adults who are accused of, convicted of, adjudicated of, or charged with crimes or delinquent acts; or

(B) The collection, storage, and dissemination of criminal history record information.

(18) “DBHDD” means the Department of Behavioral Health and Developmental Disabilities.

(19) “Delinquent act” means:

(A) An act committed by a child designated a crime by the laws of this state, or by the laws of another state if the act occurred in

that state, under federal laws, or by local ordinance, and the act is not an offense applicable only to a child or a juvenile traffic offense;

(B) The act of disobeying the terms of supervision contained in a court order which has been directed to a child who has been adjudicated to have committed a delinquent act; or

(C) Failing to appear as required by a citation issued for an act that would be a crime if committed by an adult.

(20) “Delinquent child” means a child who has committed a delinquent act and is in need of treatment or rehabilitation.

(21) “Department” means the Department of Human Services.

(22) “Dependent child” means a child who:

(A) Has been abused or neglected and is in need of the protection of the court:

(B) Has been placed for care or adoption in violation of law; or

(C) Is without his or her parent, guardian, or legal custodian.

(23) “Detention assessment” shall have the same meaning as set forth in Code Section 49-4A-1.

(24) “Developmental disability” shall have the same meaning as set forth in Code Section 37-1-1.

(25) “Developmental level” is a child’s ability to understand and communicate, taking into account such factors as age, maturity, mental capacity, level of education, cultural background, and degree of language acquisition.

(26) “DFCS” means the Division of Family and Children Services of the department.

(27) “Diligent search” means the efforts of DFCS to identify and locate a parent whose identity or location is unknown or a relative or other person who has demonstrated an ongoing commitment to a child.

(28) “DJJ” means the Department of Juvenile Justice.

(29) “Emancipation” means termination of the rights of a parent to the custody, control, services, and earnings of a child.

(30) “Emotional abuse” means acts or omissions by a person responsible for the care of a child that cause any mental injury to such child’s intellectual or psychological capacity as evidenced by an observable and significant impairment in such child’s ability to function within a child’s normal range of performance and behavior or that create a substantial risk of impairment, if the impairment or

substantial risk of impairment is diagnosed and confirmed by a licensed mental health professional or physician qualified to render such diagnosis.

(31) “Evaluation” means a comprehensive, individualized examination of a child by an examiner that may include the administration of one or more assessment instruments, diagnosing the type and extent of a child’s behavioral health disorders and needs, if any, making specific recommendations, and assessing a child’s legal competencies.

(32) “Examiner” means a licensed psychologist, psychiatrist, or clinical social worker who has expertise in child development specific to severe or chronic disability of children attributable to intellectual impairment or mental illness and has received training in forensic evaluation procedures through formal instruction, professional supervision, or both.

(32.1) “Family and permanency team” shall consist of all appropriate biological family members, relatives, and fictive kin of the child, as well as, as appropriate, professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy, and not more than two members of the case planning team or permanency planning team selected by a child who is age 14 or older. The two members selected by the child shall not be a foster parent of, or caseworker for, the child. DFCS may reject an individual selected by the child if DFCS has good cause to believe that the individual would not act in the best interest of the child.

(33) “Fictive kin” means a person who is not related to the child by blood, marriage, or adoption but who prior to his or her placement in foster care is known to the family, has a substantial and positive relationship with the child, and is willing and able to provide a suitable home for the child.

(34) “Foster care” means placement in foster family homes, child care institutions, or another substitute care setting approved by the department. Such term shall exclude secure residential facilities or other facilities operated primarily for the purpose of detention of a child adjudicated for delinquent acts.

(35) “Guardian ad litem” means an individual appointed to assist the court in determining the best interests of a child.

(36) “Guardianship order” means the court judgment that establishes a permanent guardianship and enumerates a permanent guardian’s rights and responsibilities concerning the care, custody, and control of a child.

(37) “Identification data” means the fingerprints, name, race, sex, date of birth, and any other unique identifiers of a child.

(37.1) “Independent activity” means the activity of a child who is not under the direct supervision of a legal custodian or person acting in loco parentis and shall include, but shall not be limited to, playing indoors or outdoors alone or with other children, walking to or from school, running errands, or traveling to local commercial or recreational facilities.

(38) “Indigent person” means a person who, at the time of requesting an attorney, is unable without undue financial hardship to provide for full payment of an attorney and all other necessary expenses for representation or a child who is a party to a dependency proceeding. To determine indigence in a delinquency proceeding, the court shall follow the standards set forth in Chapter 12 of Title 17.

(39) “Informal adjustment” means the disposition of a case other than by formal adjudication and disposition.

(40) “Judge” means the judge of the court exercising jurisdiction over juvenile matters.

(41) “Juvenile court intake officer” means the juvenile court judge, associate juvenile court judge, court service worker, DJJ staff member serving as an intake officer in a delinquency or child in need of services proceeding, or person employed as a juvenile probation or intake officer designated by the juvenile court judge or, where there is none, the superior court judge, who is on duty for the purpose of determining whether any child taken into custody should be released or detained and, if detained, the appropriate place of detention.

(42) “Legal custodian” means:

(A) A person to whom legal custody of a child has been given by order of a court; or

(B) A public or private agency or other private organization licensed or otherwise authorized by law to receive and provide care for a child to which legal custody of such child has been given by order of a court.

(43) “Legal father” means a male who has not surrendered or had terminated his rights to a child and who:

(A) Has legally adopted such child;

(B) Was married to the biological mother of such child at the time such child was born or within the usual period of gestation, unless paternity was disproved by a final order pursuant to Article 3 of Chapter 7 of Title 19;

(C) Married the legal mother of such child after such child was born and recognized such child as his own, unless paternity was disproved by a final order pursuant to Article 3 of Chapter 7 of Title 19; or

(D) Has legitimated such child by a final order pursuant to Code Section 19-7-22.

(44) “Legal mother” means the female who is the biological or adoptive mother of a child and who has not surrendered or had terminated her rights to such child.

(45) “Mediation” means the proceeding in which a mediator facilitates communication between the parties concerning the matters in dispute and explores possible solutions to promote collaboration, understanding, and settlement.

(46) “Mediator” means a neutral third party who attempts to focus the attention of the parties upon their needs and interests rather than upon their rights and positions and who lacks the authority to impose any particular agreement upon the parties or to recommend any particular disposition of the case to the court.

(47) “Mentally ill” means having a disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

(48) “Neglect” means:

(A) The failure to provide necessary parental care or control, subsistence, education as required by law, or other care or control necessary for a child’s physical, mental, or emotional health or safety;

(B) The failure to provide a child with supervision necessary for such child’s health or safety due to a legal custodian having placed the child in a situation that requires judgment or actions beyond such child’s level of maturity, physical abilities, or mental abilities and thereby creating a real, significant, and imminent risk of harm to the child as a result of a blatant disregard for such legal custodian’s responsibilities; or

(C) The abandonment of a child by his or her parent, guardian, or legal custodian; provided, however, that such term shall not include a legal custodian permitting a child to engage in one or more independent activities, only if the legal custodian reasonably believes the child is of sufficient maturity, physical abilities, and mental abilities to avoid substantial risk of harm.

(49) “Nonsecure residential facility” means community residential facilities that provide 24 hour care in a residential setting that are not hardware secured.

(50) “Other persons who have demonstrated an ongoing commitment to a child” includes fictive kin and other individuals, including but not limited to neighbors, teachers, scout masters, caregivers, or parents of friends of such child and with whom such child has resided or had significant contact.

(51) “Parent” means either the legal father or the legal mother of a child.

(52) “Party” means the state, a child, parent, guardian, legal custodian, or other person subject to any judicial proceeding under this chapter; provided, however, that for purposes of Articles 5 and 6 of this chapter, only a child and the state shall be a party.

(53) “Permanency plan” means a specific written plan prepared by DFCS designed to ensure that a child is reunified with his or her family or ensure that such child quickly attains a substitute long-term home when return to such child’s family is not possible or is not in such child’s best interests.

(54) “Permanent placement” means:

- (A) Return of the legal custody of a child to his or her parent;
- (B) Placement of a child with an adoptive parent pursuant to a final order of adoption; or
- (C) Placement of a child with a permanent guardian.

(55) “Person responsible for the care of a child” means:

- (A) An adult member of a child’s household;
- (B) A person exercising supervision over a child for any part of the 24 hour day; or
- (C) Any adult who, based on his or her relationship to the parent, guardian, or legal custodian or a member of a child’s household, has access to such child.

(56) “Prenatal abuse” means exposure to chronic or severe use of alcohol or the unlawful use of any controlled substance, as such term is defined in Code Section 16-13-21, which results in:

- (A) Symptoms of withdrawal in a newborn or the presence of a controlled substance or a metabolite thereof in a newborn’s body, blood, urine, or meconium that is not the result of medical treatment; or
- (B) Medically diagnosed and harmful effects in a newborn’s physical appearance or functioning.

(57) “Probation and intake officer” means any probation officer and any personnel of a juvenile court to whom are delegated the duties of

an intake officer under this chapter, other than a juvenile court judge, associate juvenile court judge, or court service worker.

(58) “Probation officer” means any personnel of a juvenile court or staff of DJJ to whom are delegated the duties of a probation officer under this chapter, other than a juvenile court judge or associate juvenile court judge.

(59) “Prosecuting attorney” means an attorney designated by the district attorney of the judicial circuit in which juvenile proceedings are instituted, unless otherwise provided in subsection (c) of Code Section 15-18-6.1.

(60) “Putative father registry” means the registry established and maintained pursuant to subsections (d) and (e) of Code Section 19-11-9.

(60.1) “Qualified individual” means a trained professional or licensed clinician who is not an employee of the department and who is not connected to, or affiliated with, any placement setting in which children are placed by the department.

(60.2) “Qualified residential treatment program” means a program that:

(A) Has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child by the assessment to determine appropriateness of placement as provided for in Code Section 15-11-219;

(B) Has registered or licensed nursing staff and other licensed clinical staff who:

(i) Provide care within the scope of their practice;

(ii) Are onsite according to the treatment model referred to in subparagraph (A) of this paragraph; and

(iii) Are available 24 hours a day and seven days a week;

(C) To the extent appropriate, and in accordance with the child’s best interests, facilitates participation of family members in the child’s treatment program;

(D) Facilitates outreach to the family members of the child, including siblings, documents how the outreach is made, including contact information, and maintains contact information for any known biological family and fictive kin of the child;

(E) Documents how family members are integrated into the treatment process for the child, including post-discharge, and how sibling connections are maintained;

(F) Provides discharge planning and family based aftercare support for at least six months post-discharge; and

(G) Is licensed pursuant to Chapter 5 of Title 49 in accordance with 42 U.S.C. Section 671(a)(10) and accredited in accordance with 42 U.S.C. Section 672(k)(4)(G).

(61) “Reasonable efforts” means due diligence and the provision of appropriate services.

(62) “Relative” means a person related to a child by blood, marriage, or adoption, including the spouse of any of those persons even if the marriage was terminated by death or dissolution.

(63) “Restitution” means any property, lump sum, or periodic payment ordered to be made to any victim. Restitution may also be in the form of services ordered to be performed by a child.

(64) “Restrictive custody” means in the custody of DJJ for purposes of housing in a secure residential facility or nonsecure residential facility.

(65) “Risk assessment” shall have the same meaning as set forth in Code Section 49-4A-1.

(66) “Screening” means a relatively brief process to identify a child who potentially may have mental health or substance abuse needs, through administration of a formal screening instrument, to identify a child who may warrant immediate attention or intervention or a further, more comprehensive evaluation.

(67) “Secure residential facility” means a hardware secure residential institution operated by or on behalf of DJJ and shall include a youth development center or a regional youth detention center.

(68) “Services” means assistance including but not limited to care, guidance, education, counseling, supervision, treatment, and rehabilitation or any combination thereof.

(69) “Sexual abuse” means a caregiver or other person responsible for the care of a child employing, using, persuading, inducing, enticing, or coercing any child to engage in any act which involves:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(B) Bestiality;

(C) Masturbation;

(D) Lewd exhibition of the genitals or pubic area of any person;

(E) Flagellation or torture by or upon a person who is nude;

(F) The condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude;

(G) Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts;

(H) Defecation or urination for the purpose of sexual stimulation; or

(I) Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure by a licensed health care professional.

(70) "Sexual exploitation" means conduct by a caregiver or other person responsible for the care of a child who allows, permits, encourages, or requires a child to engage in:

(A) Sexual servitude, as defined in Code Section 16-5-46; or

(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, in violation of Code Section 16-12-100.

(71) "Sibling" means a person with whom a child shares a biological father or one or both parents in common by blood, adoption, or marriage, even if the marriage was terminated by death or dissolution.

(72) "Staffing" means a meeting held periodically to develop and review progress on plans for meeting the identified needs of a child.

(73) "Statutory overnight delivery" means delivery of notice as provided in Code Section 9-10-12.

(73.1) "Temporary alternatives to foster care" means measures that a juvenile court may order in lieu of removal of a child or children alleged to be dependent in protective custody which will prevent or reduce the trauma of removal; allow a child to be cared for by persons with whom the child has an existing bond or attachment; or that ensure the safety of the child pending further action by the court on the dependency complaint or petition.

(74) "Unsupervised probation" means a period of probation or community supervision prior to the termination of a child's disposition in which:

(A) All of the conditions and limitations imposed by the court in placing such child on probation remain intact;

(B) Such child may have reduced reporting requirements; and

(C) A probation officer shall not actively supervise such child.

(75) “Visitation” means a period of access to a child by a parent, guardian, legal custodian, sibling, other relative, or any other person who has demonstrated an ongoing commitment to a child in order to maintain parental and familial involvement in a child’s life when he or she is not residing with such person.

(76) “Weekend” means Saturday or Sunday.

History.

Code 1981, § 15-11-2, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2014, p. 426, §§ 1, 2/HB 770; Ga. L. 2014, p. 432, § 2-1/HB 826; Ga. L. 2014, p. 441, §§ 2, 3/HB 911; Ga. L. 2014, p. 780, § 1-1/SB 364; Ga. L. 2015, p. 422, § 5-8/HB 310; Ga. L. 2015, p. 540, § 1-1/HB 361; Ga. L. 2015, p. 805, § 1/HB 492; Ga. L. 2016, p. 219, § 1/SB 331; Ga. L. 2016, p. 304, § 1/SB 64; Ga. L. 2017, p. 417, § 2-1/SB 104; Ga. L. 2017, p. 500, § 2-1/SB 160; Ga. L. 2018, p. 927, § 1-1/HB 906; Ga. L. 2019, p. 67, § 1/HB 472; Ga. L. 2019, p. 893, § 1/SB 225; Ga. L. 2020, p. 493, § 15/SB 429; Ga. L. 2021, p. 134, § 1/SB 28; Ga. L. 2024, p. 41, § 1/SB 377, effective April 19, 2024; Ga. L. 2024, p. 421, § 1/HB 1201, effective April 24, 2024; Ga. L. 2025, p. 99, § 3-1/HB 268, effective April 28, 2025; Ga. L. 2025, p. 718, § 1/SB 110, effective July 1, 2025.

Amendments.

The first 2024 amendment, effective April 19, 2024, rewrote paragraph (60.2).

The second 2024 amendment, effective April 24, 2024, added paragraph (13.05).

The first 2025 amendment, effective April 28, 2025, substituted “bodily injury; provided, however” for “bodily injury, provided that such deadly weapon is not a firearm; and provided, further” in division (12)(A)(iii).

The second 2025 amendment, effective July 1, 2025, added paragraphs (6.1) and (37.1); in subparagraph (48)(A), substituted “necessary parental” for “proper parental” and “safety” for “morals”; rewrote subparagraph (48)(B); and added the proviso at the end of subparagraph (48)(C).

JUDICIAL DECISIONS

ANALYSIS

GENERAL CONSIDERATION
JURISDICTION OF COURT
DELINQUENCY

General Consideration

Jurisdiction.

Juvenile court erred in concluding that it lacked jurisdiction over the child’s dependency petition, as the juvenile court had exclusive original jurisdiction over dependency matters under O.C.G.A. § 15-11-10. In the Interest of J. T. S. S., 373

Ga. App. 300, 908 S.E.2d 273, 2024 Ga. App. LEXIS 425 (2024).

Evidentiary standards.

Juvenile court did not specify which factual findings supported the conclusion that the children remained dependent as the order contained no findings whatsoever with regard to parental unfitness and that deficiency prevented the reviewing

General Consideration (Cont'd)

court from making an intelligent review of the mother's challenges to the sufficiency of the hearing evidence. In the Interest of M. C., 365 Ga. App. 398, 878 S.E.2d 625, 2022 Ga. App. LEXIS 450 (2022).

Evidence sufficient to support dependency finding.

Juvenile court did not err in finding the child to be a dependent child where the evidence showed that the mother manifested an unfitness by an inability or unwillingness to care for the child in the hospital, failed to complete any aspect of the reunification plan except completing parenting classes, was not fully bonded with the child, and had obtained insufficient housing, which was unclean, smelled foul, and lacked any of the necessities for an infant. In the Interest of G. G., 359 Ga. App. 374, 857 S.E.2d 840, 2021 Ga. App. LEXIS 203 (2021).

In a dependency action, there was sufficient evidence for the trial court to determine that family violence had been committed in the presence of the children, as the evidence showed that the children heard the arguments between appellant and the mother, and saw the bruising on both parents in the aftermath of these arguments. At the very least, the evidence was sufficient to show that the children heard these incidents of family violence. In the Interest of J. R., 360 Ga. App. 138, 860 S.E.2d 798, 2021 Ga. App. LEXIS 317 (2021).

Evidence was sufficient to find that the children, if returned to their mother, would be dependent because, while the children were in the mother's custody, the mother abused them; even after the children were removed from the mother's custody, the mother continued emotionally abusing one of the children; the mother refused to admit any wrongdoing; and, although the mother had completed a psychological evaluation and a partial parental fitness evaluation, the mother had otherwise refused to cooperate with the Department of Family and Children Services by participating in family therapy, parenting classes, or any other services to address conditions that might have led the mother to abuse the children. In the

Interest of N. C., 363 Ga. App. 398, 870 S.E.2d 569, 2022 Ga. App. LEXIS 127 (2022).

Clear and convincing evidence supported the juvenile court's determination that the child was dependent, including the investigator's testimony that she received reports that the adoptive mother repeatedly twisted the child's arm behind the child's back, made the child scream, struck the child forcefully with a wooden spoon, and yanked and jerked the child by the hair. In the Interest of K. R., 367 Ga. App. 668, 888 S.E.2d 204, 2023 Ga. App. LEXIS 206 (2023).

There was sufficient evidence to support the order finding the children to be dependent, where the father refused to engage with the Georgia Department of Human Resources since the children came into the Department's care; the father continued refusing to cooperate with the Department after the children were legitimated; the father failed to comply with the consent-ordered case plan designed to reunify the family, including assessments and services for substance abuse, domestic violence, and parental fitness; and that despite his claims of employment, the father has failed to provide tax forms or bank statements showing such employment. In the Interest of K. B., 368 Ga. App. 485, 890 S.E.2d 414, 2023 Ga. App. LEXIS 342 (2023).

Rational trier of fact could have found the juvenile court's finding of dependency by clear and convincing evidence because the evidence showed that the juvenile's biological parents lived in El Salvador and were unable to provide for him, the juvenile had been a target of violent gang recruitment and harassment in his hometown, and he had been living with his uncle for nearly two years. In the Interest of R. E. Z. B., 370 Ga. App. 236, 896 S.E.2d 236, 2023 Ga. App. LEXIS 561 (2023).

Juvenile court's finding of continued dependency under O.C.G.A. § 15-11-2(22)(A) was supported by clear and convincing evidence because the record contained evidence that while the children were in the mother's custody she physically abused one of them, after the children were removed from her custody the mother continued to abuse them

emotionally during visits, the mother had an unrehabilitated substance abuse disorder, and she was noncompliant with the department's recommendations. In the Interest of Z. A., 370 Ga. App. 424, 897 S.E.2d 639, 2024 Ga. App. LEXIS 29 (2024).

Sufficient findings of dependency.

— Evidence was sufficient to clearly and convincingly show that the children were dependent as to the father because the evidence included the circumstances surrounding the sibling's death, the father remaining under investigation, the child's statements about the father, and the recommendation against unsupervised visitation. In the Interest of H. H., 374 Ga. App. 468, 913 S.E.2d 107, 2025 Ga. App. LEXIS 78 (2025).

Juvenile court erred ruling immigrant child not dependent. — Juvenile court erred ruling that the child was not dependent under O.C.G.A. § 15-11-2(22) as the undisputed evidence showed that the child was without a parent, guardian, or legal custodian, was seeking Special Immigrant Juvenile (SIJ) status, and the factual findings regarding the viability of reunification with the parents and the best interests of returning the child to Guatemala were unclear as to evidence the juvenile court relied upon and the guardian ad litem's report was not considered. In the Interest of J. T. S. S., 373 Ga. App. 300, 908 S.E.2d 273, 2024 Ga. App. LEXIS 425 (2024).

Education status as basis for neglect for Guatemalan child. — Fact that the child dropped out of school in Guatemala at nine or ten did not, alone, demand a finding that the child's mother neglected her parental duties absent evidence that the mother was legally required to provide the child with education past that point. In the Interest of M. J. H., 371 Ga. App. 383, 898 S.E.2d 631, 2024 Ga. App. LEXIS 154 (2024).

Abandonment not necessarily shown by prison sentence. — Father's parental rights were improperly terminated on the basis of the aggravated circumstance of abandonment because the father had not abandoned the child during the approximately 15 months between when the child came into the custody of

the Department of Family and Children Services (DFCS) and the termination hearing as the child had resided with the father for almost all of the child's entire life before the father's arrest; the father completed a prison substance abuse treatment program that was a condition for regaining custody of the child, finished two levels of parenting classes, and sent letters to the child that were never delivered by DFCS; and the father's conduct did not reflect an intent to abandon the child. In the Interest of H. A. S., 358 Ga. App. 54, 853 S.E.2d 371, 2020 Ga. App. LEXIS 695 (2020).

Jurisdiction of Court

Factual determinations regarding Special Immigrant Juvenile (SIJ) status. — Juvenile court erred concluding that the court lacked jurisdiction to make a factual determination regarding whether it was in the child's best interest to return to Honduras as part of the Special Immigrant Juvenile (SIJ) application process as the court had a duty to consider and make factual findings regarding all SIJ factors when requested in a dependency proceeding. In the Interest of H. D. G. H., 371 Ga. App. 34, 899 S.E.2d 501, 2024 Ga. App. LEXIS 114 (2024).

Delinquency

Availability of insanity defense to juveniles for delinquency. — Georgia Supreme Court held that in a delinquency proceeding, a child may assert an insanity or delusional-compulsion defense under O.C.G.A. § 16-3-2 or O.C.G.A. § 16-3-3 when the child's delinquency charge is based on an allegation that the child committed an act designated a crime by the laws of Georgia. In the Interest of T.B., 313 Ga. 846, 874 S.E.2d 101, 2022 Ga. LEXIS 165 (2022).

Evidence insufficient to support adjudication of delinquency. — Record lacked clear and convincing evidence to support the trial court's finding of dependency based on its conclusion that the children were neglected because the order specifically noted that the dependency finding was based on the mother's unstable housing and lack of employment. In the Interest of A. M. B., 361 Ga. App. 551,

Delinquency (Cont'd)

864 S.E.2d 713, 2021 Ga. App. LEXIS 512 (2021).

Evidence sufficient to support adjudication of delinquency.

Clear and convincing evidence supported juvenile court’s determination that child remained dependent based on juve-

nile being behind expected grade level, mother not completing several tasks listed in case plan, and family moved several times without notifying agency of new contact information leaving agency unable to confirm housing stability. In the Interest of C. E. Jr., 366 Ga. App. 612, 884 S.E.2d 22, 2023 Ga. App. LEXIS 50 (2023).

15-11-10. Exclusive original jurisdiction.

JUDICIAL DECISIONS

ANALYSIS

GENERAL CONSIDERATION
EXCLUSIVE JURISDICTION

General Consideration

Jurisdiction in dependency. — Juvenile court erred in concluding that the court lacked jurisdiction over the child’s dependency petition as the juvenile court had exclusive original jurisdiction over dependency matters under O.C.G.A. § 15-11-10. In the Interest of J. T. S. S., 373 Ga. App. 300, 908 S.E.2d 273, 2024 Ga. App. LEXIS 425 (2024).

Exclusive Jurisdiction

Non-relative couple lacked stand-

ing to seek custody. — Judgment awarding a couple custody of a minor child was reversed because the couple, as third party non-relatives, did not have standing to initiate the proceedings in superior court seeking custody of the minor child who had been placed by another court, at least temporarily, in their custody. Wallace v. Chandler, 360 Ga. App. 541, 859 S.E.2d 100, 2021 Ga. App. LEXIS 199 (2021).

15-11-11. Concurrent jurisdiction.

Law reviews.

For annual survey on wills, trusts, guardianships, and fiduciary administration, see 74 Mercer L. Rev. 277 (2022).

For article, “Guardianship and Conservatorship 101,” see 28 Ga. St. B.J. 16 (December 2022).

JUDICIAL DECISIONS

Recording of children. — When the oldest child of the parties was placed in the father’s temporary custody in a delinquency proceeding, the custody modification based on the presumption that the unrecorded children’s interviews sup-

ported the ruling was upheld since the mother declined the option to record the children. In the Interest of T. D., 370 Ga. App. 637, 898 S.E.2d 821, 2024 Ga. App. LEXIS 66 (2024).

15-11-11.1. Representation by appointed counsel in legitimization proceedings.

A dependent child who is represented by court appointed counsel and

who is the subject of a legitimation petition pursuant to Code Section 15-11-11 may be represented by the same appointed counsel in the legitimation matter.

History.

Code 1981, § 15-11-11.1, enacted by Ga. L. 2023, p. 140, § 1/HB 460, effective July 1, 2023.

Effective date.

This Code section became effective July 1, 2023.

15-11-14. Transfers from probate court.

(a) The court shall hold a hearing within 30 days of receipt of a case transferred from the probate court pursuant to subsection (f) of Code Section 29-2-6 or subsection (b) of Code Section 29-2-8. A child may obtain a court appointed attorney for the hearing to determine whether continuation or termination of the temporary guardianship is in the best interests of the child.

(b) After notice and hearing, the court may make one of the following orders:

(1) That the temporary guardianship be established or continued if the court determines that the temporary guardianship is in the best interests of a child. The order shall thereafter be subject to modification only as provided in Code Section 15-11-32; or

(2) That the temporary guardianship be terminated if the court determines it is in the best interests of a child. A child shall be returned to his or her parent unless the court determines that there is probable cause to believe that he or she will be abused, neglected, or abandoned in the custody of his or her parent.

(c) A case shall proceed as a dependency matter pursuant to the provisions of Article 3 of this chapter if, after notice and hearing, the court determines:

(1) That it is in the best interests of a child that the temporary guardianship not be established or that the temporary guardianship be terminated but there is probable cause to believe that he or she will be abused, neglected, or abandoned if returned to his or her parent; or

(2) That it is in the best interests of a child that the temporary guardianship be continued over the parent's objection.

(d) The court may refer to DFCS for further investigation a case transferred from probate court.

History.

Code 1981, § 15-11-14, enacted by Ga. L.

2013, p. 294, § 1-1/HB 242; Ga. L. 2023, p. 140, § 2/HB 460, effective July 1, 2023.

Amendments. 1, 2023, added the second sentence in subsection (a).
The 2023 amendment, effective July

15-11-15. Transfers from superior court; custody and support.

JUDICIAL DECISIONS

Recordation of children. — When the oldest child of the parties was placed in the father’s temporary custody in a delinquency proceeding, the custody modification based on the presumption that the unrecorded children’s interviews supported the ruling was upheld since the mother declined the option to record the children. In the Interest of T. D., 370 Ga. App. 637, 898 S.E.2d 821, 2024 Ga. App. LEXIS 66 (2024).

15-11-19. Rights of parties to proceedings.

JUDICIAL DECISIONS

Virtual Termination of Parental Rights Hearing by Video Conference. — Juvenile court did not err by conducting a virtual termination hearing by video conference as the Chief Justice’s November 9, 2020 Eighth Order Extending Declaration of Statewide Judicial Emergency was in effect; the court did not violate the Uniform Juvenile Court Rule allowing video conferencing in termination of parental rights proceedings; the mother did not identify any harm that the mother suffered as a result of the virtual hearing; and the mother’s attorney did not allege any connectivity issues. In the Interest of N. P., 363 Ga. App. 879, 872 S.E.2d 501, 2022 Ga. App. LEXIS 212 (2022).

RESEARCH REFERENCES

ALR. of Parents in Termination of Parental Rights Proceedings, 87 A.L.R.7th 7.
Circumstances Posed by Virtual Hearings That May Violate Due Process Rights

15-11-26. Best interests of child.

Law reviews. guardianships, and fiduciary administration, see 74 Mercer L. Rev. 277 (2022).
For annual survey on wills, trusts,

JUDICIAL DECISIONS

Award of permanent guardianship affirmed. — In a dependency action wherein both biological parents were incarcerated, the juvenile court did not abuse the court’s discretion in granting permanent guardianship of the child to the maternal grandparents as the court made the required statutory findings, including that termination of parental rights and adoption was not in the child’s best interests, and that appointing the maternal grandparents as permanent guardians was in the child’s best interests. In the Interest of A. H., 374 Ga. App. 462, 913 S.E.2d 90, 2025 Ga. App. LEXIS 73 (2025).

Termination of guardianship. — There was sufficient evidence to demonstrate that terminating the grandmother's guardianship was in the child's best interest, including evidence that the child had a long history of truancy while in the

grandmother's case which profoundly negatively affected the child's education, leading to deficits in reading, writing, and mathematics. In the Interest of B. M. R., 363 Ga. App. 819, 872 S.E.2d 882, 2022 Ga. App. LEXIS 227 (2022).

15-11-27. Physical and mental examinations.

Imposition of additional probation requirements not abuse of discretion. — Imposition of additional probation requirements that juvenile undergo life skills training and obtain medical care for herself and her minor child was not an abuse of discretion on the part of the

juvenile court as the requirements were geared toward development of competencies to enable the juvenile to become a responsible and productive member of the community. In the Interest of M. B., 366 Ga. App. 402, 883 S.E.2d 156, 2023 Ga. App. LEXIS 15 (2023).

15-11-30. Rights and duties of legal custodian.

JUDICIAL DECISIONS

Powers and duties of juvenile court when evaluating religious sincerity.

Supreme Court of Georgia offered guidance drawn from federal precedent regarding how to evaluate religious sincerity when parents object to immunizations as the juvenile court will have to parse out

whether parents' objection was at least partly religiously motivated, as opposed to being entirely motivated by secular concerns. In the Interest of C. C., 314 Ga. 446, 877 S.E.2d 555, 2022 Ga. LEXIS 227 (2022).

15-11-32. Modification or vacation of orders; retroactive application.

JUDICIAL DECISIONS

ANALYSIS

GENERAL CONSIDERATION

MODIFICATION OR VACATION OF ORDERS

General Consideration

Standing of guardian ad litem. — Trial court did not err by holding that the child's guardian ad litem (GAL) had standing to file a motion to modify disposition because the GAL had an interest in the child under O.C.G.A. § 15-11-32 and the GAL was also the child's attorney, which authorized the GAL to file the motion on the child's behalf. In the Interest of C. L. W., 359 Ga. App. 484, 858 S.E.2d 767, 2021 Ga. App. LEXIS 225 (2021).

Modification or Vacation of Orders

Delinquency adjudication. — Even if a juvenile court was permitted to sua sponte change, modify, or vacate its prior order placing the appellant juvenile on probation, such was not done in the current case, as the trial court's dispositional order specifically adjudicated the appellant delinquent for the offense of violation of probation. In the Interest of J. W., 363 Ga. App. 616, 871 S.E.2d 886, 2022 Ga. App. LEXIS 187 (2022).

Parent's mental disorder. — Disposi-

Modification or Vacation of Orders (Cont'd)

tion of the mother’s two children was properly modified and they were placed in the County Department of Family and Children Services’ custody as it was in the best interests of the children because the juvenile court’s finding that the mother had factitious disorder imposed on another and that the disorder had adversely affected both children by subjecting them

to unnecessary medical procedures, hospitalizations, hunger, potential malnutrition, and psychological abuse was supported by the record as, inter alia, the younger child was hospitalized over 15 times during the five-year period that child was in the mother’s care, and had not been hospitalized at all since being in foster care. In the Interest of M. B., 362 Ga. App. 604, 869 S.E.2d 562, 2022 Ga. App. LEXIS 69 (2022).

15-11-39. Risk assessments or risk and needs assessments; case plans; issuance of orders.

RESEARCH REFERENCES

ALR. Charging, Trying, and Sentencing Individuals as Adults for Driving Under Influence as Juveniles, 86 A.L.R.7th 5.

ARTICLE 2

JUVENILE COURT ADMINISTRATION

15-11-58. Council of Juvenile Court Judges; role; director; notifications.

(a) All of the judges and associate judges of the courts exercising jurisdiction over children shall constitute a Council of Juvenile Court Judges. The council shall annually elect from among its members a judge to serve as presiding judge and chairperson of the council.

(b) The Council of Juvenile Court Judges:

(1) Shall meet at stated times to be fixed by it or on call of the chairperson;

(2) May establish general policies for the conduct of courts exercising jurisdiction over children;

(3) May promulgate uniform rules and forms governing procedures and practices of the courts;

(4) Shall publish in print or electronically an annual report of the work of the courts exercising jurisdiction over children, which shall include statistical and other data on the courts’ work and services, research studies the council may make of the problems of children and families dealt with by the courts, and any recommendations for legislation; and

(5) Shall be authorized to inspect and copy records of the courts, law enforcement agencies, the department, the Department of Com-

munity Supervision, and DJJ for the purpose of compiling statistical data on children.

(c) Subject to the approval of the Council of Juvenile Court Judges, the presiding judge of the council shall appoint a chief administrative and executive officer for the council who shall have the title of director of the Council of Juvenile Court Judges. Under the general supervision of the presiding judge of the council and within the policies established by the council, the director shall:

(1) Provide consultation to the courts regarding the administration of court services and the recruitment and training of personnel;

(2) Make recommendations to the council for improvement in court services;

(3) With the approval of the presiding judge, appoint consultants and necessary clerical personnel to perform the duties assigned to the council and the director;

(4) Collect necessary statistics and prepare an annual report of the work of the courts;

(5) Promulgate in cooperation with DJJ standard procedures for coordinating DJJ, the Department of Community Supervision, and county juvenile probation services throughout this state; and

(6) Perform such other duties as the presiding judge of the council shall specify.

(d) Any person elected or appointed as a juvenile court judge shall provide written notification to the Council of Juvenile Court Judges of such within 30 days of the date of the election or appointment. Any juvenile court judge who resigns, retires, or is removed from office shall provide written notification to the Council of Juvenile Court Judges of such within 30 days of the date on which he or she resigns, retires, or is removed from office.

(e) The Council of Juvenile Court Judges shall notify the Administrative Office of the Courts of any notification received pursuant to subsection (d) of this Code section within 30 days of receipt of such notification.

History.

Code 1981, § 15-11-58, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2015, p. 422, § 5-9/HB 310; Ga. L. 2024, p. 733, § 6/SB 508, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2025, added subsections (d) and (e).

15-11-64. Collection of information by juvenile court clerks; reporting requirement; data collection.

(a) Each clerk of the juvenile court shall collect the following information for each child in need of services, delinquent child, and child accused of a class A designated felony act or class B designated felony act and provide such information to DJJ as frequently as requested by DJJ:

- (1) Name;
- (2) Date of birth;
- (3) Sex;
- (4) Race;
- (5) Offense charged;

(6) Location of the offense, including the name of the school if the offense occurred in a school safety zone, as defined in Code Section 16-11-127.1;

(7) The name of the referral source, including the name of the school if the referring source was a school;

(8) Disposition of the case; and

(9) Date of and authority for commitment, if applicable.

(b) Each clerk of the juvenile court shall report to the Administrative Office of the Courts the total number of petitions or motions filed under subsection (b) of Code Section 15-11-682 for the previous calendar year and, of that number, the number in which the court appointed a guardian ad litem, the number in which the court appointed counsel, the number in which the judge issued an order authorizing an abortion without notification, the number in which the judge denied such an order, and, of the last, the number of denials from which an appeal was filed, the number of appeals that resulted in denials being affirmed, and the number of appeals that resulted in reversals of such denials. Each clerk shall make such report by March 15 of each year for the previous calendar year. The individual reports made to the Administrative Office of the Courts shall be held confidential and not subject to disclosure under Article 4 of Chapter 18 of Title 50, relating to open records. The Administrative Office of the Courts shall provide aggregated statistics only in accordance with subsection (g) of Code Section 16-12-141.1. Such individual reports shall be destroyed six months after submission to the Administrative Office of the Courts.

(c) Pursuant to rules adopted by the Supreme Court of Georgia, on and after January 1, 2021, each clerk of the juvenile court shall collect

data on each child alleged or adjudicated to be a delinquent child and transmit such data as required by such rules. The Supreme Court of Georgia shall make and publish in print or electronically such state-wide minimum standards and rules as it deems necessary to carry out this subsection. Each clerk of the juvenile court shall develop and enact policies and procedures necessary to carry out the standards and rules created by the Supreme Court of Georgia.

(d) Pursuant to rules adopted by the Supreme Court of Georgia, on and after January 1, 2021, each clerk of the juvenile court shall collect data on all cases in which a child alleged or adjudicated to be a child in need of services or a delinquent child is placed in foster care and has also been alleged or adjudicated to be a dependent child and shall transmit such data as required by such rules.

History.

Code 1981, § 15-11-64, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2016, p. 350, § 1/HB 555; Ga. L. 2018, p. 550, § 1-4/SB 407; Ga. L. 2020, p. 191, § 1/HB 912; Ga. L. 2024, p. 328, § 1/SB 401, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, deleted the former last sentence in subsection (d).

15-11-64.1. Georgia Juvenile Data Exchange; data elements; accessibility; annual report.

(a) Each juvenile court shall collect data on all cases in which a child alleged or adjudicated to be a dependent child is placed in foster care. Data collected shall be electronically submitted by the clerk of the juvenile court, or the clerk of the superior court performing the functions of the clerk of the juvenile court, in a form and format specified by the Administrative Office of the Courts and incorporated into the Georgia Juvenile Data Exchange or any such successor centralized data base maintained by the Administrative Office of the Courts.

(b) Each juvenile court shall collect information as data elements for submission to the Administrative Office of the Courts to be incorporated into the Georgia Juvenile Data Exchange. Such information shall include, but is not limited to:

- (1) Date upon which the child is placed in the legal custody of the department;
- (2) Date upon which a dependency petition is filed;
- (3) Date upon which an attorney for the child is appointed;
- (4) Date upon which a guardian ad litem for the child is appointed;
- (5) Date upon which the preliminary protective hearing is held;

(6) Date or dates upon which an adjudication hearing is initiated and completed and the date the order is entered;

(7) Date or dates upon which a disposition hearing is initiated and completed and the date the order is entered;

(8) Date of the initial review hearing;

(9) Date of any additional periodic review hearing;

(10) Date of the initial permanency hearing;

(11) Date or dates upon which any permanency plan hearing is initiated and completed and the date the order is entered;

(12) Date upon which any order is entered, together with an identifier of said order;

(13) Date upon which the department files any written report, including, but not limited to, a case plan;

(14) Date upon which any petition to terminate parental rights is filed;

(15) Date or dates upon which a hearing on a petition to terminate parental rights is initiated and completed and the date the order is entered;

(16) Date upon which a child is returned to the custody of his or her parent, guardian, or legal custodian pursuant to a protective order, if applicable;

(17) Date upon which any order of guardianship is entered;

(18) If applicable, the date upon which a child is returned to the custody of his or her parent, guardian, or legal custodian without a protective order;

(19) Date upon which the department is relieved of legal custody of the child;

(20) The court's adherence on each case to the time limitations as required by Code Sections 15-11-102, 15-11-301, and 15-11-322;

(21) In a termination of parental rights proceeding or a proceeding pursuant to Code Section 15-11-102, the date upon which any order granting a continuance is entered, together with a factual basis upon which such continuance is granted; and

(22) Such additional data as may be required pursuant to the rules adopted by the Supreme Court of Georgia.

(c) Each juvenile court shall maintain a docket readily accessible by the parties to a proceeding and shall utilize its local case management

system to collect the required data elements as provided in subsection (b) of this Code section. All such required data elements shall be submitted through a regularly scheduled data upload into the Georgia Juvenile Data Exchange at the maximum frequency allowed by local case management system parameters; provided, however, that such upload shall occur no less than once per week.

(d) On or before April 15, 2025, and annually thereafter, the Administrative Office of the Courts shall electronically submit the de-identified data collected, together with a comprehensive, aggregated permanency report organized by county, to the General Assembly for the previous calendar year. Copies of such data and such report shall be electronically provided to the Lieutenant Governor, the Speaker of the House of Representatives, the chairperson of the House Committee on Appropriations, the chairperson of the Senate Appropriations Committee, the chairperson of the House Committee on Juvenile Justice, and the chairperson of the Senate Children and Families Committee.

History.

Code 1981, § 15-11-64.1, enacted by Ga. L. 2024, p. 328, § 2/SB 401, effective July 1, 2024.

Effective date.

This Code section became effective July 1, 2024.

15-11-68. Duties of juvenile court intake officers; training.

(a) A juvenile court intake officer:

(1) Shall receive and examine complaints and charges of delinquency, of dependency, or that a child is a child in need of services for the purpose of considering the commencement of proceedings under this chapter;

(2) Shall make appropriate referrals to other private or public agencies of the community if such assistance appears to be needed or desirable;

(3) Shall compile on a regular basis the case files or a report on those cases that were informally adjusted for review by the judge;

(4) May not conduct accusatory proceedings against a child or draft judicial orders, official charges, or any other document which is required to be drafted by an attorney;

(5) Shall perform all other functions designated by this chapter or by order of the court pursuant to this chapter; and

(6) Except as provided in Article I, Section II, Paragraph IX(d) of the Constitution, no county juvenile court intake officer, or DJJ staff member serving as a juvenile court intake officer, shall be liable for the acts of a child not detained or taken into custody when, in the judgment of such officer, such detention or custody is not warranted.

(b) Notwithstanding subsection (a) of this Code section, DJJ, as the employer, shall maintain sole authority over the duties and responsibilities of all DJJ staff members serving as juvenile court intake officers. No DJJ staff member shall serve as a juvenile court intake officer in a dependency proceeding commenced under Article 3 of this chapter.

(c) Each juvenile court intake officer exercising the authority to remove a child pursuant to the provisions of Articles 1 and 3 of this chapter shall:

(1) First successfully complete an initial eight hours of appropriate training; and

(2) Annually thereafter complete a minimum of two hours of training each year during which he or she serves as a juvenile court intake officer.

Such initial and annual training shall be relevant to the performance of such determinations, including, but not limited to, training concerning contrary to the welfare determinations, reasonable efforts to prevent removal of a child and diligent search requirements consistent with Article 3 of this chapter, reasonable alternatives to foster care, and DFCS policies and procedures related to the removal of a child and placement of such child in foster care.

History.

Code 1981, § 15-11-68, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2019, p. 67, § 2/HB 472; Ga. L. 2021, p. 134, § 2/SB 28.

Amendments.

The 2021 amendment, effective January 1, 2022, substituted the present provisions of subsection (c) for the former provisions, which read: “Each juvenile court intake officer exercising the authority to remove a child pursuant to the provisions of Articles 1 and 3 of this chap-

ter shall first successfully complete, each year, eight hours of appropriate training relevant to the performance of such determinations, including, but not limited to, training concerning contrary to the welfare determinations, reasonable efforts to prevent removal of a child and diligent search requirements consistent with Article 3 of this chapter, reasonable alternatives to foster care, and DFCS policies and procedures related to the removal of a child and placement of such child in foster care.”

15-11-70. Risk and needs assessment; establishment of family treatment court division; procedures; fees; acceptance of grants or donations.

(a)(1) As used in this subsection, the term “risk and needs assessment” means an actuarial tool, approved by the Council of Accountability Court Judges of Georgia and validated on a targeted population, scientifically proven to determine an individual’s risk to recidivate and to identify criminal risk factors that, when properly addressed, can reduce such individual’s likelihood of committing future criminal behavior.

(2) Any juvenile court may establish a family treatment court division to provide an alternative to the traditional judicial system for the disposition of dependency cases and for assisting superior courts with criminal cases referred to such division under Code Section 15-11-15. The goal of a family treatment court division is to:

- (A) Reduce alcohol or drug abuse and addiction for respondents in dependency proceedings;
- (B) Improve permanency outcomes for families when dependency is based in part on alcohol or drug use and addiction;
- (C) Increase the personal, familial, and societal accountability of respondents in dependency proceedings; and
- (D) Promote effective intervention and use of resources among child welfare personnel, law enforcement agencies, treatment providers, community agencies, and the courts.

(3) In any criminal case transferred pursuant to Code Section 15-11-15, when the defendant meets the eligibility criteria for the family treatment court division, such case may be assigned to the family treatment court division:

- (A) Prior to the entry of the sentence, if the prosecuting attorney consents;
- (B) As part of a sentence in a case; or
- (C) Upon consideration of a petition to revoke probation.

(4) Each family treatment court division shall establish a planning group to develop a work plan. The planning group shall include the judges, prosecuting attorneys, special assistant attorneys general, public defenders, attorneys who represent children and parents, law enforcement officials, probation officers, community supervision officers, court appointed special advocates, guardians ad litem, DFCS employees, and other individuals having expertise in services available to families in dependency proceedings. The work plan shall address the operational, coordination, resource, information management, and evaluation needs of the family treatment court division. The work plan shall include family treatment court division policies and practices related to implementing the standards and practices developed pursuant to paragraph (5) of this subsection. The work plan shall ensure a risk and needs assessment is used to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The work plan shall include eligibility criteria for the family treatment court division. The family treatment court division shall combine judicial supervision, treatment of family treatment court division participants, drug testing, and mental health treatment.

(5)(A) The Council of Accountability Court Judges of Georgia shall establish standards and practices for family treatment court divisions, taking into consideration guidelines and principles based on current research and findings that are published by experts on family treatment health needs and treatment options in a dependency setting. Standards and practices shall include, but shall not be limited to, the use of a risk and needs assessment to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The Council of Accountability Court Judges of Georgia shall update its standards and practices to incorporate research, findings, and developments in the family treatment court field. Each family treatment court division shall adopt policies and practices that are consistent with the standards and practices published by the Council of Accountability Court Judges of Georgia.

(B) The Council of Accountability Court Judges of Georgia shall provide technical assistance to family treatment court divisions to assist them with the implementation of policies and practices, including, but not limited to, guidance on the implementation of risk and needs assessments in family treatment court divisions.

(C) The Council of Accountability Court Judges of Georgia shall create and manage a certification and peer review process to ensure family treatment court divisions are adhering to the Council of Accountability Court Judges of Georgia's standards and practices and shall create a waiver process for family treatment court divisions to seek an exception to the Council of Accountability Court Judges of Georgia's standards and practices. The Council of Accountability Court Judges of Georgia shall create a certification process to allow a court to demonstrate its need for additional state grant funds, as authorized by Code Section 15-11-52, for one or more part-time judges to operate a family treatment court division. In order to receive state appropriated funds, any family treatment court division established on and after July 1, 2017, shall be certified pursuant to this subparagraph or, for good cause shown to the Council of Accountability Court Judges of Georgia, shall receive a waiver from the Council of Accountability Court Judges of Georgia.

(D) On and after July 1, 2017, the award of any state funds for a family treatment court division shall be conditioned upon a family treatment court division attaining certification or a waiver by the Council of Accountability Court Judges of Georgia. On or before September 1, the Council of Accountability Court Judges of Georgia shall publish an annual report listing certified family treatment court divisions.

(E) The Council of Accountability Court Judges of Georgia shall develop and manage an electronic information system for performance measurement and accept submission of performance data in a consistent format from all family treatment court divisions. The Council of Accountability Court Judges of Georgia shall identify elements necessary for performance measurement, including, but not limited to, the number of children reunited with participants in a family treatment court division, drug testing results, drug testing failures, participant employment, the number of participants who successfully complete the program, and the number of participants who fail to complete the program.

(F) On or before July 1, 2017, and every three years thereafter, the Council of Accountability Court Judges of Georgia shall conduct a performance peer review of the family treatment court divisions for the purpose of improving family treatment court division policies and practices and the certification and recertification process.

(6) A court instituting the family treatment court division may request any of the following individuals to serve in the family treatment court division:

(A) One or more prosecuting attorneys designated by the prosecuting attorney for the jurisdiction;

(B) A special assistant attorney general; or

(C) One or more assistant public defenders designated by the public defender, if any.

(7) The clerk of the juvenile court that is instituting the family treatment court division or such clerk's designee shall serve as the clerk of the family treatment court division.

(8) The court instituting the family treatment court division may request community supervision officers, probation officers, and other employees of the court to perform duties for the family treatment court division. Such individuals shall perform duties as directed by the judges of the family treatment court division.

(9) The court instituting the family treatment court division may enter into agreements with other courts and agencies for the assignment of personnel and probation supervision from other courts and agencies to the family treatment court division.

(10) Expenses for salaries, equipment, services, and supplies incurred in implementing this Code section may be paid from state funds, funds of the county or political subdivision implementing such family treatment court division, federal grant funds, and funds from private donations.

(11) A court instituting a family treatment court division shall comply with the periodic review process as required by Code Section 15-11-216.

(b) Each family treatment court division shall establish criteria which define the successful completion of the family treatment court division program. If the family treatment court division participant who was referred to the family treatment court division on a criminal charge by a superior court successfully completes the family treatment court division program, a report of such completion shall be communicated to the referring superior court judge.

(c) Any statement made by a family treatment court division participant as part of participation in such court division, or any report made by the staff of such court division or program connected to such court division, regarding a participant's substance usage shall not be admissible as evidence against the participant in any legal proceeding or prosecution; provided, however, that, if the participant violates the conditions of his or her participation in the program or is terminated from the family treatment court division, the reasons for the violation or termination may be considered in sanctioning, sentencing, or otherwise disposing of the participant's case.

(d) Notwithstanding any provision of law to the contrary, family treatment court division staff shall be provided, upon request, with access to all records relevant to the treatment of the family treatment court division participant from any state or local government agency. All such records and the contents thereof shall be treated as confidential, shall not be disclosed to any person outside of the family treatment court division, and shall not be subject to Article 4 of Chapter 18 of Title 50, relating to open records, or subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding. Such records and the contents thereof shall be maintained by the family treatment court division and originating court in a confidential file not available to the public.

(e) Any fees received by a family treatment court division from a family treatment court division participant as payment for substance abuse treatment and services shall not be considered as court costs or a fine.

(f) The court may have the authority to accept grants, donations, and other proceeds from outside sources for the purpose of supporting the family treatment court division. Any such grants, donations, or proceeds shall be retained by the family treatment court division for expenses.

History.

Code 1981, § 15-11-70, enacted by Ga. L. 2016, p. 443, § 1-6/SB 367; Ga. L. 2017, p. 585, §§ 1-2, 1-3/SB 174; Ga. L. 2023, p. 730, § 7(3)/HB 475, effective July 1, 2023.

Amendments.

The 2023 amendment, effective July 1, 2023, part of an Act to revise, modern-

ize, and correct the Code, substituted “dependency” for “dependancy” in paragraph (a)(2).

15-11-71. Juvenile treatment court divisions.

(a)(1) As used in this subsection, the term “risk and needs assessment” means an actuarial tool approved by the Council of Accountability Court Judges of Georgia and validated on a target population that is scientifically proven to determine an individual’s risk to recidivate and to identify criminogenic risk factors that, when properly addressed, can reduce such individual’s likelihood of committing future delinquent or criminal behavior.

(2) As used in this subsection, the term “child” has the same meaning as defined in Code Section 15-11-2.

(3) Any juvenile court may establish a juvenile treatment court division to provide an alternative to the traditional judicial system for the disposition of juvenile delinquency and child in need of services cases, provided that nothing in this Code section shall extend a court’s ability to incarcerate a child. The goal of a juvenile treatment court division is to reduce the likelihood of family disruption or removal to an alternative placement, reduce the use of detention and commitments to the state, reduce recidivism, and increase the likelihood of successful rehabilitation through early, continuous, and intense judicially supervised treatment by:

(A) Reducing alcohol or drug abuse and addiction in the child;

(B) Treating the mental and behavioral health and related needs of the child;

(C) Increasing the educational, personal, familial, and societal accountability of the child;

(D) Preventing and reducing gang involvement and affiliation; and

(E) Promoting effective intervention and use of resources among child welfare personnel, law enforcement agencies, treatment providers, community agencies, the department of juvenile justice, independent probation officers, and the courts.

(4) In any delinquency or child in need of services proceeding, when the child meets the eligibility criteria for the juvenile treatment

court division and consents to the participation, such case may be assigned to the juvenile treatment court:

(A) Prior to the entry of adjudication if the prosecuting attorney or other petitioner consents;

(B) As part of a disposition in a case; or

(C) Upon modification or revocation of probation or a new petition for a violation of probation.

(5) Each juvenile treatment court division shall establish a planning group to develop a work plan. The planning group shall include the judges, prosecuting attorneys, sheriffs or their designees, public defenders, community supervision officers, and probation officers and may include other individuals and agencies that the court finds have expertise in services available to children. The work plan shall address the operations, coordination, resource management, information management, and evaluation needs of the juvenile treatment court division. The work plan shall include juvenile treatment court division policies and practices related to the implementation of the standards and practices developed pursuant to this paragraph. The work plan shall ensure a risk and needs assessment is used to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The work plan shall include eligibility criteria for the juvenile treatment court division. The juvenile treatment court division shall combine judicial supervision, treatment of juvenile treatment court division participants, drug testing, and mental health treatment.

(6)(A) The Council of Accountability Court Judges of Georgia shall establish standards and practices for juvenile treatment court divisions, taking into consideration guidelines and principles based on current research and findings that are published by experts on the health needs and treatment options for children. Standards and practices shall include, but shall not be limited to, the use of a risk and needs assessment to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The Council of Accountability Court Judges of Georgia shall update its standards and practices to incorporate research, findings, and developments in the juvenile treatment court field. The Council of Accountability Court Judges of Georgia may further adopt standards and practices for separate tracks of juvenile treatment courts such as, but not limited to, a juvenile drug court track or a juvenile mental health court track. Each juvenile treatment court division shall adopt policies and practices that are consistent with the standards and practices published by the Council of Accountability Court Judges of Georgia.

(B) The Council of Accountability Court Judges of Georgia shall provide technical assistance to the juvenile treatment court division to assist them with the implementation of policies and practices, including, but not limited to, guidance on the implementation of risk and needs assessments in the juvenile treatment court division.

(C) The Council of Accountability Court Judges of Georgia shall create and manage a certification and peer review process to ensure juvenile treatment court divisions are adhering to the Council of Accountability Court Judges of Georgia's standards and practices and shall create a waiver process for juvenile treatment court divisions to seek an exception to the Council of Accountability Court Judges of Georgia's standards and practices. In order to receive state appropriated funds, any juvenile treatment court division established on and after July 1, 2026, shall be certified pursuant to this subparagraph or, for good cause shown to the Council of Accountability Court Judges of Georgia, shall receive a waiver from the Council of Accountability Court Judges of Georgia.

(D) On and after July 1, 2026, the award of any state funds for a juvenile treatment court division shall be conditioned upon a juvenile treatment court division attaining certification or a waiver by the Council of Accountability Court Judges of Georgia. On or before December 1, 2026, the Council of Accountability Court Judges of Georgia shall publish an annual report listing certified juvenile treatment court divisions.

(E) The Council of Accountability Court Judges of Georgia shall develop and manage an electronic information system for performance measurement and accept submission of performance data in a consistent format from all juvenile treatment court divisions. The Council of Accountability Court Judges of Georgia shall identify elements necessary for performance measurement, including, but not limited to, recidivism of participants in juvenile treatment court division, drug testing results, number of moderate-risk and high-risk participants in a juvenile treatment court division, participant educational improvement, the number of participants who successfully complete the program, and the number of participants who did not complete the program.

(F) On or before July 1, 2026, and every three years thereafter, the Council of Accountability Court Judges of Georgia shall conduct a performance peer review of the juvenile treatment court divisions for the purpose of improving juvenile treatment court division policies and practices and the certification and recertification process.

(7) The court instituting the juvenile treatment court division may

request any of the following individuals to serve in the juvenile treatment court division:

(A) One or more prosecuting attorneys designated by the prosecuting attorney for the jurisdiction; and

(B) One or more defense attorneys designated by the public defender, comparable agency, or other means.

(8) The clerk of the juvenile court that is instituting the juvenile treatment court division or such clerk's designee shall serve as the clerk of the juvenile treatment court division.

(9) The court instituting the juvenile treatment court division may request other employees of the court, including, but not limited to, community supervision officers, probation officers, Department of Juvenile Justice probation officers, other employees of the court, and other interested agencies to perform duties for the juvenile treatment court division. Such individuals shall perform duties as directed by the judges of the juvenile treatment court division.

(10) The court instituting the juvenile treatment court division may enter into agreements with other courts and agencies for the assignment of personnel and probation supervision from other courts and agencies to the juvenile treatment court division.

(11) Expenses for salaries, equipment, services, and supplies incurred in implementing this Code section may be paid from state funds, funds of the county or political subdivision implementing such juvenile treatment court division, federal grant funds, and funds from private donations.

(b) Each juvenile treatment court division shall establish written criteria which define the successful completion of the juvenile treatment court division program and which may provide for dismissal of charges upon successful completion. Programs may be pre-adjudication or post-adjudication. Any admission or plea of nolo contendere entered pursuant to this Code section shall not be withdrawn without the consent of the court.

(c) Any statement made by a juvenile treatment court division participant as part of participation in such court division, or any report made by the staff of such court division or program connected to such court division, regarding a participant's substance usage shall not be admissible as evidence against the participant in any legal proceeding or prosecution; provided, however, that, if the participant violates the conditions of his or her participation in the program or is terminated from the juvenile treatment court division, the reasons for the violation or termination may be considered in sanctioning, sentencing, or otherwise disposing of the participant's case. Any attorney representing such

child shall have full access to records of such child's participation. Such child shall receive credit for participation in such program against any future disposition in the same matter.

(d) Notwithstanding any provision of law to the contrary, the juvenile treatment court division shall be provided, upon request, with access to all records relevant to the treatment of the juvenile treatment court division participant from any state or local government agency. All records and proceedings of the juvenile treatment court, including, but not limited to, the contents of any case management system, shall be treated as confidential, shall not be disclosed to any person outside of the juvenile treatment court division, and shall not be subject to Article 4 of Chapter 18 of Title 50, relating to open records, or subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding. Such records and the contents thereof shall be maintained by the juvenile treatment court division in a confidential file not available to the public.

(e) Any fees received by a juvenile treatment court division from a juvenile treatment court division participant as payment for treatment and services shall not be considered as court costs or a fine.

(f) The court shall be authorized to accept grants, donations, and other proceeds from outside sources for the purpose of supporting the juvenile treatment court division. Any such grants, donations, or proceeds shall be retained by the juvenile treatment court division for expenses.

History.

Code 1981, § 15-11-71, enacted by Ga. L. 2024, p. 671, § 2/HB 873, effective July 1, 2024; Ga. L. 2025, p. 1029, § 15(3)/SB 153, effective July 1, 2025.

Effective date.

This Code section became effective July 1, 2024.

Amendments.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted “increase the likelihood” for “increase likelihood” in paragraph (a)(3) and substituted “shall be authorized” for “may have the authority” in subsection (f).

ARTICLE 3

DEPENDENCY PROCEEDINGS

Law reviews.

For comment, “A Child’s Constitutional Right to Family Integrity and Counsel in

Dependency Proceedings,” see 72 Emory L.J. 911 (2023).

PART 1

GENERAL PROVISIONS

RESEARCH REFERENCES

ALR. Munchausen syndrome by proxy in family
Pediatric condition falsification or court proceedings, 74 A.L.R.7th 6.

15-11-103. Right to attorney.

(a) A child, any custodian or guardian subject to a sworn complaint or affidavit, and any other respondent to a proceeding under this article shall have the right to an attorney at all stages of the proceedings under this article.

(b) The court shall appoint an attorney for an alleged dependent child and any child receiving extended care youth services from DFCS at all stages of the proceedings under this article. The appointment shall be made as soon as practicable to ensure adequate representation of such child and, in any event, before the first court hearing that may substantially affect the interests of such child.

(c) A child’s attorney owes to his or her client the duties imposed by the law of this state in an attorney-client relationship.

(d) If an attorney has been appointed to represent a child in a prior proceeding under this chapter, the court, when possible, shall appoint the same attorney to represent such child in any subsequent proceeding.

(e) An attorney appointed to represent a child in a dependency proceeding shall continue the representation in any subsequent appeals unless excused by the court.

(f) Neither a child nor a representative of a child may waive a child’s right to an attorney in a dependency proceeding.

(g) A party other than a child shall be informed of his or her right to an attorney prior to any hearing. A party other than a child shall be given an opportunity to:

- (1) Obtain and employ an attorney of such party’s own choice;
- (2) Obtain a court appointed attorney if the court determines that such party is an indigent person; or
- (3) Waive the right to an attorney, provided that such waiver is made knowingly, voluntarily, and on the record.

History. L. 2013, p. 294, § 1-1/HB 242; Ga. L. Code 1981, § 15-11-103, enacted by Ga. 2018, p. 935, § 2/SB 131; Ga. L. 2023, p.

140, § 3/HB 460, effective July 1, 2023.

Amendments.

The 2023 amendment, effective July 1, 2023, substituted “any custodian or guardian subject to a sworn complaint or affidavit and any other respondent” for “any other party” in subsection (a) and inserted “and any child receiving extended care youth services from DFCS at

all stages of the proceedings under this article” at the end of the first sentence in subsection (b).

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2023, “child, any” was substituted for “child and any” and a comma was added following “affidavit” in subsection (a).

JUDICIAL DECISIONS

ANALYSIS

GENERAL CONSIDERATION

WAIVER

General Consideration

Guardian ad litem had standing. — Trial court did not err by holding that the child’s guardian ad litem (GAL) had standing to file a motion to modify disposition because the GAL had an interest in the child under O.C.G.A. § 15-11-32 (e) and the GAL was also the child’s attorney, which authorized the GAL to file the motion on the child’s behalf. In the Interest of C. L. W., 359 Ga. App. 484, 858 S.E.2d 767, 2021 Ga. App. LEXIS 225 (2021).

Waiver

Right to counsel waived.

In a dependency action, the mother’s

claim that the juvenile court erred in failing to check the mother’s qualifications for indigent counsel and not allowing the mother to seek an attorney lacked merit, as the record showed that the court fulfilled its duty by informing the mother of the right to counsel and obtaining the mother’s waiver of that right. In the Interest of N. C., 364 Ga. App. 803, 873 S.E.2d 229, 2022 Ga. App. LEXIS 237 (2022).

15-11-105. Powers and duties of guardian ad litem.

JUDICIAL DECISIONS

Failure to consider guardian ad litem reporting on dependency. — Juvenile court erred in ruling that a child was not dependent under O.C.G.A. § 15-11-2(22) as the undisputed evidence showed that the child was without a parent, guardian, or legal custodian, was seeking Special Immigrant Juvenile (SIJ) status, and the factual findings regarding

the viability of reunification with the parents and the best interests of returning the child to Guatemala were unclear as to evidence the juvenile court relied upon and the guardian ad litem’s report was not considered. In the Interest of J. T. S. S., 373 Ga. App. 300, 908 S.E.2d 273, 2024 Ga. App. LEXIS 425 (2024).

15-11-111. Court orders.

JUDICIAL DECISIONS

ANALYSIS

GENERAL CONSIDERATION
REUNIFICATION
4. PROCEDURE

General Consideration

Findings of dependency not made.
Juvenile court’s finding of dependency was insufficient as it contained no finding whatsoever with regard to parental unfitness, preventing the appellate court from making an intelligent review of the mother’s challenge to the sufficiency of the hearing evidence. In the Interest of K. K., 364 Ga. App. 82, 874 S.E.2d 110, 2022 Ga. App. LEXIS 263 (2022).

Reunification
4. Procedure

Failure to include appropriate find-

ings of fact and conclusions of law. — Temporary orders for custody and dependency vacated because juvenile court failed to include the appropriate findings of fact and conclusions of law in both; on remand, juvenile court directed to hear evidence relevant to child’s current status and enter a disposition order containing findings of fact to support orders. In the Interest of S. W., 363 Ga. App. 666, 872 S.E.2d 316, 2022 Ga. App. LEXIS 195 (2022).

PART 3

TAKING INTO CARE

15-11-130.1. Referral to victim assistance organizations of child suspected of being a victim of sexual exploitation or trafficking.

Cross references.
Education awareness program on human trafficking, § 20-2-142.

15-11-131. Temporary protective custody of child by physician without court order and without parental consent; immunity.

(a) Notwithstanding Code Section 15-11-133, a physician licensed to practice medicine in this state who is treating a child may take or retain temporary protective custody of such child, without a court order and without the consent of his or her parent, guardian, or legal custodian, provided that:

(1) A physician has reasonable cause to believe that such child is in a circumstance or condition that presents an imminent danger to such child’s life or health as a result of suspected abuse or neglect; or

(2) There is reasonable cause to believe that such child has been abused or neglected and there is not sufficient time for a court order to be obtained for temporary custody of such child before such child may be removed from the presence of the physician.

(b) A physician holding a child in temporary protective custody shall:

(1) Make reasonable and diligent efforts to inform the child's parents, guardian, or legal custodian of the whereabouts of such child and the right to obtain an independent medical evaluation or pediatric specialty consultation as provided for under Code Section 15-11-131.1;

(2) As soon as possible, make a report of the suspected abuse or neglect which caused him or her to take temporary custody of the child and inform DFCS of the basis of his or her determinations, including whether a physical examination was conducted and what medical records were reviewed, and that such child has been held in temporary custody; and

(3) Not later than 24 hours after such child is held in temporary custody:

(A) Contact a juvenile court intake officer, and inform such intake officer that such child is in imminent danger to his or her life or health as a result of suspected abuse or neglect; or

(B) Contact a law enforcement officer who shall take such child and promptly bring such child before a juvenile court intake officer.

(c) A child who meets the requirements for inpatient admission shall be retained in a hospital or institution until such time as such child is medically ready for discharge. Upon notification by the hospital or institution to DFCS that a child who is not eligible for inpatient admission or who is medically ready for discharge has been taken into custody by a physician and such child has been placed in DFCS custody, DFCS shall take physical custody of such child within six hours of being notified.

(d) If a juvenile court intake officer determines that a child is to be placed in foster care and the court orders that such child be placed in DFCS custody, then:

(1) If such child remains in the physical care of the physician, DFCS shall take physical possession of such child within six hours of being notified by the physician, unless such child meets the criteria for admission to a hospital or other medical institution or facility; or

(2) If such child has been brought before the court by a law enforcement officer, DFCS shall promptly take physical possession of such child.

(e) If a juvenile court intake officer determines that a child should not be placed in foster care, such child shall be released.

(f) If a child is placed in foster care, then the court shall notify such child's parents, guardian, or legal custodian, the physician, and DFCS of the preliminary protective hearing which is to be held within 72 hours.

(g) If after the preliminary protective hearing a child is not released, DFCS shall file a petition alleging dependency in accordance with this article, provided that there is a continued belief that such child's life or health is in danger as a result of suspected abuse or neglect.

(h) Any hospital or physician authorized and acting in good faith and in accordance with acceptable medical practice in the treatment of a child under this Code section shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as a result of taking or failing to take any action pursuant to this Code section. This Code section shall not be construed as imposing any additional duty not already otherwise imposed by law.

History.

Code 1981, § 15-11-131, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2025, p. 453, § 2/SB 259, effective May 12, 2025.

Amendments.

The 2025 amendment, effective May 12, 2025, added “and the right to obtain an independent medical evaluation or pediatric specialty consultation as provided for under Code Section 15-11-131.1” at the end of paragraph (b)(1) and inserted “of the basis of his or her determinations, including whether a physical examination

was conducted and what medical records were reviewed, and” in paragraph (b)(2). See Editor's notes for applicability.

Editor's notes.

Ga. L. 2025, p. 453, § 1/SB 259, not codified by the General Assembly, provides: “This Act shall be known and may be cited as ‘Ridge's Law.’”

Ga. L. 2025, p. 453, § 4/SB 259, not codified by the General Assembly, provides that the amendment of this Code section shall apply to any legal action filed on or after May 12, 2025.

15-11-131.1. Right to obtain an independent medical evaluation or pediatric specialty consultation.

(a) As used in this Code section, the term “pediatric specialty consultation” means a consultation with a physician licensed to practice medicine in this state and board certified in the relevant pediatric field or specialty, including radiology, genetics, orthopedics, endocrinology, neurosurgery, child abuse pediatrics, gastroenterology, surgery, or forensic pathology, and to diagnose and treat certain health conditions, including rickets, Ehlers-Danlos syndrome, osteogenesis imperfecta, vitamin D deficiency, or other medical conditions related to the differential diagnosis of child abuse or neglect.

(b) Any parent or legal guardian of a child who is taken into temporary protective custody pursuant to Code Section 15-11-131 shall have the right to obtain an independent medical evaluation or pediatric specialty consultation of such child at his or her own expense unless prohibited by court order. Physicians and medical professionals, law

enforcement officers, and DFCS shall cooperate as may reasonably be necessary to facilitate an independent medical evaluation or pediatric specialty consultation for such child.

(c) At any hearing concerning a child before the court in a dependency proceeding pursuant to this article, the court shall consider the results from an independent medical evaluation or pediatric specialty consultation of such child.

(d) No adjudication hearing scheduled in accordance with Part 8 of this article shall be continued solely because the results from an independent medical evaluation or pediatric specialty consultation of the child before the court are unavailable.

History.

Code 1981, § 15-11-131.1, enacted by Ga. L. 2025, p. 453, § 3/SB 259, effective May 12, 2025.

Effective date.

This Code section became effective May 12, 2025. See Editor's note for applicability.

Editor's notes.

Ga. L. 2025, p. 453, § 1/SB 259, not

codified by the General Assembly, provides: "This Act shall be known and may be cited as 'Ridge's Law.'"

Ga. L. 2025, p. 453, § 4/SB 259, not codified by the General Assembly, provides that this Code section shall apply to any legal action filed on or after May 12, 2025.

15-11-132. Verbal custody order.

(a) The facts supporting the issuance of an order of removal may be relayed orally, including telephonically, to the judge or a designated juvenile court intake officer, and the order directing that a child be taken into custody may be issued orally or electronically.

(b) When a child is taken into custody under exceptional circumstances, an affidavit or sworn complaint containing the information previously relayed orally, including telephonically, shall be filed with the clerk of the court the next business day, and a written order shall be issued if not previously issued. Only when a child is taken into custody under exceptional circumstances can an affidavit or sworn complaint be filed. The written order shall include the court's findings of fact supporting the necessity for such child's removal from the custody of his or her parent, guardian, or legal custodian in order to safeguard such child's welfare and shall designate a child's legal custodian.

(c) The affidavit or sworn complaint filed after a child has been placed shall indicate whether the child was released to such child's parent, guardian, or legal custodian or remains removed.

(d) DFCS shall promptly notify the parent, guardian, or legal custodian of the nature of the allegations forming the basis for taking a child into custody and, if such child is not released, of the time and place of the preliminary protective hearing.

History.

Code 1981, § 15-11-132, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2023, p. 140, § 4/HB 460, effective July 1, 2023.

Amendments.

The 2023 amendment, effective July 1, 2023, added the second sentence in subsection (b).

15-11-133.1. Temporary alternatives to foster care; orders; minimal preliminary assessments; preliminary protective hearing; time for hearings.

(a) Temporary alternatives to foster care may be ordered by the court ex parte, prior to a preliminary protective hearing, or may be ordered following a preliminary protective hearing. An order for temporary alternatives to foster care may include one or more of the following:

(1) A temporary order authorizing or continuing any voluntary agreement between the parent, guardian, or legal custodian and DFCS;

(2) Where an order for temporary alternatives to foster care is entered, a temporary protective order imposing conditions or limitations on the conduct of the parent, guardian, or legal custodian, including requiring the individual to:

(A) Prohibit access to the child by an individual;

(B) Comply with any existing visitation agreement associated with the voluntary placement;

(C) Abstain from offensive conduct against a child or his or her parent, guardian, or legal custodian;

(D) Give proper attention to the care of his or her home;

(E) Cooperate in good faith with DFCS;

(F) Refrain from acts of commission or omission that may render a home an improper place for a child; or

(G) Ensure that a child attends school pursuant to any valid law relating to compulsory attendance;

(3) An order that the DFCS investigate and report to the court whether removal is necessary; or

(4) An order that the DFCS provide services designed to allow the child to remain safely in the child's home.

(b) An order pursuant to paragraph (1) of subsection (a) of this Code section authorizing or continuing any voluntary agreement between the parent, guardian, or legal custodian and DFCS for the child to be cared for by a relative or fictive kin shall be based upon a finding by the court that continuation of the child in his or her home would be contrary to

his or her welfare. Such findings shall be made on an individualized basis and shall be documented in the court's written order.

(c) When entering an order pursuant to paragraph (1) of subsection (a) of this Code section authorizing or continuing any voluntary agreement between the parent, guardian, or legal custodian and DFCS for the child to be cared for by a relative or fictive kin, the court shall order a preliminary assessment of the person who is to provide care for the child by a probation officer, or such other individual or agency as the court may designate, which shall include, at a minimum:

(1) A walk-through of such person's residence to identify safety hazards;

(2) An in-state criminal record check, pursuant to subsection (a) or (c) of Code Section 35-3-34, of such person and all other adults living in such person's residence;

(3) A search of the Georgia Sex Offender Registry for the name of such person and all other adults living in such person's residence; and

(4) A search of data provided electronically to the public by the Department of Community Supervision and the Department of Corrections for information concerning such person and all adults living in such person's residence.

Such preliminary assessment shall be completed no later than 72 hours after the time such order is entered except that if such order is entered on a weekend, such preliminary assessment may be completed no later than five days after the order is entered.

(d) Upon issuance of an order for a temporary alternative to foster care, a preliminary protective hearing shall be completed as provided in Code Section 15-11-145.

(e) Temporary alternatives to foster care ordered by the court in accordance with this Code section shall remain in effect until modified by the court or until the court has held the preliminary protective hearing. If probable cause exists, DFCS shall file a petition alleging dependency in accordance with subsection (b) of Code Section 15-11-151 following the preliminary protective hearing. The court may continue to impose the temporary alternatives to foster care after the preliminary protective hearing in accordance with subsection (b) of Code Section 15-11-146.

History.

Code 1981, § 15-11-133.1, enacted by Ga. L. 2019, p. 67, § 4/HB 472; Ga. L. 2020, p. 181, § 1/HB 993; Ga. L. 2021, p. 134, § 3/SB 28.

Amendments.

The 2021 amendment, effective January 1, 2022, rewrote subsection (a); substituted "authorizing or continuing any voluntary agreement between the parent,

guardian, or legal custodian and DFCS for” for “requiring” near the middle of the first sentence of subsection (b); inserted “authorizing or continuing any voluntary agreement between the parent, guardian, or legal custodian and DFCS for the child to be cared for by a relative or fictive kin” in subsection (c); deleted “, except that

such preliminary protective hearing shall be held within five days of the order for a temporary alternative to foster care” at the end of subsection (d); and, in subsection (e), substituted “Temporary” for “Unless modified by the court, temporary” at the beginning of the first sentence and added the second sentence.

15-11-134. Required findings justifying removal from the home.

JUDICIAL DECISIONS

ANALYSIS

PROCEDURE

Procedure

Failure to make required findings. — Temporary orders for custody and dependency were vacated because the juvenile court failed to include the appropriate findings of fact and conclusions of law in both; on remand, the juvenile court was

directed to hear evidence relevant to the child’s current status and enter a disposition order containing findings of fact to support the orders. In the Interest of S. W., 363 Ga. App. 666, 872 S.E.2d 316, 2022 Ga. App. LEXIS 195 (2022).

PART 4

PRELIMINARY PROTECTIVE HEARINGS

15-11-145. Preliminary protective hearing requirements; consideration of hearsay evidence.

(a) If an alleged dependent child is removed from his or her home and is not returned home, the preliminary protective hearing shall be held promptly and not later than 72 hours after such child is placed in foster care; provided, however, that if the 72 hour time frame expires on a weekend or legal holiday, the hearing shall be held on the next day which is not a weekend or legal holiday.

(b) Reasonable oral or written notice of the preliminary protective hearing, stating the time, place, and purpose of the hearing, shall be given to the child who is a party in such hearing and, if such person can be found, to his or her parent, guardian, or legal custodian.

(c) If an alleged dependent child’s parent, guardian, or legal custodian has not been notified of the preliminary protective hearing and did not appear or waive appearance at such hearing and thereafter files an affidavit showing such facts, the court shall rehear the matter without unnecessary delay and shall order such child’s release unless it appears from such hearing that such child’s foster care is warranted or required.

(d) The following persons shall have the right to participate in the preliminary protective hearing:

- (1) A child's parent, guardian, or legal custodian, unless such person cannot be located or fails to appear in response to the notice;
- (2) A child's attorney and guardian ad litem if a guardian ad litem has been appointed;
- (3) A child who was removed from his or her home, unless the court finds, after considering evidence of harm to such child that will result from such child's presence at the proceeding, that being present is not in such child's best interests;
- (4) A parent's attorney if an attorney has been retained or appointed;
- (5) The assigned DFCS caseworker; and
- (6) The attorney for DFCS.

(e) The court may allow the following parties to be present at the preliminary protective hearing, if the court finds it is in the best interests of the child:

- (1) Any relative or other persons who have demonstrated an ongoing commitment to a child with whom a child might be placed;
- (2) DFCS employees involved in the case;
- (3) An advocate as requested by an alleged dependent child's parent, guardian, or legal custodian; and
- (4) Other persons who have knowledge of or an interest in the welfare of the child who is alleged to be dependent.

(f) At the commencement of a preliminary protective hearing, the court shall inform the parties of:

- (1) The contents of the complaint in terms understandable to the parties;
- (2) The nature of the proceedings in terms understandable to the parties; and
- (3) The parties' due process rights, including the parties' right to an attorney and to an appointed attorney if they are indigent persons, the right to call witnesses and to cross-examine all witnesses, the right to present evidence, and the right to a trial by the court on the allegations in the complaint or petition.

(g) If a child is not released at the preliminary protective hearing, a petition for dependency shall be made and presented to the court within five days of such hearing.

(h) The court may consider any evidence, including hearsay evidence, that the court finds to be relevant, reliable, and necessary to determine the needs of an alleged dependent child or to make determinations or findings required by Code Section 15-11-146.

History.

Code 1981, § 15-11-145, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2021, p. 134, § 4/SB 28.

Amendments.

The 2021 amendment, effective January 1, 2022, added subsection (h).

15-11-146. Preliminary protective hearing; findings.

(a) At the preliminary protective hearing, the court shall determine:

(1) Whether there is probable cause to believe a child is a dependent child; and

(2) Whether protective custody of a child is necessary to prevent abuse or neglect pending the hearing on the dependency petition.

(b) The court:

(1) On finding that the complainant has proven neither of the required elements prescribed in subsection (a) of this Code section, shall dismiss the case and shall return the child before the court to his or her parent, guardian, or legal custodian;

(2) On finding that the complainant has not met the burden of proving that protective custody is necessary, shall return the child before the court to his or her parent, guardian, or legal custodian pending the hearing on the dependency petition. The court may also order a temporary alternative to foster care as provided in subsection (a) of Code Section 15-11-133.1 if it determines that such an order is necessary to prevent abuse or neglect prior to the adjudicatory hearing and to prevent the need for the child to be placed in foster care; or

(3) On finding that the complainant has met the burden prescribed in subsection (a) of this Code section, may place the child before the court in the temporary custody of DFCS pending the hearing on the dependency petition. DFCS shall prioritize temporary placement with an adult who is a relative or fictive kin, provided that such individual has met DFCS's requirements for relative placement and such temporary placement is in the best interests of such child.

(c) A court's order removing a child from his or her home or ordering a temporary alternative to foster care authorizing or continuing any voluntary agreement between the parent, guardian, or legal custodian and DFCS for the child to be cared for by a relative or fictive kin pursuant to paragraph (1) of subsection (a) of Code Section 15-11-133.1 shall be based upon a finding that:

(1) Continuation in his or her home would be contrary to such child's welfare; or

(2) Removal is in such child's best interests.

(d) The court shall make written findings as to whether DFCS has made reasonable efforts to prevent or eliminate the need for removal of a child from his or her home and to make it possible for such child to safely return home. If the court finds that no services were provided but that reasonable services would not have eliminated the need for protective custody, the court shall consider DFCS to have made reasonable efforts to prevent or eliminate the need for protective custody. The court shall include in the written findings a brief description of what preventive and reunification efforts were made by DFCS.

(e) In determining whether a child shall be removed or continued out of his or her home, the court shall consider whether reasonable efforts can prevent or eliminate the need to separate the family. The court shall make a written finding in every order of removal that describes why it is in the best interests of the child that he or she be removed from his or her home or continued in foster care.

(f) To aid the court in making the required written findings, DFCS shall present evidence to the court outlining the reasonable efforts made to prevent taking a child into protective custody and to provide services to make it possible for such child to safely return to his or her home and why protective custody is in the best interests of the child.

History.

Code 1981, § 15-11-146, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2015, p. 540, § 1-6/HB 361; Ga. L. 2016, p. 134, § 1-2/HB 887; Ga. L. 2019, p. 67, § 5/HB 472; Ga. L. 2021, p. 134, § 5/SB 28.

Amendments.

The 2021 amendment, effective January 1, 2022, substituted "authorizing or

continuing any voluntary agreement between the parent, guardian, or legal custodian and DFCS for the child to be cared for by a relative or fictive kin pursuant to" for "in accordance with" in the middle of subsection (c).

PART 5

DEPENDENCY PETITIONS

15-11-150. Authority to file petition.

JUDICIAL DECISIONS

Non-relative couple lacked standing to seek custody. — Judgment awarding a couple custody of a minor child was reversed because the couple, as third party non-relatives, did not have standing

to initiate the proceedings in superior court seeking custody of the minor child who had been placed by another court, at least temporarily, in their custody. *Wallace v. Chandler*, 360 Ga. App. 541,

859 S.E.2d 100, 2021 Ga. App. LEXIS 199 (2021).

Standards of evidence. — Juvenile court did not specify which factual findings supported the conclusion that the children remained dependent as the order contained no findings whatsoever with

regard to parental unfitness and that deficiency prevented the reviewing court from making an intelligent review of the mother’s challenges to the sufficiency of the hearing evidence. In the Interest of M. C., 365 Ga. App. 398, 878 S.E.2d 625, 2022 Ga. App. LEXIS 450 (2022).

15-11-152. Contents of petition.

JUDICIAL DECISIONS

Allege with particularity.

Juvenile court did not specify which factual findings supported the conclusion that the children remained dependent as the order contained no findings whatsoever with regard to parental unfitness and that deficiency prevented the reviewing court from making an intelligent review of the mother’s challenges to the sufficiency of the hearing evidence. In the Interest of M. C., 365 Ga. App. 398, 878 S.E.2d 625, 2022 Ga. App. LEXIS 450 (2022).

Sufficient notice of basis for the children’s alleged dependency. — Dependency petition alleged sufficient facts to provide the father with notice of the basis for the children’s alleged depen-

dency because the petition alleged that sufficient facts regarding the death of the sibling, the father’s access to the children, the child’s statements about the father, and the history of domestic violence. In the Interest of H. H., 374 Ga. App. 468, 913 S.E.2d 107, 2025 Ga. App. LEXIS 78 (2025).

Preparation and verification.

Even though the dependency petition was not properly verified, the lack of verification did not require dismissal because the defect could be cured by amendment since the case remained pending. In the Interest of H. H., 374 Ga. App. 468, 913 S.E.2d 107, 2025 Ga. App. LEXIS 78 (2025).

15-11-153. Amendment of petition.

JUDICIAL DECISIONS

Service on parent required. — Juvenile court violated the mother’s due process rights by holding the dependency hearing without having first served the mother with the amended dependency petition because there was no evidence of any service in the record and service on the mother’s attorney pursuant to the

Civil Practice Act, O.C.G.A. § 9-11-1 et seq., was not sufficient as the Juvenile Code required that the mother be served with any amended petition. The failure to serve the mother with the amended petition was not harmless. In the Interest of I. P., 371 Ga. App. 790, 903 S.E.2d 184, 2024 Ga. App. LEXIS 220 (2024).

PART 8

ADJUDICATION

15-11-180. Standard of proof.

JUDICIAL DECISIONS

Sufficient findings of deprivation. Juvenile court did not specify which

factual findings supported the conclusion that the children remained dependent as

the order contained no findings whatsoever with regard to parental unfitness and that deficiency prevented the reviewing court from making an intelligent review of the mother's challenges to the sufficiency of the hearing evidence. In the Interest of M. C., 365 Ga. App. 398, 878 S.E.2d 625, 2022 Ga. App. LEXIS 450 (2022).

Findings of fact and conclusions of law required. — Temporary orders for custody and dependency were vacated because the juvenile court failed to include the appropriate findings of fact and conclusions of law in both; on remand, the juvenile court was directed to hear evidence relevant to the child's current status and enter a disposition order contain-

ing findings of fact to support the orders. In the Interest of S. W., 363 Ga. App. 666, 872 S.E.2d 316, 2022 Ga. App. LEXIS 195 (2022).

Sufficient findings of dependency.

— Evidence was sufficient to clearly and convincingly show that the children were dependent as to the father because the evidence included the circumstances surrounding the sibling's death, the father remaining under investigation, the child's statements about the father, and the recommendation against unsupervised visitation. In the Interest of H. H., 374 Ga. App. 468, 913 S.E.2d 107, 2025 Ga. App. LEXIS 78 (2025).

15-11-181. Adjudication hearing.

(a) The court shall fix a time for an adjudication hearing. If the alleged dependent child is in foster care, the hearing shall be scheduled for no later than ten days after the filing of the petition alleging dependency. If the alleged dependent child is not in foster care, the adjudication hearing shall be held no later than 60 days after the filing of the petition alleging dependency. If adjudication is not completed within 60 days from the date such child was taken into protective custody, the petition alleging dependency may be dismissed without prejudice.

(b) The following persons shall have the right to participate in the adjudication hearing:

(1) The parent, guardian, or legal custodian of the alleged dependent child, unless such person cannot be located or fails to appear in response to the notice;

(2) The attorney and guardian ad litem of the alleged dependent child;

(3) The alleged dependent child, unless the court finds, after considering evidence of harm to such child that will result from his or her presence at the proceeding, that being present is not in the child's best interests;

(4) The attorneys for the parent, guardian, or legal custodian of the alleged dependent child if attorneys have been retained or appointed;

(5) The assigned DFCS caseworker; and

(6) The attorney for DFCS.

(c) If the court finds it is in the best interests of the alleged

dependent child, the court may allow the following to be present at the adjudication hearing:

(1) Any relative or other persons who have demonstrated an ongoing commitment to a child alleged to be a dependent child with whom he or she might be placed;

(2) DFCS employees involved with the case;

(3) An advocate as requested by the parent, guardian, or legal custodian of the alleged dependent child; and

(4) Other persons who have knowledge of or an interest in the welfare of such child.

(d) Except as provided in this subsection, the adjudication hearing shall be conducted in accordance with Title 24. Testimony or other evidence relevant to the dependency of a child or the cause of such condition may not be excluded on any ground of privilege, except in the case of:

(1) Communications between a party and his or her attorney; and

(2) Confessions or communications between a priest, rabbi, or duly ordained minister or similar functionary and his or her confidential communicant.

(e) After hearing the evidence, the court shall make and file specific written findings as to whether a child is a dependent child.

(f) If the court finds that a child is not a dependent child, it shall dismiss the petition alleging dependency and order such child discharged from foster care or other restriction previously ordered.

(g) If the court adjudicates a child as a dependent child, the court shall proceed immediately or at a postponed hearing to make a proper disposition of the case.

(h) If the court adjudicates a child as a dependent child, the court shall also make and file a finding whether such dependency is the result of substance abuse by such child's parent, guardian, or legal custodian.

(i) If the disposition hearing is held on the same day as the adjudication hearing, the court shall schedule the dates and times for the first periodic review hearing and for the permanency plan hearing.

History.

Code 1981, § 15-11-181, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2019, p. 67, § 6/HB 472; Ga. L. 2021, p. 134, § 6/SB 28.

Amendments.

The 2021 amendment, effective January 1, 2022, deleted "but the court has ordered a temporary alternative to foster care, the adjudication hearing shall be

held no later than 30 days after the filing of the petition alleging dependency. Oth-

erwise,” following “foster care,” in the third sentence of subsection (a).

PART 10

FAMILY REUNIFICATION DETERMINATION

15-11-201. DFCS case plan; contents.

Delayed effective date.

Ga. L. 2024, p. 206, § 6(b)/SB 483, provides that the 2024 amendment becomes effective upon enactment of the Interstate Compact for the Placement of Children into law by the thirty-fifth state. As of May 2025, this condition had not been met, and this Code section does not reflect the amendment by that Act. After the condition is met, paragraph (b)(10) will read as follows: “When an out-of-state group home placement is recommended or made, the case plan shall comply with Code Section 39-4A-7, the Interstate Compact for the Placement of Children. In addition, documentation of the

recommendation of the multidisciplinary team and the rationale for such particular placement shall be included. The case plan shall also address what in-state services or facilities were used or considered and why they were not recommended;”.

Amendments.

The 2024 amendment substituted “Code Section 39-4A-7, the Interstate Compact for the Placement of Children” for “Code Section 39-4-4, the Interstate Compact on the Placement of Children” at the end of the first sentence in paragraph (b)(10). For effective date of this amendment, see the delayed effective date note.

JUDICIAL DECISIONS

Evidence sufficient to support adjudication of delinquency. — Clear and convincing evidence supported the juvenile court’s determination that the child remained dependent based on the juvenile being behind expected grade level, the mother not completing several tasks

listed in the case plan, and the family moved several times without notifying the agency of new contact information leaving the agency unable to confirm housing stability. In the Interest of C. E. Jr., 366 Ga. App. 612, 884 S.E.2d 22, 2023 Ga. App. LEXIS 50 (2023).

15-11-204. Nonreunification hearing.

JUDICIAL DECISIONS

Discontinuing efforts for reunification not appropriate.

Juvenile court’s order relieving the Department of Family and Children Services, pursuant to O.C.G.A. § 15-11-516(d), of its obligation to provide the mother with reunification services was improper because the statute did not authorize such a ruling. Rather, the court was obligated to comply with the requirements for nonreunification hearings under O.C.G.A. § 15-11-204. In the Interest of S. B., 366 Ga. App. 80, 880

S.E.2d 655, 2022 Ga. App. LEXIS 530 (2022).

Failure to find reunification was detrimental to children. — Evidence was insufficient to demonstrate by clear and convincing evidence that reunification with the father was not appropriate as the juvenile court did not find a presumption that reunification was detrimental to the children based on the factors set forth in O.C.G.A. § 15-11-204(d), nor did the evidence support such a presumption. In the Interest of D. C., 364

Ga. App. 86, 874 S.E.2d 114, 2022 Ga. App. LEXIS 262 (2022).

PART 11

DISPOSITION

15-11-210. Disposition hearing.

JUDICIAL DECISIONS

ANALYSIS

PROCEDURE

Procedure

Record must show clear and convincing evidence which authorizes finding.

Clear and convincing evidence supported juvenile court’s determination that child remained dependent based on juve-

nile being behind expected grade level, mother not completing several tasks listed in case plan, and family moved several times without notifying agency of new contact information leaving agency unable to confirm housing stability. In the Interest of C. E. Jr., 366 Ga. App. 612, 884 S.E.2d 22, 2023 Ga. App. LEXIS 50 (2023).

15-11-212. Disposition of dependent child.

Delayed effective date.

Ga. L. 2024, p. 206, § 6(b)/SB 483, provides that the 2024 amendment becomes effective upon enactment of the Interstate Compact for the Placement of Children into law by the thirty-fifth state. As of May 2025, this condition had not been met, and this Code section does not reflect the amendment by that Act. After the condition is met, subparagraph (a)(2)(D) will read as follows: “An individual in another state with or without supervision by an appropriate officer pursuant to the requirements of Code Section 39-4A-7, the Interstate Compact for the Placement of Children;”

and paragraph (a)(3) will read as follows: “Transfer jurisdiction over such child in accordance with the requirements of Code Section 39-4A-7, the Interstate Compact for the Placement of Children;”.

Amendments.

The 2024 amendment substituted “Code Section 39-4A-7, the Interstate Compact for the Placement of Children” for “Code Section 39-4-4, the Interstate Compact on the Placement of Children” at the end of subparagraph (a)(2)(D) and at the end of paragraph (a)(3). For effective date of this amendment, see the delayed effective date note.

JUDICIAL DECISIONS

ANALYSIS

JURISDICTION
APPLICATION

Jurisdiction

Jurisdiction over deprivation cases is exclusive.

Clear and convincing evidence supported juvenile court's determination that child remained dependent based on juvenile being behind expected grade level, mother not completing several tasks listed in case plan, and family moved several times without notifying agency of new contact information leaving agency unable to confirm housing stability. In the Interest of C. E. Jr., 366 Ga. App. 612, 884 S.E.2d 22, 2023 Ga. App. LEXIS 50 (2023).

Application

Sufficient evidence of deprivation.

— In a termination of parental rights case, the application for discretionary review was improvidently granted because the juvenile court properly admitted the drug test results as they were admissible under the business records exception; the records were authenticated; the juvenile court did not err in enforcing the require-

ment of its previous order that the mother submit 12 consecutive months of clean drug screens; and the evidence was sufficient to support the termination as the mother failed to complete a case plan, the children were dependent as a result of the lack of proper parental control and care, the causes of the dependency were likely to continue, and the continued dependency was likely to cause serious harm to the children. In the Interest of L-M. C. L., 362 Ga. App. 520, 869 S.E.2d 161, 2022 Ga. App. LEXIS 59 (2022).

Findings of fact and conclusions of law required. — Temporary orders for custody and dependency were vacated because the juvenile court failed to include the appropriate findings of fact and conclusions of law in both; on remand, the juvenile court was directed to hear evidence relevant to the child's current status and to enter a disposition order containing findings of fact to support orders. In the Interest of S. W., 363 Ga. App. 666, 872 S.E.2d 316, 2022 Ga. App. LEXIS 195 (2022).

15-11-215. Notice of change in placement hearings; use of hearsay evidence; presumptions.

(a) Not less than five days in advance of any placement change, DFCS shall, in writing, notify the court; a child who is 14 years of age or older; the child's parent, guardian, or legal custodian; the person or agency with physical custody of the child; the child's attorney; the child's guardian ad litem, if any; and any other attorney of record of such change in the location of the child's placement while the child is in DFCS custody. The notice required by this subsection may include notice via email if the caregiver or other party who will receive the notification has agreed to receive notice via email.

(b) If a child's health or welfare may be endangered by any delay in changing his or her placement, the court and all attorneys of record shall be notified of such placement change within 24 hours of such change.

(c) A child adjudicated as a dependent child who is 14 years of age or older, his or her parent, guardian, or legal custodian; the person or agency with physical custody of the child; such child's attorney; such child's guardian ad litem, if any; and any attorney of record may request a hearing pertaining to such child's case plan or the permanency plan in order for the court to consider the change in the location of such child's placement and any changes to the case plan or permanency plan

resulting from such child's change in placement location. The hearing shall be held within five days of receiving notice of a change in the location of such child's placement and prior to any such placement change, unless such child's health or welfare may be endangered by any delay in changing such child's placement.

(d) The Council of Juvenile Court Judges shall by rule provide for methods by which persons entitled to notice, including those not represented by counsel, may electronically file an objection to the placement change. Such rule shall provide for the use of a standard form that the objector may file electronically with the clerk of court and which upon filing shall be distributed electronically to all parties and others entitled to notice.

(e) At the hearing to consider the case plan and permanency plan of a child adjudicated as a dependent, the court shall consider the case plan and permanency plan recommendations made by DFCS, including a recommendation as to the location of the placement of such child, and shall make findings of fact upon which the court relied in determining to reject or accept the case plan or permanency plan and the recommendations made by DFCS, including the location of such child's placement. The court shall specifically consider any objections filed to the change of placement and shall consider evidence pertaining to such objections, including, but not limited to, evidence from the child and the foster parent, relative, or caregiver.

(f) The court may consider any evidence, including hearsay evidence, that the court finds to be relevant, reliable, and necessary to determine the needs of a child adjudicated as a dependent child and the most appropriate case plan and permanency plan.

(g) If the court rejects DFCS recommendations, the court shall demonstrate that DFCS recommendations were considered and explain why it did not follow such recommendations. If the court rejects the DFCS case plan and permanency plan recommendations, including the change in the location of the placement of a child adjudicated as a dependent child, the court may order DFCS to devise a new case plan and permanency plan recommendation, including a new recommendation as to the location of such child within the resources of the department, or make any other order relative to placement or custody outside the department as the court finds to be in the best interests of such child and consistent with the policy that children in DFCS custody should have stable placements.

(h) If the court finds that the child has been living in a stable home environment with his or her current caregivers for the past 12 months and that removal of the child from such caregivers would be detrimental to the child's emotional well-being, the court may presume that continuation of the child's placement with his or her current caregivers

is in the child's best interests and shall enter a finding that a change of placement is a failure by DFCS to make reasonable efforts to finalize the permanency plan which is in effect at the time of the hearing; provided, however, that such presumption shall not apply to prevent the return of the child to his or her parent, guardian, or legal custodian.

(i) Placement or a change of legal custody by the court outside DFCS shall relieve DFCS of further responsibility for a child adjudicated as a dependent child except for any provision of services ordered by the court to ensure the continuation of reunification services to such child's family when appropriate.

(j) A placement change shall not include a temporary absence from the child's identified and ongoing foster care placement, including, but not limited to, visitation with a friend, sibling, relative, or other caretaker, including a preplacement visit to a possible foster or adoptive placement; hospitalization for medical, acute psychiatric episodes or diagnosis; respite care when the child is expected to return to his or her foster care placement; day or overnight camp; temporary travel with the foster family or child care institution personnel, church, school, or other persons or groups approved by DFCS; trial home visits with the court's permission, if required by subsection (b) of Code Section 15-11-212; and runaway episodes.

History.

Code 1981, § 15-11-215, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2015, p. 552, § 15/SB 138; Ga. L. 2019, p. 456, § 3/SB 167; Ga. L. 2020, p. 241, § 2/SB 439; Ga. L. 2021, p. 134, § 7/SB 28.

Amendments.

The 2021 amendment, effective January 1, 2022, revised punctuation in subsections (a) and (c); substituted "consider the case plan and permanency plan of a

child adjudicated as a dependent, the" for "consider a child adjudicated as a dependent child's case plan and permanency plan, the" in the first sentence of subsection (e); added subsection (f); redesignated former subsections (f) through (i) as present subsections (g) through (j), respectively; and added the proviso in subsection (h).

Cross references.

Hearsay evidence, T. 24, C. 8.

15-11-216. Periodic review hearing; required evidence; consideration of hearsay evidence.

(a) All cases of children in DFCS custody shall be initially reviewed within 75 days following a child adjudicated as a dependent child's removal from his or her home and shall be conducted by the court. An additional periodic review shall be held within four months following the initial review and shall be conducted by the court or by judicial citizen review panels established by the court, as the court directs, meeting such standards and using such procedures as are established by court rule by the Supreme Court, with the advice and consent of the Council of Juvenile Court Judges. The court shall have the discretion to schedule any subsequent review hearings as necessary.

(b) At any periodic review hearing, the paramount concern shall be the health and safety of a child adjudicated as a dependent child.

(c) At the initial 75 day periodic review, the court shall approve the completion of the relative search, schedule the subsequent four-month review to be conducted by the court or a judicial citizen review panel, and shall determine:

(1) Whether a child adjudicated as a dependent child continues to be a dependent child;

(2) Whether the existing case plan is still the best case plan for such child and his or her family and whether any changes need to be made to the case plan, including whether a concurrent case plan for nonreunification is appropriate;

(3) The extent of compliance with the case plan by all participants;

(3.1) Whether the parent has made substantial progress toward completion of the case plan;

(4) The appropriateness of any recommended changes to such child's placement;

(5) Whether appropriate progress is being made on the permanency plan;

(6) Whether all legally required services are being provided to a child adjudicated as a dependent child, his or her foster parents if there are foster parents, and his or her parent, guardian, or legal custodian;

(7) Whether visitation is appropriate and, if so, approve and establish a reasonable visitation schedule consistent with the age and developmental needs of a child adjudicated as a dependent child;

(8) Whether, for a child adjudicated as a dependent child who is 14 years of age or older, the services needed to assist such child to make a transition from foster care to independent living are being provided; and

(9) Whether reasonable efforts continue to be made to prevent or eliminate the necessity of such child's removal from his or her home and to reunify the family after removal of a child adjudicated as a dependent child, unless reasonable efforts were not required.

(d) If at any review subsequent to the initial 75 day review the court finds that there is a lack of substantial progress toward completion of the case plan, the court shall order DFCS to develop a case plan for nonreunification or a concurrent case plan contemplating nonreunification within 14 days of such review. The court shall review and adopt

the revised case plan, as submitted or as amended, within 45 days of such review or at a previously scheduled hearing.

(d.1) At each review hearing held with respect to a child who remains placed in a qualified residential treatment program, the department shall submit evidence documenting that:

(1) Ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home;

(2) Placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment;

(3) Placement in a qualified residential treatment program is consistent with the short-term and long-term goals for the child, as specified in the permanency plan for the child;

(4) The specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

(5) The efforts made by the department to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.

(e) At the time of each review of a child adjudicated as a dependent child in DFCS custody, DFCS shall notify the court whether and when it intends to proceed with the termination of parental rights.

(f) The court may consider any evidence, including hearsay evidence, that the court finds to be relevant, reliable, and necessary to determine the needs of a child adjudicated as a dependent child and the most appropriate case plan and permanency plan.

History.

Code 1981, § 15-11-216, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2014, p. 780, § 1-15/SB 364; Ga. L. 2019, p. 893, § 4/SB 225; Ga. L. 2020, p. 493, § 15/SB 429; Ga. L. 2021, p. 134, § 8/SB 28; Ga. L. 2024, p. 191, § 1/SB 376, effective April 22, 2024.

Amendments.

The 2024 amendment, effective April 22, 2024, in subsection (b), inserted “the health and safety of” near the middle, and substituted “dependent child” for “dependent child’s health and safety” at the end; added paragraph (c)(3.1); and in subsection (d), in the first sentence, substituted

“toward” for “towards” in the middle and added “within 14 days of such review” at the end, and added the second sentence. See Editor’s notes for applicability.

Editor’s notes.

Ga. L. 2024, p. 191, § 5/SB 376, not codified by the General Assembly, makes subsection (b), paragraph (c)(3.1), and subsection (d) of this Code section applicable to all dependency and termination of parental rights cases pending as of April 22, 2024, and all such cases later filed, in the juvenile court.

15-11-218. Content of orders following periodic review hearings or reports by judicial citizen review panels.

(a) At the conclusion of a periodic review hearing, or upon review of a report by a judicial citizen review panel, the court shall issue written findings of fact that include:

(1) Why a child adjudicated as a dependent child continues to be a dependent child;

(2) Whether the existing case plan is still the best case plan for a child adjudicated as a dependent child and his or her family and whether any changes need to be made to the case plan including whether a concurrent case plan for nonreunification is appropriate;

(3) The extent of compliance with the case plan by all participants;

(3.1) Whether the parent has made substantial progress toward completion of the case plan;

(4) The basis for any changes to the placement of a child adjudicated as a dependent child;

(5) Whether visitation is or continues to be appropriate;

(6) A description of progress being made on the permanency plan;

(7) Whether all legally required services are being provided to a child adjudicated as a dependent child, his or her foster parents if there are foster parents, and his or her parent, guardian, or legal custodian;

(8) Whether, for a child adjudicated as a dependent child who is 14 years of age or older, the services needed to assist such child to make a transition from foster care to independent living are being provided; and

(9) Whether reasonable efforts continue to be made to prevent or eliminate the necessity of the removal of a child adjudicated as a dependent child and to reunify his or her family after removal, unless reasonable efforts were not required.

(b) At the conclusion of a periodic review hearing, or upon review of a report by a judicial citizen review panel, the court shall order one of the following dispositions:

(1) Return a child adjudicated as a dependent child to his or her parent, guardian, or legal custodian's home with or without court imposed conditions;

(2) Allow a child adjudicated as a dependent child to continue in the current custodial placement because the current placement is appropriate for such child's needs;

(3) Allow a child adjudicated as a dependent child to continue in the current custodial placement although the current placement is no longer appropriate for such child's needs and direct DFCS to devise another plan which shall:

(A) Be submitted within ten days for court approval;

(B) Be furnished to all parties after court approval of the revised plan; and

(C) Be provided to the caregiver of a child adjudicated as a dependent child, his or her foster parents if there are foster parents, and any preadoptive parents or relative providing care for such child with a copy of those portions of the court approved revised plan that involve the permanency goal and the services to be provided to such child; or

(4) Make additional orders regarding the treatment plan or placement of a child adjudicated as a dependent child to protect such child's best interests if the court determines DFCS has failed in implementing any material provision of the case plan or abused its discretion in the placement or proposed placement of such child.

History.

Code 1981, § 15-11-218, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2024, p. 191, § 2/SB 376, effective April 22, 2024.

Amendments.

The 2024 amendment, effective April 22, 2024, added paragraph (a)(3.1). See Editor's notes for applicability.

Editor's notes.

Ga. L. 2024, p. 191, § 5/SB 376, not codified by the General Assembly, makes paragraph (a)(3.1) of this Code section applicable to all dependency and termination of parental rights cases pending as of April 22, 2024, and all such cases later filed, in the juvenile court.

PART 12

PERMANENCY PLAN

15-11-230. Permanency plan hearing; consideration of hearsay evidence.

(a) The court shall hold a permanency plan hearing to determine the future permanent legal status of each child in DFCS custody.

(b) A permanency plan hearing, which considers in-state and out-of-state placement options for a child adjudicated as a dependent child, shall be held:

(1) No later than 30 days after DFCS has submitted a written report to the court which does not contain a plan for reunification services;

(2) For children under seven years of age at the time a petition is

filed, no later than nine months after such child has entered foster care;

(3) For children seven years of age and older at the time a petition is filed, no later than 12 months after such child has entered foster care; or

(4) For a child in a sibling group whose members were removed from the home at the same time and in which one member of the sibling group was under seven years of age at the time a petition for dependency was filed, the permanency plan hearing shall be held no later than nine months after such child has entered foster care.

(c) After the initial permanency plan hearing has occurred, a permanency plan hearing shall be held not less frequently than every six months during the time a child adjudicated as a dependent child continues in DFCS custody or more frequently as deemed necessary by the court until the court determines that such child’s permanency plan and goal have been achieved.

(d) A child adjudicated as a dependent child, his or her parent, guardian, or legal custodian, attorney, guardian ad litem, if any, foster parents if there are foster parents, any preadoptive parent or relatives providing care for such child, and other parties shall be given written notice of a permanency plan hearing at least five days in advance of such hearing and shall be advised that the permanency plan recommended by DFCS will be submitted to the court for consideration as the order of the court.

(e) The court shall consult with the child adjudicated as a dependent child, in an age-appropriate manner, regarding the proposed permanency plan for such child.

(f) The court may consider any evidence, including hearsay evidence, that the court finds to be relevant, reliable, and necessary to determine the needs of a child adjudicated as a dependent child and the most appropriate permanency plan.

History.

Code 1981, § 15-11-230, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2021, p. 134, § 9/SB 28.

Amendments.

The 2021 amendment, effective January 1, 2022, added subsection (f).

Cross references.

Hearsay evidence, T. 24, C. 8.

15-11-232. Permanency plan hearing; findings.

(a) At the permanency plan hearing, the court shall make written findings of fact that include the following:

(1) Whether DFCS has made reasonable efforts to finalize the permanency plan which is in effect at the time of the hearing;

(2) The continuing necessity for and the safety and appropriateness of the placement;

(3) Compliance with the permanency plan by DFCS, parties, and any other service providers;

(3.1) Whether the parent has made substantial progress toward completion of the case plan;

(4) Efforts to involve appropriate service providers in addition to DFCS staff in planning to meet the special needs of a child adjudicated as a dependent child and his or her parent, guardian, or legal custodian;

(5) Efforts to eliminate the causes for the placement of a child adjudicated as a dependent child outside of his or her home and toward returning such child safely to his or her home or obtaining a permanent placement for such child;

(6) The date by which it is likely that a child adjudicated as a dependent child will be returned to his or her home, placed for adoption, or placed with a permanent guardian or in some other alternative permanent placement;

(7) Whether, in the case of a child adjudicated as a dependent child placed out of state, the out-of-state placement continues to be appropriate and in the best interests of such child;

(8) In the case of a child adjudicated as a dependent child who is 14 years of age or older, the services needed to assist such child to make a transition from foster care to independent living;

(9) In the case of a child for whom another planned permanent living arrangement is the permanency plan:

(A) Whether DFCS has documented intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts to return the child to the home or to secure a placement for the child with a fit and willing relative, a legal guardian, or an adoptive parent, including through efforts that utilize search technology, including social media, to find biological family members for the children;

(B) Whether DFCS has documented the steps it is taking to ensure that the child's foster family home or child care institution is following the reasonable and prudent parent standard and the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities; and

(C) After asking the child, what his or her desired permanency outcome is;

(10) If a child has attained the age of 14 years old, whether the permanency plan developed for the child, and any revision or addition to the plan, was developed in consultation with the child and, at the option of the child, with not more than two members of the permanency planning team who were selected by the child and who are not a foster parent of or caseworker for the child in accordance with subparagraph (b)(15)(B) of Code Section 15-11-201; and

(11) In the case of a child placed in a qualified residential treatment program:

(A) Whether DFCS has documented ongoing assessments of the strengths and needs of the child that continues to support the determination that the needs of the child cannot be met through placement in a foster family home;

(B) Whether DFCS has documented that placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment;

(C) Whether DFCS has documented that the child's placement in a qualified residential treatment program is consistent with the short-term and long-term goals for the child, as specified in the permanency plan for the child;

(D) Whether DFCS has documented the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

(E) Whether DFCS has documented their efforts to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.

(b) The permanency plan incorporated in the court's order shall include:

(1) Whether and, if applicable, when a child adjudicated as a dependent child shall be returned to his or her parent;

(2) Whether and, if applicable, when a child adjudicated as a dependent child shall be referred for termination of parental rights and adoption;

(3) Whether and, if applicable, when a child adjudicated as a dependent child shall be placed with a permanent guardian; or

(4) In the case in which DFCS has documented a compelling reason that none of the options identified in paragraphs (1) through

(3) of this subsection would be in the best interests of the child, whether, and if applicable, when such child shall be placed in another planned permanent living arrangement.

(c) If the court finds, as of the date of the hearing, that another planned permanent living arrangement is in the best interests of a child who has attained the age of 16 years old, the court shall make findings of fact explaining such determination and, in its order, provide compelling reasons why it is not or continues to not be in a child's best interests to be returned to his or her parent, referred for termination of parental rights and adoption, placed with a permanent guardian, or placed with a fit and willing relative.

(d) A supplemental order of the court adopting the permanency plan including all requirements of the permanency plan as provided in Code Section 15-11-231 shall be entered following the permanency hearing and in no case later than 30 days after the court has determined that reunification efforts shall not be made by DFCS. The supplemental order shall include a requirement that the DFCS case manager and staff and, as appropriate, other representatives of a child adjudicated as a dependent child provide such child with assistance and support in developing a transition plan that is personalized at the direction of such child; includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services; and is as detailed as such child may elect in the 90 day period immediately prior to the date on which he or she will attain 18 years of age.

History.

Code 1981, § 15-11-232, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2015, p. 540, § 1-8/HB 361; Ga. L. 2015, p. 552, § 17/SB 138; Ga. L. 2019, p. 893, § 7/SB 225; Ga. L. 2020, p. 493, § 15/SB 429; Ga. L. 2024, p. 191, § 3/SB 376, effective April 22, 2024.

Amendments.

The 2024 amendment, effective April 22, 2024, added paragraph (a)(3.1) and substituted “subparagraph (b)(15)(B)” for

“subparagraph (A) of paragraph (15)” near the end of paragraph (a)(10). See Editor's notes for applicability.

Editor's notes.

Ga. L. 2024, p. 191, § 5/SB 376, not codified by the General Assembly, makes paragraph (a)(3.1) of this Code section applicable to all dependency and termination of parental rights cases pending as of April 22, 2024, and all such cases later filed, in the juvenile court.

15-11-233. Termination of parental rights; exceptions.

(a) Except as provided in subsection (b) of this Code section, DFCS shall file a petition to terminate the parental rights of a parent of a child adjudicated as a dependent child or, if such a petition has been filed by another party, seek to be joined as a party to the petition, and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption if:

(1) A child adjudicated as a dependent child has been in foster care under the responsibility of DFCS for 15 of the most recent 22 months;

(2) The court has made a determination that the parent has subjected his or her child to aggravated circumstances; or

(3) The court has made a determination that the parent of a child adjudicated as a dependent child has been convicted of:

(A) The murder of another child of such parent;

(B) Murder in the second degree of another child of such parent;

(C) Voluntary manslaughter of another child of such parent;

(D) Voluntary manslaughter of the other parent of such child;

(E) Aiding or abetting, attempting, conspiring, or soliciting to commit murder or voluntary manslaughter of another child of such parent;

(F) Aiding or abetting, attempting, conspiring, or soliciting to commit murder or voluntary manslaughter of the other parent of such child; or

(G) Committing felony assault that has resulted in serious bodily injury to such child or to another child of such parent.

(b) Termination of parental rights may not be in the best interests of a child adjudicated as a dependent child when:

(1) Such child is being cared for by his or her relative that intends to be a permanent placement for such child in accordance with a permanency plan approved by the court and in a time frame that is consistent with the developmental needs of such child;

(2) The case plan documents a compelling reason for determining that filing such a petition would not be in the best interests of such child. Such compelling reasons may include, but not be limited to:

(A) A parent of such child is successfully participating in services that will make it possible for his or her child to safely return home;

(B) Another permanency plan is better suited to meet the health and safety needs of such child. Documentation that another permanent plan is better suited to meet the health and safety needs of such child may include documentation that:

(i) Such child is 14 years of age or older and objects to termination of parental rights. Prior to accepting a child's objection, the court shall personally question such child in chambers to determine whether the objection is a voluntary and knowing choice;

(ii) Such child is 16 years of age or older and specifically requests that emancipation be established as his or her permanent plan;

(iii) The parent of such child and such child have a significant bond, but such parent is unable to care for such child because of an emotional or physical disability and such child's caregiver has committed to raising such child to the age of majority and facilitating visitation with such disabled parent; or

(iv) Such child is in a residential treatment facility that provides services specifically designed to address his or her treatment needs and the court determines that his or her needs could not be served by a less restrictive placement;

(C) Such child is living with his or her relative who is unable or unwilling to adopt such child, but who is willing and capable of providing such child with a stable and permanent home environment and the removal of such child from the physical custody of his or her relative would be detrimental to such child's emotional well-being;

(D) The court or judicial citizen review panel, in a prior hearing or review, determined that while the case plan was to reunify the family, DFCS did not make reasonable efforts; or

(E) Such child is an unaccompanied refugee or there are international legal obligations or foreign policy reasons that would preclude terminating parental rights; or

(3) DFCS has not provided to the family of such child services deemed necessary for his or her safe return to his or her home, consistent with the specific time frames for the accomplishment of the case plan goals.

(c) The recommendation by DFCS that termination of parental rights is not in the best interests of a child shall be based on the present family circumstances of such child and shall not preclude a different recommendation at a later date if the family circumstances of a child adjudicated as a dependent child change.

(d) At least 30 days prior to the fifteenth month a child has been in foster care and when the court deems appropriate, the court shall review DFCS's determination that filing a petition to terminate parental rights would not be in the best interests of such child, as provided for in paragraph (2) of subsection (b) of this Code section. Such hearing may be in conjunction with other matters of the case. At such hearing, the court may appoint an attorney guardian ad litem, who may, after his or her own determination, file a petition to terminate parental rights on behalf of the child. The court in its sole discretion may make any additional rulings.

History.

Code 1981, § 15-11-233, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2014, p. 444, § 2-3/HB 271; Ga. L. 2024, p. 191, § 4/SB 376, effective April 22, 2024.

Amendments.

The 2024 amendment, effective April 22, 2024, added “that intends to be a permanent placement for such child in accordance with a permanency plan approved by the court and in a time frame that is consistent with the developmental

needs of such child” at the end of paragraph (b)(1) and added subsection (d). See Editor’s notes for applicability.

Editor’s notes.

Ga. L. 2024, p. 191, § 5/SB 376, not codified by the General Assembly, makes paragraph (b)(1) and subsection (d) of this Code section applicable to all dependency and termination of parental rights cases pending as of April 22, 2024, and all such cases later filed, in the juvenile court.

PART 13

PERMANENT GUARDIANSHIP

15-11-240. Appointment of permanent guardian; jurisdiction; findings.

JUDICIAL DECISIONS

Award of permanent guardianship affirmed.

In a dependency action wherein both biological parents were incarcerated, the juvenile court did not abuse the court’s discretion in granting permanent guardianship of the child to the maternal grandparents, as the court made the required

statutory findings, including that termination of parental rights and adoption was not in the child’s best interests, and that appointing the maternal grandparents as permanent guardians was in the child’s best interests. In the Interest of A. H., 374 Ga. App. 462, 913 S.E.2d 90, 2025 Ga. App. LEXIS 73 (2025).

15-11-243. Permanent guardianship petition hearing.

A guardianship petition hearing shall be conducted in accordance with Code Section 29-2-18 to determine the best interests of the child who was adjudicated as a dependent child, and in reaching its determination the court shall consider Code Section 15-11-240.

History.

Code 1981, § 15-11-243, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2015, p. 540, § 1-9/HB 361; Ga. L. 2023, p. 367, § 1/SB 131, effective July 1, 2023.

Amendments.

The 2023 amendment, effective July 1, 2023, deleted subsection (a); deleted the

subsection (b) designation, and substituted “A guardianship petition hearing” for “The hearing” at the beginning.

15-11-243.1. Summons; required parties; personal appearance of adults or children; waiver of service.

(a) The court shall direct the issuance of a summons to the legal mother, legal father, biological father, legal custodian, attorney, and guardian ad litem, if any, of the child who was adjudicated as a

dependent child and any other persons who appear to the court to be proper or necessary parties to the proceeding. A copy of such petition shall accompany the summons unless the summons is served by publication, in which case the published summons shall indicate the general nature of the allegations and where a copy of such petition can be obtained.

(b) No service of summons shall be required for any parent whose parental rights have been terminated or voluntarily surrendered.

(c) The court shall direct notice and a copy of the petition be provided to the child named in the petition if the child is 14 years of age or older.

(d) The court may endorse upon the summons an order directing the parent, guardian, or legal custodian of the child named in the petition to appear personally at the hearing or directing the person having the physical custody or control of such child to bring such child to the hearing.

(e) A party other than the child named in the petition may waive service of summons by written stipulation or by voluntary appearance at the hearing.

History.

Code 1981, § 15-11-243.1, enacted by Ga. L. 2023, p. 367, § 2/SB 131, effective July 1, 2023.

Effective date.

This Code section became effective July 1, 2023.

15-11-243.2. Service of summons.

(a) If a party to be served with a summons is within this state and can be found, the summons shall be served upon him or her personally as soon as possible and at least 14 days before the permanent guardianship hearing.

(b) If a party to be served is within this state and cannot be found, but his or her address is known or can be ascertained with due diligence, the summons shall be served upon such party at least 14 days before the permanent guardianship hearing by mailing him or her a copy by registered or certified mail or statutory overnight delivery, return receipt requested.

(c) If a party to be served is outside this state but his or her address is known or can be ascertained with due diligence, service of the summons shall be made at least 14 days before the permanent guardianship hearing either by delivering a copy to such party personally or by mailing a copy to him or her by registered or certified mail or statutory overnight delivery, return receipt requested.

(d)(1) If, after due diligence, a party to be served with a summons cannot be found and such party's address cannot be ascertained

whether he or she is within or outside this state, the court may order service of the summons upon him or her by publication. The permanent guardianship hearing shall not be earlier than 15 days after the date of the last publication.

(2) Service by publication shall be made once a week for two consecutive weeks in the legal organ of the county where the petition for permanent guardianship has been filed. Service shall be deemed complete upon the date of the last publication.

(3) When served by publication, the notice shall contain the names of the parties, except that the anonymity of a child shall be preserved by the use of appropriate initials, and the date the petition for permanent guardianship was filed. The notice shall indicate the general nature of the proceedings and where a copy of the petition for permanent guardianship can be obtained and require the party to file any objections in accordance with paragraph (4) of this subsection.

(4) The notice shall state that the individual is entitled to object either to the establishment of a permanent guardianship or to the selection of the proposed guardian, or both. The notice shall require that any objection be filed in writing with the court within ten days of the personal service, within 14 days of the mailing of the notice, or within ten days of the date of the second publication of the notice.

(e) Service of the summons may be made by any suitable person under the direction of the court.

History.

Code 1981, § 15-11-243.2, enacted by Ga. L. 2023, p. 367, § 2/SB 131, effective July 1, 2023.

Effective date.

This Code section became effective July 1, 2023.

15-11-243.3. Service upon biological father; objections; presumptions.

(a) Unless he has surrendered all parental rights to his child, a summons shall be served in the same manner as set forth in Code Section 15-11-243.2 on the biological father:

(1) Whose paternity has been established in a judicial proceeding to which the father was a party;

(2) Whose identity is known to the petitioner or the petitioner's attorney;

(3) Who is a registrant on the putative father registry who has indicated possible paternity of the child named in the petition brought pursuant to this article;

(4) Who is a registrant on the putative father registry who has

indicated possible paternity of the child named in the petition brought pursuant to this article who was born to such child's mother during a period beginning no more than two years immediately preceding such child's date of birth; or

(5) Who, if the court finds from the evidence, including, but not limited to, the affidavit of the mother of a child named in the petition brought pursuant to this article, has performed any of the following acts:

- (A) Lived with such child;
- (B) Contributed to such child's support;
- (C) Made any attempt to legitimate such child; or

(D) Provided support or medical care for such mother either during her pregnancy or during her hospitalization for the birth of such child.

(b) The notice shall advise the biological father that he will lose all rights to object to the appointment of a permanent guardian for the minor if he does not file an objection with the court within 14 days of the notice and file a petition to legitimate the minor within 30 days of the hearing on his objection. The notice shall include the name of the individual who will be the minor's permanent guardian if the petition is granted.

(c) If the biological father files a timely objection to the petition, the court shall hear the objection and, if the biological father makes a request, shall continue the hearing for 30 days to allow the father to file a petition to legitimate the minor.

(d) If the biological father does not file a petition for legitimation within 30 days or files a petition that is subsequently dismissed for failure to prosecute or files a petition and the action is subsequently concluded without a court order declaring that he is the father of the minor, the biological father shall have no further rights to receive notice of or object to the appointment of a permanent guardian for the minor.

(e) If the identity of the biological father of the child for whom a permanent guardianship is sought is not known to the petitioner or the petitioner's attorney and the biological father would not be entitled to notice in accordance with subsection (a) of Code Section 15-11-243.1, then it shall be rebuttably presumed that he is not entitled to notice of the proceedings. The court shall be authorized to require the mother to execute an affidavit supporting the presumption or show cause before the court if she refuses. Absent evidence rebutting the presumption, no further inquiry or notice shall be required by the court, and the biological father shall have no further rights to receive notice of or object to the appointment of a permanent guardian for the minor.

History.
Code 1981, § 15-11-243.3, enacted by Ga. L. 2023, p. 367, § 2/SB 131, effective July 1, 2023.

Effective date.
This Code section became effective July 1, 2023.

ARTICLE 4
TERMINATION OF PARENTAL RIGHTS

RESEARCH REFERENCES

ALR.
Interplay Between Parent’s Voluntary and Involuntary Terminations of Parental

Rights, or Petitions Thereto, 61 A.L.R. 7th 4.

PART 1
GENERAL PROVISIONS

15-11-262. Right to attorney and appointment of guardian ad litem.

JUDICIAL DECISIONS

Determination of indigency and entitlement to court-appointed attorney not made. — Juvenile court erred in terminating the father’s parental rights to the father’s minor children because the court had not determined on the record whether or not the father was indigent and entitled to a court-appointed attorney; whether the father waived the fa-

ther’s right to an attorney; and whether, even if not indigent, the father waived the father’s right to counsel by failing to act with reasonable diligence in attempting to retain counsel or whether the absence of an attorney was due to reasons beyond the father’s control. In the Interest of S. H., 361 Ga. App. 788, 865 S.E.2d 614, 2021 Ga. App. LEXIS 549 (2021).

PART 3
PETITION AND SUMMONS

15-11-280. Petition; style; contents; putative fathers.

- (a) A petition to terminate parental rights and all subsequent court documents in such proceeding shall be entitled “In the interest of _____, a child.”, except upon appeal, in which event the anonymity of a child shall be preserved by use of appropriate initials. The petition shall be in writing.
- (b) The petition to terminate parental rights shall be made, verified, and immediately filed and docketed without delay when presented to the clerk of the juvenile court.
- (c) A petition to terminate parental rights shall:
- (1) State clearly that an order for termination of parental rights is

requested and that the effect of the order will conform to Code Section 15-11-261;

(2) State the statutory ground, as provided in Code Section 15-11-310, on which the petition is based; and

(3) Set forth plainly and with particularity:

(A) The facts which bring a child within the jurisdiction of the court, with a statement that it is in the best interests of such child and the public that the proceeding be brought;

(B) The name, age, date of birth, and residence address of the child named in the petition;

(C) The name and residence address of the parent, guardian, or legal custodian of such child; or, if the parent, guardian, or legal custodian of the child named in the petition to terminate parental rights does not reside or cannot be found within the state or if such place of residence address is unknown, the name of any known adult relative of such child residing within the county or, if there is none, the known adult relative of such child residing nearest to the location of the court;

(D) Whether the child named in the petition is in protective custody and, if so, the place of his or her foster care and the time such child was taken into protective custody; and

(E) Whether any of the information required by this paragraph is unknown.

(d) When a petition to terminate parental rights seeks termination of the rights of a biological father who is not the legal father and who has not surrendered his rights to his child, the petition shall include a certificate from the putative father registry disclosing the name, address, and social security number of any registrant acknowledging paternity of the child named in the petition or indicating the possibility of paternity of a child of the child's mother for a period beginning no more than two years immediately preceding such child's date of birth. The certificate shall document a search of the registry on or before the date of the filing of the petition and shall include a statement that the registry is current as to filings of registrants as of the date of the petition.

(e) A copy of a voluntary surrender or written consent, if any, previously executed by a parent of the child named in the petition to terminate parental rights shall be attached to the petition.

History.

Code 1981, § 15-11-280, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2014, p. 780, § 1-19/SB 364; Ga. L. 2024,

p. 328, § 3/SB 401, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, substituted “immediately filed and docketed without delay when pre-

sented to the clerk of the juvenile court” for “endorsed by the court as provided in Article 3 of this chapter for a petition alleging dependency” at the end of subsection (b).

PART 4

HEARINGS

15-11-300. Notice of hearings to specified parties; required findings.

RESEARCH REFERENCES

ALR.

Circumstances Posed by Virtual Hearings That May Violate Due Process Rights

of Parents in Termination of Parental Rights Proceedings, 87 A.L.R.7th 7.

PART 5

GROUND FORS TERMINATION OF PARENTAL RIGHTS

15-11-310. Grounds for determining termination of parental rights.

JUDICIAL DECISIONS

ANALYSIS

CRITERIA FOR TERMINATION

EVIDENCE

DEPRIVATION

Criteria for Termination

Unremedied dependency not proven. — Termination of the mother’s parental rights based on unremedied dependency was not supported by the evidence because the juvenile court’s order did not set forth facts supporting the court’s conclusion that the continuation of the existing relationship between the child and the mother would cause or was likely to cause serious physical, mental, moral, or emotional harm to the child. N. E. K., 367 Ga. App. 50, 885 S.E.2d 34, 2023 Ga. App. LEXIS 112 (2023).

Termination of the father’s parental rights based on unremedied dependency was not supported by the evidence because there was no evidence in the record

that maintaining the father’s existing relationship with the child while the child remained in the home of the maternal grandparents would itself cause the child harm. N. E. K., 367 Ga. App. 50, 885 S.E.2d 34, 2023 Ga. App. LEXIS 112 (2023).

Multiple children and sufficiency of findings for each child. — Evidence was insufficient to show that one of the three children was harmed by their current circumstances because the state pointed to no evidence or testimony addressing harm as to that child and the juvenile court’s order made no factual or legal findings specific to that child regarding harm; however, there was sufficient evidence of harm as to the other children, as the juvenile court found that they

would be harmed if returned to the mother's neglectful treatment and remained, without permanency, in foster care. In the Interest of A. B., 362 Ga. App. 123, 866 S.E.2d 847, 2021 Ga. App. LEXIS 572 (2021).

Prison sentence not necessarily equivalent to abandonment. — Father's parental rights were improperly terminated on the basis of the aggravated circumstance of abandonment because the father had not abandoned the child during the approximately 15 months between when the child came into the custody of the Department of Family and Children Services (DFCS) and the termination hearing as the child had resided with the father for almost all of the child's entire life before the father's arrest; the father completed a prison substance abuse treatment program that was a condition for regaining custody of the child, finished two levels of parenting classes, and sent letters to the child that were never delivered by DFCS; and the father's conduct did not reflect an intent to abandon the child. In the Interest of H. A. S., 358 Ga. App. 54, 853 S.E.2d 371, 2020 Ga. App. LEXIS 695 (2020).

Abandonment by parent.

Evidence that the father made no effort to communicate with the child, the Department of Family and Children Services, or the foster parents, nor did the father attempt to provide financial support or gifts to the child, combined with the father's lack of any effort to form a meaningful relationship with the child, supported the juvenile court's finding of aggravated circumstances establishing the father's abandonment of the child. In the Interest of M. M. D., 356 Ga. App. 653, 848 S.E.2d 687, 2020 Ga. App. LEXIS 504 (2020).

Record did not support the juvenile court's finding that there was evidence the mother abandoned the child. While the mother was unable to visit the child or complete many aspects of her case plan because the mother was incarcerated, the mother attempted to participate in the required assessments and the mother's lack of success was in large part due to the limitations imposed by the federal prison, and the mother had communicated with

the child since the child was placed with the maternal grandparents. N. E. K., 367 Ga. App. 50, 885 S.E.2d 34, 2023 Ga. App. LEXIS 112 (2023).

Record did not support the finding that the father abandoned the child, as the father completed the assessments, despite the father's incarceration, and although the father did not pay the Division of Family and Children Services child support, the father arranged to have payments sent to the maternal grandmother and gifts sent to the child. In addition, the father had weekly video visits with the child. N. E. K., 367 Ga. App. 50, 885 S.E.2d 34, 2023 Ga. App. LEXIS 112 (2023).

Trial court erred by finding insufficient evidence of abandonment because petitioner presented evidence that the parents had not visited the child in three years, they failed to form a meaningful bond with her, the parents failed to pay child support, and they failed to complete the court-ordered plans. In the Interest of K. G. V., 371 Ga. App. 67, 899 S.E.2d 715, 2024 Ga. App. LEXIS 121 (2024).

Evidence

Evidence of dependency supported termination. — In a termination of parental rights case, the application for discretionary review was improvidently granted because the juvenile court properly admitted the drug test results as they were admissible under the business records exception; the records were authenticated; the juvenile court did not err in enforcing the requirement of its previous order that the mother submit 12 consecutive months of clean drug screens; and the evidence was sufficient to support the termination as the mother failed to complete a case plan, the children were dependent as a result of the lack of proper parental control and care, the causes of the dependency were likely to continue, and the continued dependency was likely to cause serious harm to the children. In the Interest of L-M. C. L., 362 Ga. App. 520, 869 S.E.2d 161, 2022 Ga. App. LEXIS 59 (2022).

Evidence sufficient to support termination. — Termination of the mother's parental rights was supported by evidence

Evidence (Cont'd)

that the mother was diagnosed with bipolar disorder, major depressive disorder, and borderline personality disorder, the mother showed little improvement despite having received significant services and any improvement would only be temporary, the mother was cognitively impaired, and the child would not be safe in the mother's care since she had not made any significant improvement in the management of her mental health. In the Interest of L. B., 356 Ga. App. 488, 847 S.E.2d 861, 2020 Ga. App. LEXIS 480 (2020).

Failure to pay child support supported termination.

Termination of the mother's parental rights under O.C.G.A. § 15-11-310(a)(3), was supported by undisputed evidence that the mother was behind in her child support payments. In the Interest of D. C. S., 371 Ga. App. 186, 899 S.E.2d 834, 2024 Ga. App. LEXIS 133 (2024).

Failure to pay child support. — Mother's failure to pay any child support for over 12 months after being ordered to do so was sufficient grounds for termination of the mother's parental rights. In the Interest of R. E. M. B., 374 Ga. App. 564, 913 S.E.2d 425, 2025 Ga. App. LEXIS 93 (2025).

Deprivation

Sufficient evidence that continued deprivation likely to cause harm.

Evidence was sufficient to support the

juvenile court's findings that the child's continued dependency would cause or was likely to cause the child serious physical, mental, emotional, or moral harm as the mother refused to acknowledge and seek treatment for the mother's bipolar disorder diagnosis and acknowledge the mother's responsibility for the circumstances that led to the child's removal in the first instance; and the child's lack of a bond with the mother and noticeable change in demeanor in the mother's presence further supported a determination that the child likely would suffer harm by remaining in foster care. In the Interest of N. P., 363 Ga. App. 879, 872 S.E.2d 501, 2022 Ga. App. LEXIS 212 (2022).

Deprivation based on mental health needs of parent.

— Termination of the mother's parental rights was proper as the cause of the child's dependency was likely to continue because the child was dependent based on the mother's overwhelming mental health needs; multiple witnesses testified that the child would not be safe in the mother's care since the mother had not made any significant improvement in the management of the mother's mental health; and the Department of Family and Children Services did make reasonable efforts to address the mother's mental health diagnosis and the mother's decreased mental capacity as the mother's therapist utilized dialectical behavioral therapy with the mother to treat the mother's borderline personality disorder. In the Interest of L. B., 356 Ga. App. 488, 847 S.E.2d 861, 2020 Ga. App. LEXIS 480 (2020).

15-11-311. Determination of whether child is without proper parental care and control.

JUDICIAL DECISIONS

ANALYSIS

ACTIONS OF PARENTS
MEDICAL AND PSYCHOLOGICAL FACTORS
DEPRIVATION

Actions of Parents

Physical abuse and refusal to cooperate. — Evidence was sufficient to find that the children, if returned to their

mother, would be dependent because, while the children were in the mother's custody, the mother abused them; even after the children were removed from the mother's custody, the mother continued

emotionally abusing one of the children; the mother refused to admit any wrongdoing; and, although the mother had completed a psychological evaluation and a partial parental fitness evaluation, the mother had otherwise refused to cooperate with the Department of Family and Children Services by participating in family therapy, parenting classes, or any other services to address conditions that might have led the mother to abuse the children. In the Interest of N. C., 363 Ga. App. 398, 870 S.E.2d 569, 2022 Ga. App. LEXIS 127 (2022).

Evidence sufficient to support adjudication of delinquency. — Clear and convincing evidence supported the juvenile court's determination that the child remained dependent based on the juvenile being behind expected grade level, the mother not completing several tasks listed in the case plan, and the family moved several times without notifying the agency of new contact information leaving the agency unable to confirm housing stability. In the Interest of C. E. Jr., 366 Ga. App. 612, 884 S.E.2d 22, 2023 Ga. App. LEXIS 50 (2023).

Evidence was sufficient to clearly and convincingly show that the children were dependent as to the father because the evidence included the circumstances surrounding the sibling's death, the father remaining under investigation, the child's statements about the father, and the recommendation against unsupervised visitation. In the Interest of H. H., 374 Ga. App. 468, 913 S.E.2d 107, 2025 Ga. App. LEXIS 78 (2025).

Medical and Psychological Factors

Parental drug abuse.

Juvenile court did not err in finding that the child was a dependent child and in awarding temporary custody of the child to the Department of Family and Children Services because the child was without proper parental care and control as the evidence as a whole supported the trial court's finding that the parents' substance abuse problem was chronic and unrehabilitated, and thus worthy of inferring harm to the child, because, although the parents' methamphetamine use in No-

vember and December 2021 spanned only two months, they had a history of methamphetamine use from before the family treatment program. S. M., 366 Ga. App. 365, 883 S.E.2d 48, 2023 Ga. App. LEXIS 7 (2023).

Parent's failure to comply with reunification plan. — Evidence was sufficient to support termination of the mother's parental rights due to the mother's failure to comply with the court-ordered reunification plan, including failure to pay child support and failure to follow the recommendations following a psychological assessment. In the Interest of R. E. M. B., 374 Ga. App. 564, 913 S.E.2d 425, 2025 Ga. App. LEXIS 93 (2025).

Deprivation

Parent's lack of parental care or control caused deprivation. — In a termination of parental rights case, the application for discretionary review was improvidently granted because the juvenile court properly admitted the drug test results as the results were admissible under the business records exception; the records were authenticated; the juvenile court did not err in enforcing the requirement of its previous order that the mother submit 12 consecutive months of clean drug screens; and the evidence was sufficient to support the termination as the mother failed to complete a case plan, the children were dependent as a result of the lack of proper parental control and care, the causes of the dependency were likely to continue, and the continued dependency was likely to cause serious harm to the children. In the Interest of L-M. C. L., 362 Ga. App. 520, 869 S.E.2d 161, 2022 Ga. App. LEXIS 59 (2022).

Evidence was sufficient to support termination of the mother's parental rights due to lack of proper parental control or care, as it showed that the mother suffered from mental illness that, combined with the child's needs, prevented the mother from properly caring for the child. In the Interest of R. E. M. B., 374 Ga. App. 564, 913 S.E.2d 425, 2025 Ga. App. LEXIS 93 (2025).

Failure to submit to drug test and pay child support. — Termination of the father's parental rights was supported by

Deprivation (Cont'd)

evidence that he had never submitted to a drug screen, which was a requirement under the divorce decree if he wanted to see the children, and he had not paid any child support despite his testimony that he had a job. In the Interest of C. B., 369 Ga. App. 440, 893 S.E.2d 828, 2023 Ga. App. LEXIS 471 (2023).
Parental deprivation not shown.

Juvenile court did not specify which factual findings supported the conclusion that the children remained dependent as the order contained no findings whatsoever with regard to parental unfitness and that deficiency prevented the reviewing court from making an intelligent review of the mother's challenges to the sufficiency of the hearing evidence. In the Interest of M. C., 365 Ga. App. 398, 878 S.E.2d 625, 2022 Ga. App. LEXIS 450 (2022).

RESEARCH REFERENCES

ALR. Munchausen syndrome by proxy in family
Pediatric condition falsification or court proceedings, 74 A.L.R.7th 6.

PART 6
DISPOSITION

15-11-320. Termination of parental rights; findings; standard of proof.

RESEARCH REFERENCES

ALR. Munchausen syndrome by proxy in family
Pediatric condition falsification or court proceedings, 74 A.L.R.7th 6.

15-11-321. Custody of child following termination proceedings or surrender of parental rights; use of hearsay evidence.

(a) When a court enters an order terminating the parental rights of a parent or accepts a parent's voluntary surrender of parental rights, or a petition for termination of parental rights is withdrawn because a parent has executed an act of surrender in favor of the department, a placement may be made only if the court finds that such placement is in the best interests of the child and in accordance with such child's court approved permanency plan created pursuant to Code Sections 15-11-231 and 15-11-232. In determining which placement is in a child's best interests, the court shall enter findings of fact reflecting its consideration of the following:

- (1) Such child's need for a placement that offers the greatest degree of legal permanence and security;
- (2) The least disruptive placement for such child;
- (3) Such child's sense of attachment and need for continuity of relationships;

(4) The value of biological and familial connections; and

(5) Any other factors the court deems relevant to its determination.

(a.1) The court may consider any evidence, including hearsay evidence, that the court finds to be relevant, reliable, and necessary to determine the needs of a child and the permanency and custody of a child whose parents have had their parental rights terminated or who have surrendered their parental rights.

(b) A guardian or legal custodian shall submit to the jurisdiction of the court for purposes of placement.

(c) A placement effected under the provisions of this Code section shall be conditioned upon the person who is given custody or who is granted an adoption of a child whose parents have had their parental rights terminated or surrendered agreeing to abide by the terms and conditions of the order of the court.

(d) In addition to its rights as a legal custodian, the department has the authority to consent to the adoption of a child whose parents have had their parental rights terminated or surrendered.

History.

Code 1981, § 15-11-321, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2016, p. 134, § 1-4/HB 887; Ga. L. 2019, p. 456, § 4/SB 167; Ga. L. 2021, p. 134, § 10/SB 28.

Amendments.

The 2021 amendment, effective January 1, 2022, added subsection (a.1).

Cross references.

Hearsay evidence, T. 24, C. 8.

JUDICIAL DECISIONS

Continued placement with Department of Family and Children Services. — Juvenile court order continuing placement with the Department of Family and Children Services after the parental rights of the child's parents were terminated, while placing the child with the paternal aunt, was supported by the Department's determination that both aunts were acceptable but that in Texas, the child would be less likely to be exposed to any harms stemming from the unrehabilitated drug abuse by the birth parents, who lived in Georgia and Alabama. In the Interest of M. J. E. B., 374 Ga. App. 303, 912 S.E.2d 335, 2025 Ga. App. LEXIS 44 (2025).

Placement with relative supported by the evidence. — Juvenile court's removal of the child from the foster home and placement of the child with the child's

paternal aunt and her husband was supported by the evidence because while the juvenile court specifically noted the child's strong connection to the foster family, recognized that the child's move may prove difficult for the child's sibling who also lived with the foster family, and acknowledged that placing the child with the aunt may be disruptive, but it ultimately concluded that, given the child's young age, all such concerns were outweighed by the benefit of the child being placed with the child's biological family. In the Interest of L.H., 370 Ga. App. 594, 2024 Ga. App. LEXIS 58 (2024).

Retroactive application permissible with no preference to family member. — Grandparents' contention that the juvenile court erred by retroactively applying O.C.G.A. § 15-11-321(a), as amended, after the instant case was

filed, lacked merit and the trial court was not required to give preference to family members in making a placement of a child following termination of parental rights.

In the Interest of Baby Girl N., 362 Ga. App. 253, 867 S.E.2d 853, 2022 Ga. App. LEXIS 14 (2022).

15-11-322. Continuing court review when child not adopted; use of hearsay evidence.

If a petition seeking the adoption of a child whose parents have had their parental rights terminated or surrendered is not filed within six months after the date of the disposition order, the court shall then, and at least every six months thereafter so long as such child remains unadopted, review the circumstances of such child to determine what efforts have been made to assure that such child will be adopted. The court shall:

- (1) Make written findings regarding whether reasonable efforts have been made to move such child to permanency;
- (2) Evaluate whether, in light of any change in circumstances, the permanency plan for such child remains appropriate; and
- (3) Enter such orders as it deems necessary to further adoption or if appropriate, other permanency options, including, but not limited to, another placement.

The court may consider any evidence, including hearsay evidence, that the court finds to be relevant, reliable, and necessary to determine the needs of a child and the permanency and custody of a child whose parents have had their parental rights terminated or who have surrendered their parental rights.

History.

Code 1981, § 15-11-322, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2014, p. 780, § 1-23/SB 364; Ga. L. 2021, p. 134, § 11/SB 28.

Amendments.

The 2021 amendment, effective January 1, 2022, added the ending undesignated language in this Code section.

Cross references.

Hearsay evidence, T. 24, C. 8.

ARTICLE 4A

EXTENDED CARE YOUTH SERVICES

15-11-340. Criteria for receiving services; development of transition plan; termination.

(a) A child may receive extended care youth services from DFCS. In order to receive such services, he or she must be between 18 and 21 years of age, sign a voluntary placement agreement with DFCS, and

meet objective eligibility criteria established by DFCS, which shall include one or more of the following requirements:

- (1) Be completing secondary education or a program leading to an equivalent credential;
- (2) Be enrolled in an institution which provides postsecondary or vocational education;
- (3) Be a participant in a program or activity designed to promote or remove barriers to employment;
- (4) Be employed for at least 120 hours per month;
- (5) Be employed for 80 hours per month, provided that he or she is also engaged in one of the activities described in paragraphs (1) through (3) of this subsection or can only work 80 hours per month due to a medical condition; or
- (6) Be incapable of doing any of the activities described in paragraphs (1) through (5) of this subsection due to a medical condition.

(b) When a child is receiving extended care youth services from DFCS, a DFCS case manager and staff, other representatives of such child and, as appropriate, such child shall develop a transition plan that is personalized at the direction of such child, including an option to execute a durable power of attorney for health care, health care proxy, or other similar document recognized by law with respect to health care and specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work-force supports and employment services, and is as detailed as such child may elect. Such transition plan shall be completed within 30 days of the child agreeing to such services and shall be updated as required by this article.

(c) A child may terminate a voluntary placement agreement and stop receiving extended care youth services at any time.

(d) Every 12 months, a DFCS case manager shall determine if a child is still eligible for extended care youth services. If DFCS determines that a child is no longer eligible for extended care youth services, DFCS may terminate the voluntary placement agreement with such child and stop providing extended care youth services. DFCS shall provide written or electronic notice to such child regarding such termination and to the court that approved such services.

(e) A child who is within 12 months of becoming 21 years of age shall not be permitted to sign a voluntary placement agreement with DFCS for extended care youth services.

(f) The trial court may appoint an attorney for a child at all stages of the proceedings under this article with the child's consent. If a child

does not have an attorney, a child shall be informed prior to any hearing of their right to have legal representation and shall be given an opportunity to:

- (1) Obtain an attorney of his or her own choice;
- (2) Obtain a court appointed attorney in the court’s discretion; or
- (3) Waive the right to an attorney.

History.
Code 1981, § 15-11-340, enacted by Ga. L. 2018, p. 927, § 1-5/HB 906; Ga. L. 2020, p. 191, § 3/HB 912; Ga. L. 2023, p. 140, § 5/HB 460, effective July 1, 2023.

Amendments.
The 2023 amendment, effective July 1, 2023, added subsection (f).

ARTICLE 5
CHILD IN NEED OF SERVICES

PART 6
ADJUDICATION, DISPOSITION, AND REVIEWS

15-11-442. Disposition hearing; time limitations; disposition of a child in need of services.

(a) If the court finds that a child is a child in need of services, a final disposition hearing shall be held and completed within 30 days of the conclusion of the adjudication hearing if the final disposition hearing is not held in conjunction with such adjudication hearing.

(b) The court shall order the least restrictive and most appropriate disposition. Such disposition may include:

- (1) Permitting such child to remain with his or her caregiver without limitations or conditions;
- (2) Permitting such child to remain with his or her caregiver subject to such limitations and conditions as the court may prescribe;
- (3) Placing such child on probation or unsupervised probation on such terms and conditions as deemed in the best interests of such child and the public. An order granting probation to a child in need of services may be revoked on the ground that the terms and conditions of the probation have not been observed;
- (4) Requiring that such child perform community service in a manner prescribed by the court and under the supervision of an individual designated by the court;
- (5) Requiring that such child make restitution. A restitution order may remain in force and effect simultaneously with another order of

the court. Payment of funds shall be made by such child or his or her family or employer directly to the clerk of the juvenile court entering the order or another employee of that court designated by the judge, and such court shall disburse such funds in the manner authorized in the order. While an order requiring restitution is in effect, the court may transfer enforcement of its order to:

(A) The juvenile court of the county of such child's residence and its probation staff, if he or she changes his or her place of residence; or

(B) A superior court once such child reaches 18 years of age if he or she thereafter comes under the jurisdiction of the superior court;

(6) Imposing a fine on such child who has committed an offense which, if committed by an adult, would be a violation under the criminal laws of this state or has violated an ordinance or bylaw of a county, city, town, or consolidated government. Such fine shall not exceed the fine which may be imposed against an adult for the same offense;

(7) Requiring such child to attend structured after-school or evening programs or other court approved programs as well as requiring supervision of such child during the time of the day in which he or she most often used to perform the acts complained of in the petition alleging that such child is a child in need of services;

(8) Any order authorized for the disposition of a dependent child; provided, however, that the court shall comply with Code Section 15-11-12 for the dual designation of a child;

(9) Any order authorized for the disposition of a delinquent child except that a child in need of services shall not be placed in a secure residential facility or nonsecure residential facility nor shall such facility accept such child;

(10) Any order authorized under Code Section 15-11-29.1; or

(11) Any combination of the dispositions set forth in paragraphs (1) through (10) of this subsection as the court deems to be in the best interests of a child and the public.

(c) All disposition orders shall include written findings of the basis for the disposition and such conditions as the court imposes and a specific plan of the services to be provided.

History.

Code 1981, § 15-11-442, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2014, p. 780, § 1-34/SB 364; Ga. L. 2017, p. 604, § 1-3/SB 175; Ga. L. 2023, p. 371, § 1/SB 133, effective July 1, 2023.

Amendments.

The 2023 amendment, effective July 1, 2023, added the proviso at the end of paragraph (b)(8).

15-11-442.1. Placement of child in need of services.

(a) As used in this Code section, the term “CHINS” means a child in need of services.

(b) Prior to placing a child in the custody of DFCS on a nonemergency basis or in the absence of exceptional circumstances based on evidence adduced at a disposition hearing, the court shall:

(1) Comply with Article 3 of this chapter;

(2) Consider on the record what services have been provided to the child or his or her parent or guardian;

(3) Consider on the record what services are available to the child or his or her parent or guardian which could allow the child to remain in his or her home;

(4) Consider on the record what efforts have been made to secure placement of the child other than in the custody of DFCS;

(5) Consider on the record whether a child protective services report was made in accordance with subsection (c) of this Code section and if not, the court shall notify DFCS through the county director, the court liaison, or the attorney representing DFCS by phone or email that the court will be considering placing the child into the custody of DFCS. DFCS shall have an opportunity to be present at the case disposition hearing of the child in need of services to provide information to the court as to the availability of services for the child. Notice to the DFCS county office via phone, email, or other means shall be considered sufficient; and

(6) As used in this subsection, the term “consider on the record” means the court’s foundational inquiry regarding the possible services available to a dependent child.

(c) In any CHINS case in which DJJ or any county operated probation office serving the court determines that there is a reasonable basis to believe that the child is dependent, it shall make a child protective services report to the Statewide Child Protective Services Intake Communications Center (CICC) and shall notify the county director of the DFCS office in the county in which disposition is to be made in the CHINS case.

(d) Once a child has been ordered into the custody of DFCS, the court shall comply with Article 3 of this chapter, including conducting a preliminary protective hearing not later than 72 hours after the child is placed in DFCS custody as required by Code Section 15-11-145.

(e)(1) All parties to the CHINS case shall provide copies of all medical, psychological, and educational assessments and reports

pertaining to the child and the child's parent or guardian in their possession to DFCS no later than 72 hours after a child has been ordered into the custody of DFCS by the court.

(2) The court shall make an inquiry as to whether any parties to the CHINS case or court personnel, including the court clerk's file, have either possession of or immediate access to such records. The parties or personnel in possession of such records or with access to such records shall provide copies of all such records to DFCS.

(3) Each county DFCS office shall designate at least one county DFCS employee to receive such documents via email.

(4) The court shall also inquire of all parties to the CHINS case as to the existence of assessments, evaluations, and reports pertaining to the child that are not in the possession of the parties. If any such records exist, the court shall immediately order the production of said records to DFCS.

(f) Nothing contained in this Code section shall abrogate the authority of the court to order a child into protective custody in accordance with Code Section 15-11-133.

History.

Code 1981, § 15-11-442.1, enacted by Ga. L. 2023, p. 371, § 2/SB 133, effective July 1, 2023; Ga. L. 2024, p. 1052, § 6(7)/SB 448, effective July 1, 2024.

Effective date.

This Code section became effective July 1, 2023.

Amendments.

The 2024 amendment, effective July 1, 2024, part of an Act to revise, modernize, and correct the Code, redesignated former paragraphs (a)(1) through (a)(4) and (a)(6) as present subsections (a) through (d) and (f), respectively; redesignated former paragraph (a)(5) and subparagraphs

(a)(5)(A) through (a)(5)(C) as paragraphs (e)(1) through (e)(4), respectively; substituted "this chapter" for "Chapter 11 of this title" at the end of paragraph (b)(1) and in subsection (d); substituted "subsection (c) of this Code section" for "paragraph (3) of this subsection" in paragraph (b)(5); substituted "subsection" for "paragraph" in paragraph (b)(6); substituted "Statewide Child Protective Services Intake Communications Center" for "Statewide Child Protective Services Communication Center" in subsection (c); substituted a period for a semicolon at the end of paragraph (e)(2); and substituted a period for "and" at the end of paragraph (e)(3).

ARTICLE 6 DELINQUENCY

PART 1

GENERAL PROVISIONS

15-11-470. Purpose of article.

Imposition of additional probation requirements not abuse of discretion.

— Imposition of additional probation requirements that juvenile undergo life

skills training and obtain medical care for herself and her minor child was not an abuse of discretion on the part of the juvenile court as the requirements were geared toward development of competen-

cies to enable the juvenile to become a responsible and productive member of the community. In the Interest of M. B., 366 Ga. App. 402, 883 S.E.2d 156, 2023 Ga. App. LEXIS 15 (2023).

15-11-471. Definitions.

As used in this article, the term:

(1) “AIDS transmitting crime” shall have the same meaning as set forth in Code Section 31-22-9.1.

(2) “Behavioral health evaluation” means a court ordered evaluation completed by a licensed psychologist or psychiatrist of a child alleged to have committed or adjudicated of a delinquent act so as to provide the juvenile court with information and recommendations relevant to the behavioral health status and mental health treatment needs of such child.

(3) “Community rehabilitation center” means a rehabilitation and custodial center established within a county for the purpose of assisting in the rehabilitation of delinquent children and children in need of services in a neighborhood and family environment in cooperation with community educational, medical, and social agencies. Such center shall:

(A) Be located within any county having a juvenile court presided over by at least one full-time judge exercising jurisdiction exclusively over juvenile matters; and

(B) Be operated by a nonprofit corporation organized under Chapter 3 of Title 14, the “Georgia Nonprofit Corporation Code,” and have a full-time chief executive officer. The charter, bylaws, and method of selecting the board of directors and chief executive officer of such nonprofit corporation shall be subject to the unanimous approval of the chief judge of the judicial circuit in which the county is located, the judge or judges of the juvenile court, the superintendent of the county school district, and the commissioner of juvenile justice; such approval shall be in writing and shall be appended to the charter and bylaws of the nonprofit organization. Any amendment of the charter or bylaws of the nonprofit corporation shall be subject to the same written approval as the original charter and bylaws.

(4) “Determined to be infected with HIV” means having a confirmed positive human immunodeficiency virus (HIV) test or having been clinically diagnosed as having AIDS.

(5) “Graduated sanctions” means:

- (A) Verbal and written warnings;
- (B) Increased restrictions and reporting requirements;
- (C) Community service;
- (D) Referral to treatment and counseling programs in the community;
- (E) Weekend programming;
- (F) Electronic monitoring, as such term is defined in Code Section 42-3-111;
- (G) Curfew;
- (H) An intensive supervision program; or
- (I) A home confinement program.

(6) “Hearing officer” means a DJJ employee or county juvenile probation office employee, as applicable, who has been selected and appointed by DJJ or the county juvenile probation office, as applicable, to hear cases alleging violations of probation for administrative sanctioning. A hearing officer shall not be a probation officer who has direct supervision over the child who is the subject of the hearing.

(7) “HIV test” means any antibody, antigen, viral particle, viral culture, or other test to indicate the presence of HIV in the human body.

(8) “Intensive supervision” means the monitoring of a child’s activities on a more frequent basis than regular aftercare supervision, pursuant to regulations of the commissioner of juvenile justice.

(9) “Low risk” means the lowest risk to recidivate as calculated by a risk assessment.

(10) “Moderate risk or high risk” means a calculation by a risk assessment that is not low risk.

(11) “Probation management program” means a special condition of probation that includes graduated sanctions.

(12) “Secure probation sanctions program” means confinement in a secure residential facility or nonsecure residential facility for seven, 14, or 30 days.

History.

Code 1981, § 15-11-471, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2015, p. 422, § 5-11/HB 310; Ga. L. 2022,

p. 663, § 1/SB 164.

Amendments.

The 2022 amendment, effective July 1, 2022, deleted “, and such test has been

approved for such purposes by the regulations of the Department of Community Health” from the end of paragraph (7).

PART 3

CUSTODY AND RELEASE OF CHILD

Law reviews. List of Bail Restricted Offenses,” see 38
For article, “SB 174: Revising Georgia’s Ga. St. U.L. Rev. 41 (2021).

15-11-502. Procedure after taking child into custody; detention.

JUDICIAL DECISIONS

Five to six hours of interrogation. given that the police were questioning
— Trial court did not plainly err by not him about several incidents. Daniels v.
excluding the juvenile’s statements at State, 313 Ga. 400, 870 S.E.2d 409, 2022
trial because a period of five and a half to Ga. LEXIS 61 (2022), overruled in part,
six hours was not an obviously unreasonable Clark v. State, 315 Ga. 423, 883 S.E.2d
time for interrogation, particularly 317, 2023 Ga. LEXIS 13 (2023).

15-11-504. Place of detention; data on child detained.

- (a) An alleged delinquent child may be detained only in:
 - (1) A licensed foster home;
 - (2) A home approved by the court which may be a public or private home;
 - (3) The home of such child’s noncustodial parent or of a relative;
 - (4) A facility operated by a licensed child welfare agency; or
 - (5) A secure residential facility or nonsecure residential facility.
- (b) Placement shall be made in the least restrictive facility available consistent with the best interests of the child.
- (c) A child 15 years of age or older and alleged to be a delinquent child may be held in a jail or other facility for the detention of adults for identification or processing procedures or while awaiting transportation only so long as necessary to complete such activities for up to six hours, or for up to 24 hours if the closest secure residential facility is more than 70 miles from such facility, if all of the following apply:
 - (1) Such child is detained for the commission of a crime that would constitute a class A designated felony act, class B designated felony act, or a serious violent felony as defined in Code Section 17-10-6.1;
 - (2) Such child is awaiting a detention hearing;
 - (3) Such child’s detention hearing is scheduled within 24 hours after being taken into custody, excluding weekends and legal holidays;

(4) There is no existing acceptable alternative placement for such child; and

(5) The jail or other facility for the detention of adults provides sight and sound separation for children, including:

(A) Total separation between children and adult facility spatial areas such that there is no verbal, visual, or physical contact and there could be no haphazard or accidental contact between child and adult residents in the respective facilities;

(B) Total separation in all program activities for children and adults within the facilities, including recreation, education, counseling, health care, dining, sleeping, and general living activities;

(C) Continuous visual supervision of a child; and

(D) Separate staff for children and adults, specifically direct care staff such as recreation, education, and counseling, although specialized services staff, such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of children and adults, can serve both.

(d) A child shall not be transported with adults who have been charged with or convicted of a crime. DJJ may transport a child with children who have been charged with or convicted of a crime in superior court.

(e) The official in charge of a jail or other facility for the detention of adult offenders or persons charged with a crime shall inform the court or the juvenile court intake officer immediately when a child who appears to be under the age of 17 years is received at such facility and shall deliver such child to the court upon request or transfer such child to the facility designated by the juvenile court intake officer or the court.

(f) All facilities shall maintain data on each child detained and such data shall be recorded and retained by the facility for three years and shall be made available for inspection during normal business hours by any court exercising juvenile court jurisdiction, by DJJ, by the Criminal Justice Coordinating Council, by the Administrative Office of the Courts, and by the Council of Juvenile Court Judges. Such data shall be used by the inspecting agency for official purposes and shall not be subject to release by such agency pursuant to Article 4 of Chapter 18 of Title 50, nor subject to subpoena. The required data are each detained child's:

(1) Name;

(2) Date of birth;

- (3) Sex;
- (4) Race;
- (5) Offense or offenses for which such child is being detained;
- (6) Date of and authority for confinement;

(7) Location of the offense and the name of the school if the offense occurred in a school safety zone, as defined in Code Section 16-11-127.1;

(8) The name of the referral source, including the name of the school if the referring source was a school;

(9) The score on the detention assessment;

(10) The basis for detention if such child's detention assessment score does not in and of itself mandate detention;

(11) The reason for detention, which may include, but shall not be limited to, preadjudication detention, detention while awaiting a postdisposition placement, or serving a short-term program disposition;

(12) Date of and authority for release or transfer; and

(13) Transfer or to whom released.

History.

Code 1981, § 15-11-504, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2015, p. 890, § 3/HB 263; Ga. L. 2025, p. 332, § 5-2/SB 96, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, deleted "by the Governor's Office for Children and Families," following "by DJJ," in subsection (f).

15-11-505. Use of detention assessments to determine if detention is warranted; serious delinquent acts.

(a) If an alleged delinquent child is brought before the court, delivered to a secure residential facility or nonsecure residential facility or foster care facility designated by the court, or otherwise taken into custody, the juvenile court intake officer shall immediately administer a detention assessment and determine if such child should be detained, taking into account subsection (b) of this Code section. Such child shall be released unless it appears that his or her detention is warranted.

(b)(1) As used in this subsection, the term "serious delinquent act" means to commit, attempt to commit, conspiracy to commit, or solicitation of another to commit a delinquent act which if committed by an adult would constitute:

- (A) Aggravated assault;
- (B) Aggravated battery;

- (C) Aggravated child molestation;
- (D) Aggravated cruelty to animals;
- (E) Aggravated sexual battery;
- (F) Aggravated sodomy;
- (G) Armed robbery involving a firearm;
- (H) Arson in the first degree;
- (I) Burglary in the first degree;
- (J) Child molestation;
- (K) Escape;
- (L) Hijacking a motor vehicle in the first degree;
- (M) Home invasion in the first or second degree;
- (N) Involuntary manslaughter;
- (O) Murder;
- (P) Participating in criminal gang activity, as defined in subparagraphs (A) through (G) and (J) of paragraph (1) of Code Section 16-15-3, in violation of Code Section 16-15-4;
- (Q) Rape;
- (R) Robbery;
- (S) Sexual exploitation of children;
- (T) Smash and grab burglary;
- (U) Trafficking of substances in violation of Code Section 16-13-31 or 16-13-31.1;
- (V) Vehicular homicide;
- (W) Voluntary manslaughter; or
- (X) Battery if the victim is a healthcare worker or emergency health worker, as either term is defined in Code Section 16-5-19.

(2) When a child who is 13 years of age or younger is taken into custody as provided in subsection (a) of this Code section for any delinquent act other than a serious delinquent act, there shall be a presumption that such child should not be detained.

History.

Code 1981, § 15-11-505, enacted by Ga. L. 2016, p. 443, § 1-7/SB 367; Ga. L. 2017, p. 417, § 2-1/SB 104; Ga. L. 2024, p. 560, § 2/HB 926, effective May 2, 2024.

Amendments.

The 2024 amendment, effective May 2, 2024, deleted “or” from the end of subparagraph (b)(1)(V); substituted “; or” for a period at the end of subparagraph (b)(1)(W); and added subparagraph (b)(1)(X).

Editor’s notes.

Ga. L. 2024, p. 560, § 1/HB 926, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Second Chance Workforce Act.’”

15-11-506. Detention hearing; time limitations.

JUDICIAL DECISIONS

Juvenile court lacked jurisdiction in rape case. — Because the superior court had exclusive jurisdiction under O.C.G.A. § 15-11-560(b)(4), the juvenile court lacked jurisdiction to adjudicate the defendant delinquent for acts constituting

rape, notwithstanding the state’s initial consent to have the case transferred to juvenile court. In the Interest of R. J. A., 365 Ga. App. 118, 877 S.E.2d 673, 2022 Ga. App. LEXIS 396 (2022).

15-11-507. Bail.

Law reviews.

For article, “SB 174: Revising Georgia’s

List of Bail Restricted Offenses,” see 38 Ga. St. U.L. Rev. 41 (2021).

PART 6

DELINQUENCY PETITION

15-11-522. Contents of petition.

JUDICIAL DECISIONS

Allege with particularity. — Juvenile court was not authorized to commit the appellant juvenile to the Department of Juvenile Justice custody as the appellant was never put on notice that the appellant was being charged with felony escape or that by admitting that the appellant violated the terms of the appellant’s probation the appellant was admitting to com-

mitting acts constituting a new felony offense; and neither the state’s complaint, nor the state’s petition for delinquency and attachment, set forth that the appellant was being charged with a class A or B designated felony act. In the Interest of J. W., 363 Ga. App. 616, 871 S.E.2d 886, 2022 Ga. App. LEXIS 187 (2022).

PART 9

TRANSFERS

15-11-560. Concurrent and original jurisdiction of superior court.

(a) Except as provided in subsection (b) of this Code section, the court shall have concurrent jurisdiction with the superior court over a child who is alleged to have committed a delinquent act which would be

considered a crime if tried in a superior court and for which an adult may be punished by loss of life, imprisonment for life without possibility of parole, or confinement for life in a penal institution.

(b) The superior court shall have exclusive original jurisdiction over the trial of any child 13 to 17 years of age who is alleged to have committed any of the following offenses:

- (1) Murder;
- (2) Murder in the second degree;
- (3) Voluntary manslaughter;
- (4) Rape;
- (5) Aggravated sodomy;
- (6) Aggravated child molestation;
- (7) Aggravated sexual battery;
- (8) Armed robbery if committed with a firearm;
- (9) Aggravated assault if committed with a firearm;
- (10) Aggravated battery upon a public safety officer as such acts are prohibited under subsection (c) of Code Section 16-5-24;
- (11) A terroristic act upon a school in violation of subsection (c) of Code Section 20-2-1181.1; or
- (12) Attempt to commit murder.

(c) The granting of bail or pretrial release of a child charged with an offense enumerated in subsection (b) of this Code section shall be governed by the provisions of Code Section 17-6-1.

(d) At any time before indictment, the district attorney may, after investigation and for cause, decline prosecution in the superior court of a child 13 to 17 years of age alleged to have committed an offense specified in subsection (b) of this Code section. Upon declining such prosecution in the superior court, the district attorney shall cause a petition to be filed in the appropriate juvenile court for adjudication within 72 hours if the child is in detention or 30 days if the child is not in detention. Except as provided in paragraph (8) of subsection (b) of Code Section 15-11-602, any case transferred by the district attorney to the juvenile court pursuant to this subsection shall be subject to the class A designated felony act provisions of Code Section 15-11-602, and the transfer of the case from superior court to juvenile court shall constitute notice to such child that such case is subject to the class A designated felony act provisions of Code Section 15-11-602.

(e)(1) After indictment, the superior court may after investigation transfer to the juvenile court any case involving a child 13 to 17 years

of age alleged to have committed any act described in paragraph (3), (5), (6), (7), (9), (10), (11), or (12) of subsection (b) of this Code section. In considering the transfer of such case, the court shall consider the criteria set forth in Code Section 15-11-562. Any such transfer shall be appealable by the State of Georgia pursuant to Code Section 5-7-1. Upon such a transfer by the superior court, jurisdiction shall vest in the juvenile court and jurisdiction of the superior court shall terminate.

(2) Except as provided in paragraph (8) of subsection (b) of Code Section 15-11-602, any case transferred by the superior court to the juvenile court pursuant to this subsection shall be subject to the class A designated felony act provisions of Code Section 15-11-602, and the transfer of the case from superior court to juvenile court shall constitute notice to such child that such case is subject to the class A designated felony act provisions of Code Section 15-11-602.

(f) The superior court may transfer any case involving a child 13 to 17 years of age alleged to have committed any offense enumerated in subsection (b) of this Code section and convicted of a lesser included offense not included in subsection (b) of this Code section to the juvenile court of the county of such child's residence for disposition. Upon such a transfer by the superior court, jurisdiction shall vest in the juvenile court and jurisdiction of the superior court shall terminate.

(g) Within 30 days of any proceeding in which a child 13 to 17 years of age is convicted of certain offenses over which the superior court has original jurisdiction as provided in subsection (b) of this Code section or adjudicated as a delinquent child on the basis of conduct which if committed by an adult would constitute such offenses, the superior court shall provide written notice to the school superintendent or his or her designee of the school in which such child is enrolled or, if the information is known, of the school in which such child plans to be enrolled at a future date. Such notice shall include the specific criminal offense that such child committed. The local school system to which such child is assigned may request further information from the court's file.

(h) As used in this Code section, the term "firearm" means a handgun, rifle, shotgun, or other weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge.

History.

Code 1981, § 15-11-560, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2014, p. 444, § 2-4/HB 271; Ga. L. 2015, p. 540, § 1-12/HB 361; Ga. L. 2017, p. 500, § 2-2/SB 160; Ga. L. 2025, p. 99, § 3-2/HB 268, effective April 28, 2025.

Amendments.

The 2025 amendment, effective April 28, 2025, substituted "firearm;" for "firearm upon a public safety officer as such acts are prohibited under subsection (c) of Code Section 16-5-21; or" at the end of paragraph (b)(9); substituted a semicolon

for a period at the end of paragraph (b)(10); added paragraphs (b)(11) and (b)(12); and substituted “(9), (10), (11), or

(12) of” for “(9), or (10) of” in the first sentence of paragraph (e)(1).

JUDICIAL DECISIONS

ANALYSIS

ORIGINAL JURISDICTION

Original Jurisdiction

Offenses by juvenile not within jurisdiction of superior court. — Charges against the defendant, gang activity in violation of O.C.G.A. § 16-15-4(a) and robbery by intimidation in violation of O.C.G.A. § 16-8-40(a)(2), were not among the enumerated crimes over which the superior court has original jurisdiction when the accused is a child. *Howard v. State*, 373 Ga. App. 784, 909 S.E.2d 660, 2024 Ga. App. LEXIS 480 (2024).

Jurisdiction in superior court.

O.C.G.A. § 17-7-50.1(b) did not authorize the superior court to transfer

the case to juvenile court because defendant was arrested and detained on April 30, 2023, and the grand jury returned a true bill against him on July 28, 2023, within 180 days of his detention. Defendant’s subsequent indictment, which was returned by the grand jury on November 16, 2023, included charges over which the superior court retained its exclusive jurisdiction under O.C.G.A. § 15-11-560, and, therefore, the true bill of July 2023 indictment against defendant was timely returned under O.C.G.A. § 17-7-50.1(a). *State v. Harris*, 319 Ga. 665, 906 S.E.2d 402, 2024 Ga. LEXIS 186 (2024).

15-11-562. Transfer criteria; written report.

(a) The criteria that the juvenile court shall consider in determining whether to transfer an alleged delinquent child as set forth in subsection (a) of Code Section 15-11-561 to superior court and the criteria that the superior court shall consider in determining whether to transfer any case involving a child 13 to 17 years of age alleged to have committed any act described in paragraph (3), (5), (6), (7), (9), (10), (11), or (12) of subsection (b) of Code Section 15-11-560 to juvenile court as set forth in subsection (e) of Code Section 15-11-560 includes, but shall not be limited to:

- (1) The age of such child;
- (2) The seriousness of the alleged offense, especially if personal injury resulted;
- (3) Whether the protection of the community requires transfer of jurisdiction;
- (4) Whether the alleged offense involved violence or was committed in an aggressive or premeditated manner;
- (5) The impact of the alleged offense on the alleged victim, including the permanence of any physical or emotional injury sustained, healthcare expenses incurred, and lost earnings suffered;

- (6) The culpability of such child including such child’s level of planning and participation in the alleged offense;
 - (7) Whether the alleged offense is a part of a repetitive pattern of offenses which indicates that such child may be beyond rehabilitation in the juvenile justice system;
 - (8) The record and history of such child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions, and other placements;
 - (9) The sophistication and maturity of such child as determined by consideration of his or her home and environmental situation, emotional condition, and pattern of living;
 - (10) The program and facilities available to the juvenile court in considering disposition; and
 - (11) Whether or not a child can benefit from the treatment or rehabilitative programs available to the juvenile court.
- (b) A probation officer, or community supervision officer, as applicable, shall prepare a written report developing fully all available information relevant to the transfer criteria. Such officer shall submit such report to the parties and the court as soon as practicable but not later than 24 hours before the scheduled hearing. The child subject to transfer and the prosecuting attorney shall have the right to review such report and cross-examine the individual making such report.
- (c) The court may order a transfer evaluation of a child’s clinical status as it may impact the criteria in subsection (a) of this Code section. Statements made by a child in a transfer evaluation shall only be admissible into evidence in an adjudication hearing or in a criminal proceeding as provided by Code Sections 15-11-479 and 15-11-563.

History.
Code 1981, § 15-11-562, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2015, p. 422, § 5-14/HB 310; Ga. L. 2015, p. 540, § 1-14/HB 361; Ga. L. 2017, p. 500, § 2-4/SB 160; Ga. L. 2025, p. 99, § 3-3/HB 268, effective April 28, 2025.

Amendments.
The 2025 amendment, effective April 28, 2025, substituted “(9), (10), (11), or

(12)” for “(9), or (10)” in the beginning of subsection (a) and substituted “health-care” for “health care” in paragraph (a)(5). See Editor’s notes for applicability.

Editor’s notes.
Ga. L. 2025, p. 99, § 4-1/HB 268, not codified by the General Assembly, provides that the amendment of this Code section shall be applicable to any offenses committed on or after April 28, 2025.

JUDICIAL DECISIONS

Transfer order was appropriate, etc.
Trial court’s conclusion that the defendant, a juvenile, would not benefit from further treatment and rehabilitative programs offered by the juvenile court was supported by evidence that the defendant had a history with the juvenile court sys-

tem, had been through a majority of the juvenile court's rehabilitative programs, and the defendant continued to violate the conditions of probation by continuing to receive additional charges. In the Interest of C. M., 356 Ga. App. 368, 847 S.E.2d 374, 2020 Ga. App. LEXIS 452 (2020).

Denial of transfer was proper. — Trial court did not err in denying the

State's motion to transfer the juvenile's case to the superior court for prosecution after finding that the juvenile, who was only 16 at the time of the incident, could benefit from the services the juvenile court could provide and was capable of being rehabilitated. In the Interest of A. G., 363 Ga. App. 801, 872 S.E.2d 780, 2022 Ga. App. LEXIS 222 (2022).

PART 12

DISPOSITION

15-11-600. Disposition hearing; time limitations; findings; evidence.

JUDICIAL DECISIONS

Testimony about home environment and lack of medical care relevant. — Order adding conditions to the juvenile's probation and requiring medical care for the juvenile and minor child was upheld because the juvenile did not show that the juvenile court abused the court's discretion by allowing testimony about the home environment and lack of medical care as testimony was relevant to determining the scope of the disposition best suited to the juvenile's treatment, rehabilitation, and welfare. In the Interest of M. B., 366 Ga. App. 402, 883 S.E.2d 156, 2023 Ga. App. LEXIS 15 (2023).

Disposition made following finding of delinquency.

Disposition order, committing a juvenile to the custody of the Department of Juvenile Justice, was upheld as the juvenile court did not abuse discretion in determining that reasonable efforts were made to prevent the removal of the juvenile from home based on the juvenile's tendency to run away and the juvenile's removal of an electric monitor when placed on house arrest. In the Interest of L. J., 368 Ga. App. 97, 889 S.E.2d 198, 2023 Ga. App. LEXIS 268 (2023).

RESEARCH REFERENCES

ALR.

Charging, Trying, and Sentencing Indi-

viduals as Adults for Driving Under Influence as Juveniles, 86 A.L.R.7th 5.

15-11-601. Disposition of delinquent act.

(a) At the conclusion of the disposition hearing, if a child who committed a delinquent act is determined to be in need of treatment or rehabilitation, then after considering the results of such child's risk assessment if the court is contemplating placing such child in restrictive custody, the court shall enter the least restrictive disposition order appropriate in view of the seriousness of the delinquent act, such child's culpability as indicated by the circumstances of the particular case, the age of such child, such child's prior record, and such child's strengths and needs. The court may make any of the following orders of disposi-

tion, or combination of them, best suited to such child's treatment, rehabilitation, and welfare:

(1) Any order authorized for the disposition of a dependent child other than placement in the temporary custody of DFCS unless such child is also adjudicated as a dependent child in compliance with Code Section 15-11-12 for the dual designation of a child;

(2) An order requiring such child and his or her parent, guardian, or legal custodian to participate in counseling or in counsel and advice. Such counseling and counsel and advice may be provided by the court, court personnel, probation officers, community supervision officers, professional counselors or social workers, psychologists, physicians, physician assistants, qualified volunteers, or appropriate public, private, or volunteer agencies and shall be designed to assist in deterring future delinquent acts or other conduct or conditions which would be harmful to such child or society;

(3) An order placing such child on probation under conditions and limitations the court prescribes and which may include the probation management program. The court may place such child on probation under the supervision of:

(A) A probation officer of the court or the court of another state or a community supervision officer;

(B) Any public agency authorized by law to receive and provide care for such child; or

(C) Any community rehabilitation center if its chief executive officer has acknowledged in writing its willingness to accept the responsibility for the supervision of such child;

(4) An order placing a child on unsupervised probation under conditions and limitations the court prescribes;

(5) In any case in which such child who has not achieved a high school diploma or the equivalent is placed on probation, the court shall consider and may order as a condition of probation that he or she pursue a course of study designed to lead to achieving a high school diploma or the equivalent;

(6) An order requiring that such child perform community service in a manner prescribed by the court and under the supervision of an individual designated by the court;

(7) An order requiring that such child make restitution. In ordering a child to make restitution, the court shall follow the procedure set forth in Article 1 of Chapter 14 of Title 17. Such order may remain in force and effect simultaneously with another order of the court, including but not limited to an order of commitment to DJJ. However,

no order of restitution shall be enforced while such child is at a secure residential facility or nonsecure residential facility unless the commissioner of juvenile justice certifies that a restitution program is available at such facility. Payment of funds shall be made by such child or his or her family or employer directly to the clerk of the juvenile court entering the order or to another employee of such court designated by the judge, and that court shall disburse such funds in the manner authorized in the order. While an order requiring restitution is in effect, the court may transfer enforcement of its order to:

(A) DJJ;

(B) The juvenile court of the county of such child's residence and its probation staff, if he or she changes his or her place of residence; or

(C) The superior court once such child reaches 18 years of age as set forth in Code Section 17-14-5 if he or she thereafter comes under the jurisdiction of such court, and the court shall transfer enforcement of its order to superior court if the terms of such order are not completed when such child reaches 21 years of age;

(8) An order requiring such child remit to the general fund of the county a sum not to exceed the maximum fine applicable to an adult for commission of any of the following offenses:

(A) Any felony in the commission of which a motor vehicle is used;

(B) Driving under the influence of alcohol or drugs;

(C) Driving without proof of minimum required motor vehicle insurance;

(D) Fraudulent or fictitious use of a driver's license;

(E) Hit and run or leaving the scene of an accident;

(F) Homicide by vehicle;

(G) Manslaughter resulting from the operation of a motor vehicle;

(H) Possession of controlled substances or marijuana;

(I) Racing on highways or streets;

(J) Using a motor vehicle in fleeing or attempting to elude an officer; or

(K) Any violation of the provisions contained in Title 40 which is properly adjudicated as a delinquent act;

(9) An order suspending such child's driver's license for a period not to exceed the date on which he or she reaches 18 years of age or, in the case of a child who does not have a driver's license, an order prohibiting the issuance of a driver's license to such child for a period not to exceed the date on which he or she reaches 18 years of age. The court shall retain the driver's license during such period of suspension and return it to such child at the end of such period. The court shall notify the Department of Driver Services of any actions taken pursuant to this paragraph;

(10) An order placing such child in an institution, camp, or other facility for delinquent children operated under the direction of the court or other local public authority only if such child was adjudicated for a delinquent act involving:

(A) An offense that would be a felony if committed by an adult; or

(B) An offense that would be a misdemeanor if committed by an adult and such child has had at least one prior adjudication for an offense that would be a felony if committed by an adult and at least three other prior adjudications for a delinquent act as defined in subparagraph (A) of paragraph (19) of Code Section 15-11-2;

(11) With the same exceptions as set forth in subparagraphs (A) and (B) of paragraph (10) of this subsection, an order committing such child to DJJ; or

(12) Any order authorized under Code Section 15-11-29.1.

(b)(1) This subsection shall apply to cases involving:

(A) An offense that would be a felony if committed by an adult; or

(B) An offense that would be a misdemeanor if committed by an adult and such child has had at least one prior adjudication for an offense that would be a felony if committed by an adult and at least three other prior adjudications for a delinquent act as defined in subparagraph (A) of paragraph (19) of Code Section 15-11-2.

(2) In addition to any other treatment or rehabilitation, the court may order such child to serve up to a maximum of 30 days in a secure residential facility or, after a risk assessment and with the court's approval, in a treatment program provided by DJJ or the juvenile court.

(c) Any child ordered to a secure residential facility under subsection (b) of this Code section and detained after the adjudication hearing in a secure residential facility or nonsecure residential facility pending placement in a secure residential facility shall be given credit for time

served in a secure residential facility or nonsecure residential facility awaiting placement.

(d) A child shall be given adequate information concerning the obligations and conditions imposed upon him or her by the disposition ordered by the court and the consequences of failure to meet such obligations and conditions. Such information shall be given in terms understandable to a child to enable such child to conform his or her conduct to the requirements of the disposition.

History.

Code 1981, § 15-11-601, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2015, p. 422, § 5-15/HB 310; Ga. L. 2017, p. 604, § 1-4/SB 175; Ga. L. 2023, p. 371, § 3/SB 133, effective July 1, 2023.

Amendments.

The 2023 amendment, effective July 1, 2023, inserted “in compliance with Code

Section 15-11-12 for the dual designation of a child” at the end of paragraph (a)(1).

Editor’s notes.

Ga. L. 2023, p. 371, § 3/SB 133, which amended this Code section, purported to add a new subsection to this Code section, but a new subsection was not set out in the Act.

JUDICIAL DECISIONS

Applicability.

For purposes of discerning the legality of the juvenile’s disposition, there was no conflict with any other statutory provisions providing that a child must be adjudicated for a crime that would be a felony if committed before a disposition of incarceration was authorized as the juvenile was under parental supervision, and not in custody, as a condition of probation, and the condition involved secure probation sanctions. In the Interest of H. P., 368 Ga. App. 222, 889 S.E.2d 408, 2023 Ga. App. LEXIS 288 (2023).

Commitment to Department of Juvenile Justice proper.

Disposition order, committing a juvenile to the custody of the Department of Juvenile Justice, was upheld as the juvenile court did not abuse the court’s discretion in determining that reasonable efforts were made to prevent the removal of the juvenile from the home based on the juvenile’s tendency to run away and the juvenile’s removal of an electric monitor when placed on house arrest. In the Interest of L. J., 368 Ga. App. 97, 889 S.E.2d 198, 2023 Ga. App. LEXIS 268 (2023).

Commitment to Department of Juvenile Justice improper. — Juvenile court did not properly commit the appellant juvenile to the Department of Juve-

nile Justice (DJJ) custody because the juvenile court’s disposition did not place the appellant on probation under the supervision of a public agency, it committed the appellant to DJJ custody; and O.C.G.A. § 15-11-601 specifically addressed when a juvenile court could commit a juvenile to DJJ custody, and that plain and unambiguous language prevailed over the state’s stretched interpretation of the DJJ as a public agency authorized to supervise a juvenile placed on probation. In the Interest of J. W., 363 Ga. App. 616, 871 S.E.2d 886, 2022 Ga. App. LEXIS 187 (2022).

In a delinquency adjudication appeal of the commitment of a juvenile to the Department of Juvenile Justice, the state presented no evidence that wearing an electronic monitoring device was a condition of the juvenile’s probation because the handwritten notation on the conditions of probation document was not reasonably specific, and conditions of probation must be prescribed by the court, not the probation officer. In the Interest of N. C., 372 Ga. App. 825, 906 S.E.2d 904, 2024 Ga. App. LEXIS 367 (2024).

Testimony about home environment and lack of medical care relevant. — Order adding conditions to the juvenile’s probation and requiring medical

care for the juvenile and minor child was upheld because the juvenile did not show that the juvenile court abused the court's discretion by allowing testimony about the home environment and lack of medical care as testimony was relevant to deter-

mining the scope of disposition best suited to the juvenile's treatment, rehabilitation, and welfare. In the Interest of M. B., 366 Ga. App. 402, 883 S.E.2d 156, 2023 Ga. App. LEXIS 15 (2023).

15-11-601.1. Role of judiciary prior to placing child in custody of DFCS.

(a) Prior to placing a child in the custody of DFCS on a nonemergency basis or in the absence of exceptional circumstances based on evidence adduced at a disposition hearing, the court shall:

(1) Comply with Article 3 of this chapter;

(2) Consider on the record what services have been provided to the child or his or her parent or guardian;

(3) Consider on the record what efforts have been made to secure placement of the child other than in the custody of DFCS;

(4) Consider on the record whether a child protective services report was made in accordance with subsection (b) of this Code section and if not, the court shall notify DFCS through the county director, the court liaison, or the attorney representing DFCS by phone or email that the court will be considering placing the child into the custody of DFCS. DFCS shall have an opportunity to be present at the delinquency hearing to provide information to the court as to the availability of services for the child. Notice to the DFCS county office via phone, email, or other means shall be considered sufficient; and

(5) As used in this subsection, the term "consider on the record" means the court's foundational inquiry regarding the possible services available to a dependent child.

(b) In any delinquency case in which DJJ or any county operated probation office serving the court determines that there is a reasonable basis to believe that the child is dependent, it shall make a child protective services report to the Statewide Child Protective Services Intake Communications Center (CICC) and shall notify the county director of the DFCS office in the county in which disposition is to be made in the delinquency case.

(c) Once a child has been ordered into the custody of DFCS, the court shall comply with Article 3 of this chapter, including conducting a preliminary protective hearing to be held not later than 72 hours after the child is placed in DFCS custody as required by Code Section 15-11-145.

(d)(1) All parties to the delinquency case shall provide copies of all medical, psychological, and educational assessments and reports pertaining to the child and the child's parent or guardian in their possession to DFCS no later than 72 hours after a child has been ordered into the custody of DFCS by the court.

(2) The court shall make an inquiry as to whether any parties to the delinquency case or court personnel, including the court clerk's file, have either possession of or immediate access to such records. The parties or personnel in possession of such records or with access to such records shall provide copies of all such records to DFCS.

(3) Each county DFCS office shall designate at least one county DFCS employee to receive such documents via email.

(4) The court shall also inquire as to the existence of assessments, evaluations, and reports pertaining to the child that are not in the possession of the parties. If any such records exist, the court shall immediately order the production of said records to DFCS.

(e) Nothing contained in this Code section shall abrogate the authority of the court to order a child into protective custody in accordance with Code Section 15-11-133.

History.

Code 1981, § 15-11-601.1, enacted by Ga. L. 2023, p. 371, § 4/SB 133, effective July 1, 2023; Ga. L. 2024, p. 1052, § 6(8)/SB 448, effective July 1, 2024.

Effective date.

This Code section became effective July 1, 2023.

Amendments.

The 2024 amendment, effective July 1, 2024, part of an Act to revise, modernize, and correct the Code, made redesignation changes throughout this Code section; substituted "this chapter" for

"Chapter 11 of this title" at the end of paragraph (a)(1) and in subsection (c); substituted "subsection (b) of this Code section" for "paragraph (2) of this subsection" in paragraph (a)(4); substituted "subsection" for "paragraph" in paragraph (a)(5); substituted "Statewide Child Protective Services Intake Communications Center" for "Statewide Child Protective Services Communication Center" in subsection (b); substituted a period for a semicolon at the end of paragraph (d)(2); and substituted a period for "; and" at the end of paragraph (d)(3).

15-11-603. Disposition of child adjudged to have committed delinquent act constituting AIDS transmitting crime; HIV testing; reports.**Law reviews.**

For note, "HIV No Longer a Death Sentence But Still a Life Sentence: The Con-

stitutionality of HIV Criminalization Under the Eighth Amendment," see 56 Ga. L. Rev. 1189 (2022).

15-11-605. Probation management programs or secure probation sanctions programs; violations of probation programs.

JUDICIAL DECISIONS

Applicability. — Regarding the juvenile’s contention that a probation officer did not have the authority to sanction the incarceration of a juvenile with a single misdemeanor in the youth detention center pursuant to O.C.G.A. § 15-11-605(a)(2), the record did not demonstrate that the juvenile was, in fact, ever incarcerated, nor that a probation officer ever exercised such authority to request such a detention. In the Interest of H. P., 368 Ga. App. 222, 889 S.E.2d 408, 2023 Ga. App. LEXIS 288 (2023).

15-11-608. Probation revocation; procedure.

JUDICIAL DECISIONS

ANALYSIS

REVOCATION OF PROBATION

Revocation of Probation

Motion to revoke. — Because the state did not file a motion to revoke the appellant juvenile’s probation, the juvenile court erred when it treated the dispositional hearing as a probation revocation proceeding, concluded it was authorized to

revoke the appellant’s probation, and committed the appellant to the Department of Juvenile Justice for the rest of the appellant’s original sentence. In the Interest of J. W., 363 Ga. App. 616, 871 S.E.2d 886, 2022 Ga. App. LEXIS 187 (2022).

PART 14

TRAFFIC OFFENSES

15-11-630. “Child” defined; juvenile traffic offenses; summons; hearings; penalties; transfers; providing information to Department of Driver Services.

RESEARCH REFERENCES

ALR. Charging, Trying, and Sentencing Individuals as Adults for Driving Under Influence as Juveniles, 86 A.L.R.7th 5.

ARTICLE 8

PARENTAL NOTIFICATION ACT

15-11-682. Parental notification of abortion; hearing; venue.

Law reviews. How the Internet’s Negative Impact on Minors’ Constitutional Right to Privacy, For article, “To Be Seen But Not Heard:

Speech, and Autonomy Creates a Need for Empathy-By-Design,” see 73 Mercer L. Rev. 463 (2022).

ARTICLE 9

ACCESS TO HEARINGS AND RECORDS

15-11-701. Sealing of files and records; hearings; limitations on disclosure; identity of victim.

JUDICIAL DECISIONS

Authority to seal file and records. — Juvenile court had the authority to seal the file and records in the case because its order closing the delinquency case had the same practical effect as a dismissal of the delinquency petition and constituted a completion of the process through a non-adjudicatory procedure. In the Interest of S. D., 365 Ga. App. 559, 879 S.E.2d 648, 2022 Ga. App. LEXIS 472 (2022).

15-11-704. Public inspection of court files and records; use in subsequent juvenile or criminal prosecution.

(a) Except as provided in subsection (b) of this Code section and Code Sections 15-11-705 and 15-11-706, all files and records of the court in a proceeding under this chapter shall be open to inspection only upon order of the court.

(b) The general public shall be allowed to inspect court files and records for any proceeding that was open to the public pursuant to paragraphs (1) through (5) of subsection (b) of Code Section 15-11-700.

(c) A judge may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records under whatever conditions upon their use and distribution such judge may deem proper and may punish by contempt any violation of those conditions.

(d) A judge shall permit authorized representatives of DJJ, the Criminal Justice Coordinating Council, the Administrative Office of the Courts, and the Council of Juvenile Court Judges to inspect and extract data from any court files and records for the purpose of obtaining statistics on children and to make copies pursuant to the order of the court. Such data shall be used by the inspecting agency for official purposes and shall not be subject to release by such agency pursuant to Article 4 of Chapter 18 of Title 50, nor subject to subpoena.

(e) Except as otherwise provided in Code Sections 15-11-701 and 15-11-703, the complaint, petition, order of adjudication, and order of disposition in any delinquency case shall be disclosed upon request of the prosecuting attorney or the accused for use preliminarily to or in

conjunction with a subsequent juvenile or criminal proceeding in a court of record.

History.

Code 1981, § 15-11-704, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2015, p. 890, § 4/HB 263; Ga. L. 2025, p. 332, § 5-3/SB 96, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, deleted “the Governor’s Office for Children and Families,” following “of DJJ,” in subsection (d).

15-11-708. Separation of juvenile and adult records for law enforcement; inspection; limited fingerprint access.

(a) Law enforcement records and files concerning a child shall be kept separate from the records and files of arrests of adults.

(b) Unless a charge of delinquency is transferred for criminal prosecution, the interest of national security requires, the case is one in which the general public may not be excluded from the hearings, or the court otherwise orders in the best interests of the child, the records and files shall not be open to public inspection nor shall their contents be disclosed to the public.

(c) Inspection of the records and files shall be permitted by:

(1) A juvenile court having a child before it in any proceeding;

(2) The attorney for a party to the proceedings, with the consent of the court;

(3) The officers of public institutions or agencies to whom a child is committed;

(4) Law enforcement officers and prosecuting attorneys of this state, the United States, or any other jurisdiction when necessary for the discharge of their official duties;

(5) A court in which a child is convicted of a criminal offense, for the purpose of a presentence report or other disposition proceeding;

(6) Officials of penal institutions and other penal facilities to which a child is committed; or

(7) A parole board in considering a child’s parole or discharge or in exercising supervision over such child.

(d) The court shall allow authorized representatives of DJJ, the Criminal Justice Coordinating Council, the Administrative Office of the Courts, and the Council of Juvenile Court Judges to inspect and copy law enforcement records for the purpose of obtaining statistics on children. Such data shall be used by the inspecting agency for official purposes and shall not be subject to release by such agency pursuant to Article 4 of Chapter 18 of Title 50, nor subject to subpoena.

(e) Access to fingerprint records submitted to the Georgia Bureau of Investigation shall be limited to the administration of criminal justice purposes.

History.

Code 1981, § 15-11-708, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2015, p. 890, § 5/HB 263; Ga. L. 2025, p. 332, § 5-4/SB 96, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, deleted “the Governor’s Office for Children and Families,” following “of DJJ,” in subsection (d).

ARTICLE 11

GEORGIA CHILD ADVOCATE FOR THE PROTECTION OF
CHILDREN ACT**15-11-747. Child advocate advisory committee; membership;
role of committee.**

(a) There is established a Child Advocate Advisory Committee. The advisory committee shall consist of:

- (1) One representative of a not for profit children’s agency appointed by the Governor;
- (2) One representative of a for profit children’s agency appointed by the Lieutenant Governor;
- (3) One pediatrician appointed by the Speaker of the House of Representatives;
- (4) One social worker with experience and knowledge of child protective services who is not employed by the state appointed by the Governor;
- (5) One psychologist appointed by the Lieutenant Governor;
- (6) One attorney from the Children and the Courts Committee of the State Bar of Georgia appointed by the Speaker of the House of Representatives;
- (7) One current or former foster parent appointed by the Governor;
- (8) One former foster child who attained the age of majority or graduated from high school while still in the Georgia foster care system appointed by the Lieutenant Governor;
- (9) One individual who has served for at least three years as a court appointed special advocate (CASA) appointed by the Speaker of the House of Representatives; and
- (10) One juvenile court judge appointed by the Chief Justice of the Supreme Court.

Each member of the advisory committee shall serve a two-year term and until the appointment and qualification of such member’s successor. Appointments to fill vacancies in such offices shall be filled in the same manner as the original appointment.

(b) The advisory committee shall meet a minimum of three times a year with the advocate and his or her staff to review and assess the following:

- (1) Patterns of treatment and service for children;
- (2) Policy implications; and
- (3) Necessary systemic improvements.

The advisory committee shall also provide for an annual evaluation of the effectiveness of the Office of the Child Advocate for the Protection of Children.

History.

Code 1981, § 15-11-747, enacted by Ga. L. 2013, p. 294, § 1-1/HB 242; Ga. L. 2021, p. 131, § 1/SB 20.

graph (a)(6), added paragraphs (a)(7) through (a)(9), and redesignated former paragraph (a)(7) as present paragraph (a)(10).

Amendments.

The 2021 amendment, effective July 1, 2021, deleted “and” at the end of para-