

Rules and Regulations

Section 1 Definitions

- 1.1 The following words and phrases as used in this document are to be defined and understood as follows:
- 1.2 “Authority” or “GSCCCA” means the Georgia Superior Court Clerks’ Cooperative Authority.
- 1.3 The term “courts”, unless specifically named and identified, mean all trial courts in this state including but not limited to superior, juvenile, state, magistrate, probate, municipal, and all special courts, whether called mayor’s courts, recorder’s courts, police courts, civil courts, traffic courts, or miscellaneous courts or any other trial court created in this state under any other name.
- 1.4 The term “civil filing” means any filing in a court that is not a criminal prosecution, indictment, accusation, or traffic citation for a violation of the traffic or penal laws of this state or ordinances of any political subdivision of this state.
- 1.5 The term “service fee” means the fee charged for any service performed by a clerk or court officer and shall include but not be limited to copy fees, fee for summons, fee for subpoena, fee for service by sheriff, fee for issuance of an execution or similar fee.
- 1.6 The term “fee” means the requirement to pay U.S. currency of a specific amount to have an official act performed or service provided by a clerk or court officer that is required by law or by court rule or court order.
- 1.7 The term “fine” means the requirement to pay a specific amount of U.S. currency to a court as punishment for a violation of the traffic or penal laws of this state, or for a violation of an ordinance of any political subdivision of this state.
- 1.8 The term “surcharge or surcharges” means any specific amount of U.S. currency added to a fine or fee to be paid for a special purpose as required or authorized by law or court rule to any clerk or court officer.
- 1.9 The term “assessment” or “assessments” means a single fine, fee or surcharge or a group of fines, fees or surcharges.
- 1.10 The term “beneficiary” or “beneficiaries” means the entity or entities that will benefit from fine, fee or surcharge assessed and collected including but not limited to the state general fund, county general fund, city general fund, state retirement funds, state special purpose funds, local special purpose funds and any other entity that receives payment from a clerk or court officer, or the GSCCCA of court collected funds.
- 1.11 The term “clerk” means any elected or appointed person, full or part time, that serves in any court of this state whose responsibility and duties include management and operation of the financial matters of the court, regardless of job title assigned.
- 1.12 The term “court official” means any person who handles any U.S. currency collected on behalf of any court or to satisfy any court process in this state, regardless of job title or employer, private or public, including but not limited to clerks, deputy clerks, financial officers, debt collectors, probation officers public

or private, managers, sheriffs, sheriff's deputies, police chiefs, police officers, city clerks, judges, magistrates, or any other court staff.

- 1.13 The terms "reduced fine" or "reduction of a fine" mean that an original fine amount has been reduced by a subsequent court order and that the fine that is the subject of the subsequent order is actively being collected and will be actively collected in the future.
- 1.14 The term "termination of a fine" means any fine where there is no further collection of a fine due to a death, pursuant to a court order, termination of probation, incarceration in a prison or other facility, absence from the jurisdiction, or for any other cause where collection of the fine is no longer reasonably possible.
- 1.15 The term "case" shall mean, for the purposes of applying statutory fine and fee surcharges and statutory fine and fee deductions, each offense or count on a charging document where a fine is assessed and applied against an individual for the violation of a crime, traffic offense or ordinance violation by a court of competent jurisdiction, unless otherwise specified by law.
- 1.16 The term "altered fine" means any fine that by court order is changed from a penalty, which requires the payment of U.S. currency, to a penalty that allows for the substitution of community service or other similar duty in lieu of payments of U.S. currency.

Section 2 Accountability

- 2.1 Money collected by the court shall be held in an account separate from the city and county general fund for disbursement. Also see Section 5.2
- 2.2 If a fine is reduced by court order, then the payment to beneficiaries begins at the reduced amount. See section 7.8

Section 3 Accounts and Beneficiary Funds Identified

- 3.1 To clarify the various accounts and funds involved in the fine and fee system in the various courts in this state, each is named along with its acronym.
- 3.2 ADR Alternative Dispute Resolution
- 3.3 BSITF Brain and Spinal Injury Trust Fund
- 3.4 CAS Civil Action Surcharge
- 3.5 CITY City General Fund
- 3.6 CLF Crime Lab Fee
- 3.7 COUNTY County General Fund
- 3.8 CRF Clerks' Retirement Fund

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|------|----------|--|
| 3.9 | CTF | Children's Trust Fund |
| 3.10 | CVEF | Crime Victims Emergency Fund |
| 3.11 | DATE | Drug Abuse Treatment and Education Fund |
| 3.12 | DETF | Driver Education and Training Fund |
| 3.13 | GSIF | Georgia State Indemnification Fund |
| 3.14 | IDAF | Indigent Defense Application Fee |
| 3.15 | JAIL | Jail Construction and Staffing Fund |
| 3.16 | JOF | Judicial Operations Fund Fee |
| 3.17 | LL | Law Library |
| 3.18 | LVAP | Local Victim Assistance Programs |
| 3.19 | MRF | Magistrates Retirement Fund |
| 3.20 | POAB | Peace Officers' Annuity and Benefit Fund |
| 3.21 | POPIDF-A | Peace Officer, Prosecutor, and Indigent Defense Fund |
| 3.22 | POPIDF-B | Peace Officer, Prosecutor, and Indigent Defense Fund |
| 3.23 | PRF | Probate Judges Retirement Fund |
| 3.24 | PSFL | Probation Supervision Fee – Local |
| 3.25 | PSFP | Probation Supervision Fee– Private |
| 3.26 | PSFS | Probation Supervision Fee – State |
| 3.27 | PUB | Publication Fee |
| 3.28 | REST | Restitution |
| 3.29 | SHF | Safe Harbor Fund |
| 3.30 | SRF | Sheriffs' Retirement Fund |

Section 4 Civil Collections that are Remitted to GSCCCA

- 4.1 All courts that file any civil action and charge a fee for such filing shall also collect in a timely manner all the statutorily required fees.
- 4.2 Where no filing fee is imposed, the additional filing fee provided for in O.C.G.A. 15-21A-6(a) does not apply. Nothing contained in subparagraph 4.2 shall prohibit a fee deduction from being assessed on a filing that has no filing fee, if directed by statute, court rule or court order.
- 4.3 All courts that file any civil action where a fee is created by court rule or court order shall collect such fee in a timely manner.
- 4.4 All courts that collect any fees on civil filings shall keep an accurate accounting of all such funds collected by using a paper or electronic format. The accounting record created shall track each payment made and shall assign each payment to the case in which it was applied using generally accepted accounting practices that meet the requirements for a general or specific audit of each transaction. The accounting format utilized shall employ controls necessary to ensure the accuracy of the fine and fee collections and disbursements of the court.
- 4.5 All courts that collect any fees on civil filings shall do so in compliance with the rules and regulations as promulgated by the GSCCCA.
- 4.6 According to O.C.G.A. 15-21A-6(a) and (b)(2), the collection of fees in civil courts shall apply to the following courts:
 - a) Superior Court
 - b) State Court
 - c) Probate Court
 - d) Recorder's Court
 - e) Mayor's Court
 - f) Magistrate Court
- 4.7 Each individual court having the responsibility to collect civil fees shall have the responsibility through the clerk or other court officer to report to the GSCCCA the identity of the court and the officer responsible for the collection of civil fees in that court. The court shall contact the GSCCCA and obtain and use a form provided for that purpose, and supply all the information requested that is available. Should the same person be responsible for more than one court then a separate form for each court should be used.
- 4.8 All fees shall be applied in accordance with statutory laws creating such fees. Application of the additional civil filing fee imposed by O.C.G.A. 15-21A-6(a) and (b) have required specific guidance due to the complex nature of filings in particular courts. The Authority has received input from the Council of Probate Judges and the Council of Magistrate Court Judges regarding civil filings in probate and magistrate courts. The Authority has adopted as part of these rules and regulations the information provided by these Councils regarding the filings to which they have determined the additional civil filing fee imposed by O.C.G.A. 15-21A-6(a) and (b) applies. This information is attached hereto and incorporated as Attachments A and B.

Section 5 Remittance of Funds – Criminal Fines and Surcharges

- 5.1 All clerks or court officers that collect any fines, fees and surcharges shall process the funds collected through a local accounting system that accounts for each transaction, documents the total amount of funds received and assigns each assessment to its proper account on behalf of its beneficiary.
- 5.2 Every clerk or court officer may co-mingle the funds collected into a secure bank account or bank accounts, properly secured under state law, until the funds are paid out to the recipients.
- 5.3 Collected fines, fees and surcharges shall be paid out to the beneficiaries of such funds on or before the last day of the month after the month in which the collections were paid to any clerk or court officer.
- 5.4 Funds have to be remitted to the Authority by the end of the month following the month in which such funds are received.
- 5.5 Delegation of part or all of the task of collecting and remitting collected funds to a third party is authorized, but will not and does not relieve the clerk or court officer of his or her responsibility to insure that the payments to the beneficiaries are made timely and accurately.
- 5.6 Funds that are required to be remitted directly to a beneficiary should be remitted using the forms provided by the beneficiary receiving the funds. If payment is required to be submitted to GSCCCA on behalf of any beneficiary, such payment should be remitted along with the appropriate form prescribed by GSCCCA.
- 5.7 Each court should remit payments to GSCCCA only once each month for the preceding month's collections.
- 5.8 Should there be a month where no civil fines, fees or surcharges are collected, the reporting clerk or court officer shall make a report to GSCCCA or the beneficiary for that month by the end of the month following the month to which the report applies. The remittance report shall be sent to the beneficiary fund or the GSCCCA, using the same form that would be used if funds had been collected during the month with a zero "0" in the appropriate places on the forms.
- 5.9 To the extent that the clerk or other court officer is holding funds on a certain date that were held on July 1, 2004, those funds are to be paid out to the Authority following the Authority's partial payment schedule in subparagraphs 7.12 and 7.13 no later than November 1, 2004.
- 5.10 The following funds are remitted to the GSCCCA:
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|----------|--|
| BSITF | Brain and Spinal Injury Trust Fund |
| CAS | Civil Action Surcharge |
| CLF | Crime Lab Fee |
| CTF | Children's Trust Fund |
| CVEF | Crime Victims Emergency Fund |
| DETF | Driver Education and Training Fund |
| GSIF | Georgia State Indemnification Fund |
| IDAF | Indigent Defense Application Fee* |
| | *Only paid if receiving statewide public defender assistance |
| JOF | Judicial Operations Fund Fee |
| POPIDF-A | Peace Officer, Prosecutor, and Indigent Defense Fund |

POPIDF-B Peace Officer, Prosecutor, and Indigent Defense Fund
SHF Safe Harbor Fund

5.11 The following funds are remitted to the beneficiary directly:

ADR Alternative Dispute Resolution
CITY City General Fund
COUNTY County General Fund
CRF Clerks' Retirement Fund
DATE Drug Abuse Treatment and Education Fund
IDAF-local Indigent Defense Application Fee*
*Paid to the entity providing indigent defense attorney assistance
JAIL Jail Construction and Staffing Fund
JOF-local Judicial Operations Fund Fee*
*State court retains \$50 portion of each JOF assessment
LL Law Library
LVAP Local Victim Assistance Programs
MRF Magistrates Retirement Fund
POAB Peace Officers' Annuity and Benefit Fund
POPIDF-A Peace Officer, Prosecutor, and Indigent Defense Fund*
POPIDF-B Peace Officer, Prosecutor, and Indigent Defense Fund*
*50% of the forfeited bond surcharge is kept locally IF the court has a GPDC approved indigent income verification system
PROB Probation Fees collected by probation office
PRF Probate Judges Retirement Fund
PUB Publication Fee
REST Restitution
SRF Sheriffs' Retirement Fund

5.12 Remittances and the accompanying reports made to the GSCCCA should be sent to:

Georgia Superior Court Clerks' Cooperative Authority
Fines and Fees Division
P.O. Box 29645
Atlanta, GA 30359

Section 6 Reporting of Funds

- 6.1 Funds that are remitted to GSCCCA do not have to be separately reported to GSCCCA. Such funds should be accompanied by the appropriate form when remitted.
- 6.2 Any clerk or other court officer whose responsibility it is to collect, deposit or pay out fines, fees and surcharges on behalf of any court in the state and any state probation office or officer, local government probation office or officer, private probation office or officer, county finance office or officer, municipal finance office or officer, or any other entity or person acting on behalf of any court, clerk or court officer by collecting, depositing or paying out any such court ordered

- finest, fees and surcharges shall, in addition to making all such collections and payments, make a report of such collections and payments to GSCCCA to enable the tracking of these funds statewide.
- 6.3 The report required in the Section shall be made in the format and utilizing the forms or other electronic methods for reporting as shall be prescribed by the rules and regulations of GSCCCA.
- 6.4 The reports are due no later than 60 days after the end of the last day of each month in which the funds were disbursed to a beneficiary fund or other beneficiary entity.
- 6.5 The following funds are to be reported to GSCCCA:
- | | |
|----------|---|
| ADR | Alternative Dispute Resolution |
| CITY | City General Fund |
| COUNTY | County General Fund |
| CRF | Clerks' Retirement Fund |
| DATE | Drug Abuse Treatment and Education Fund |
| IDAF | Indigent Defense Application Fee* |
| | *Paid to the entity providing indigent defense attorney assistance |
| JAIL | Jail Construction and Staffing Fund |
| JOF | Judicial Operations Fund Fee kept locally* |
| | *State court retains \$50 of each JOF assessment |
| LL | Law Library |
| LVAP | Local Victim Assistance Programs |
| MRF | Magistrates Retirement Fund |
| POAB | Peace Officers' Annuity and Benefit Fund |
| POPIDF-A | Peace Officer, Prosecutor, and Indigent Defense Fund* |
| POPIDF-B | Peace Officer, Prosecutor, and Indigent Defense Fund* |
| | *50% of the forfeited bond surcharge is kept locally IF the court has a GPDC approved indigent income verification system |
| PRF | Probate Judges Retirement Fund |
| PSFL | Probation Supervision Fee - Local |
| PSFP | Probation Supervision Fee - Private |
| PSFS | Probation Supervision Fee - State |
| PUB | Publication Fee |
| REST | Restitution |
| SRF | Sheriffs' Retirement Fund |
- 6.6 The reporting requirement to GSCCCA as outlined in subparagraph 6.3 commences at the time of monthly disbursement to the beneficiary fund and should a transfer of funds be made for the purpose of making disbursements to the beneficiary funds, so shall the reporting requirements to the GSCCCA transfer to the disbursing entity receiving the transfer of such funds.

Section 7 Partial Payments

- 7.1 Any clerk or court officer whose responsibility it is to collect, deposit and pay out fines, fees and surcharges shall make payouts monthly utilizing the funds

- collected on each case throughout the month for which a report is made. Partial payments remitted to any clerk or other court officer should not be held beyond the end of the month following the month in which such payments are received.
- 7.2 Partial payment will be prevalent throughout the courts and in order to establish a statewide system for the order of payment all clerks and court officials shall follow the rules and regulations as set out in this Section.
 - 7.3 All partial payments of fines, fees and surcharges received or collected by any clerk or court official shall be paid out to the beneficiary of such funds by the end of the month following the month in which such payments were tendered to any clerk or court official and shall be included in and noted on the remittance or report form for that month.
 - 7.4 All partial payments shall be paid out to the beneficiaries in an order of priority established in subparagraphs 7.12 and 7.13 of this Section unless otherwise mandated by law.
 - 7.5 The calculation of the payout for each fund will be determined by the original fine ordered by the court, and shall be paid out in full to each beneficiary on the priority list before proceeding to make a payment to the next beneficiary on the priority list.
 - 7.6 Restitution to any victim shall always have first priority and shall be paid in full prior to any collected partial payment funds being applied to the priority list for payment to a beneficiary.
 - 7.7 Court costs specified in any case by statute, court rule or court order shall be paid in full prior to any collected partial payment funds being applied to the priority list for payment to a beneficiary.
 - 7.8 Partial payments that end due to imprisonment, forgiveness of the fine, hardship accepted by the court, alteration of the fine, death, disappearance from the community or any other reason shall be terminated by the clerk or court officer in the status where the partial payment account is found at the time the partial payments ended. The payouts already made will remain based on the original fine and recalculation of partial payments shall not be required.
 - 7.9 Should partial payments that have ended as described in Section 7.8 begin again due to return from prison, or return to the community or any other reason, the payments collected will be applied as if they were never ended, and be applied going forward from the last payment received based on the original fine.
 - 7.10 Should the original fine be altered, reduced or terminated by court order in any manner that terminates future collection of the fine, the clerk or court officer shall continue to apply partial payments being held for distribution to beneficiaries as if the original fine had never been so altered, reduced or terminated.
 - 7.11 When the collection of a fine is ended by court order or circumstance and partial payments end as a result the account involving this case will be terminated without recalculation or refund and continue to be based on the original fine.
 - 7.12 The priority list for fine, fee and surcharge payments to beneficiaries for use in Superior and State courts in this state having jurisdiction over fines and fees on criminal offenses, and/or traffic offenses is as follows. The priority list is made to comply with O.C.G.A. 15-6-95 and with the provisions of O.C.G.A. 15-21A-4(a) with regard to partial payment priorities in Superior Courts and State Courts.

Partial Payment Priority List: Fines assessed prior to July 1, 2012

(Note: Restitution is always first.)

1. Peace Officers' Annuity and Benefit Fund (POAB)
2. Clerks' Retirement Fund (CRF)
3. Sheriffs' Retirement Fund (SRF)
4. Peace Officer, Prosecutor, and Indigent Defense Fund (POPIDF-A)
5. Peace Officer, Prosecutor, and Indigent Defense Fund (POPIDF-B)
6. Law Library (LL)
7. Jail Construction and Staffing Fund (JAIL)
8. Crime Victims Emergency Fund (CVEF)
9. Indigent Defense Application Fee (IDAF)
10. County General Fund (COUNTY)
11. Drug Abuse Treatment and Education Fund (DATE)
12. Local Victim Assistance Programs (LVAP)
13. Brain and Spinal Injury Trust Fund (BSITF)
14. Crime Lab Fee (CLF)
15. Driver Education and Training Fund (DETF)

Partial Payment Priority List: Fines assessed on or after July 1, 2012 and prior to January 1, 2017

(Note: Restitution is always first.)

1. Peace Officers' Annuity and Benefit Fund (POAB)
2. Clerks' Retirement Fund (CRF)
3. Sheriffs' Retirement Fund (SRF)
4. Peace Officer, Prosecutor, and Indigent Defense Fund (POPIDF-A)
5. Peace Officer, Prosecutor, and Indigent Defense Fund (POPIDF-B)
6. Jail Construction and Staffing Fund (JAIL)
7. Local Victim Assistance Programs (LVAP)
8. Law Library (LL)
9. County General Fund (COUNTY)
10. Crime Victims Emergency Fund (CVEF)
11. Indigent Defense Application Fee (IDAF)
12. Brain and Spinal Injury Trust Fund (BSITF)
13. Drug Abuse Treatment and Education Fund (DATE)
14. Crime Lab Fee (CLF)
15. Driver Education and Training Fund (DETF)

Partial Payment Priority List: Fines assessed on or after January 1, 2017 and prior to August 3, 2020

(Note: Restitution is always first.)

1. Peace Officers' Annuity and Benefit Fund (POAB)
2. Clerks' Retirement Fund (CRF)
3. Sheriffs' Retirement Fund (SRF)
4. Peace Officer, Prosecutor, and Indigent Defense Fund (POPIDF-A)
5. Peace Officer, Prosecutor, and Indigent Defense Fund (POPIDF-B)
6. Jail Construction and Staffing Fund (JAIL)
7. Local Victim Assistance Programs (LVAP)
8. Law Library (LL)
9. County General Fund (COUNTY)
10. Crime Victims Emergency Fund (CVEF)
11. Indigent Defense Application Fee (IDAF)
12. Brain and Spinal Injury Trust Fund (BSITF)
13. Drug Abuse Treatment and Education Fund (DATE)
14. Crime Lab Fee (CLF)
15. Safe Harbor Fund (SHF)
16. Driver Education and Training Fund (DETF)

Partial Payment Priority List: Fines assessed on or after August 3, 2020

(Note: Restitution is always first.)

1. Peace Officers' Annuity and Benefit Fund (POAB)
2. Clerks' Retirement Fund (CRF)
3. Sheriffs' Retirement Fund (SRF)
4. Brain and Spinal Injury Trust Fund (BSITF)
5. County General Fund (COUNTY)
6. Jail Construction and Staffing Fund (JAIL)
7. Peace Officer, Prosecutor, and Indigent Defense Fund (POPIDF-A)
8. Peace Officer, Prosecutor, and Indigent Defense Fund (POPIDF-B)
9. Local Victim Assistance Programs (LVAP)
10. Law Library (LL)
11. Crime Victims Emergency Fund (CVEF)
12. Drug Abuse Treatment and Education Fund (DATE)
13. Safe Harbor Fund (SHF)
14. Crime Lab Fee (CLF)
15. Indigent Defense Application Fee (IDAF)
16. Driver Education and Training Fund (DETF)

7.13 The priority list for fine, fee and surcharge payments to beneficiaries for use in courts having jurisdiction over fines and fees on criminal offenses, traffic offenses and ordinance violations **other** than Superior and State courts in this state is as follows. The priority list is made to comply with the provisions of O.C.G.A. 15- 21A-4(a) with regard to partial payment priorities in courts other than Superior and State Courts.

Partial Payment Priority List: Fines assessed prior to January 1, 2017

(Note: Restitution is always first.)

1. Peace Officers' Annuity and Benefit Fund (POAB)
2. Any retirement fund (as may be applicable)
3. Law Library (LL)
4. Peace Officer, Prosecutor, and Indigent Defense Fund (POPIDF-A)
5. Peace Officer, Prosecutor, and Indigent Defense Fund (POPIDF-B)
6. City/County General Fund (CITY/COUNTY)
7. Jail Construction and Staffing Fund (JAIL)
8. Crime Lab Fee (CLF)
9. Crime Victims Emergency Fund (CVEF)
10. Indigent Defense Application Fee (IDAF)
11. Drug Abuse Treatment and Education Fund (DATE)
12. Local Victim Assistance Programs (LVAP)
13. Brain and Spinal Injury Trust Fund (BSITF)
14. Driver Education and Training Fund (DETF)

Partial Payment Priority List: Fines assessed on or after January 1, 2017 and prior to August 3, 2020

(Note: Restitution is always first.)

1. Peace Officers' Annuity and Benefit Fund (POAB)
2. Any retirement fund (as may be applicable)
3. Law Library (LL)
4. Peace Officer, Prosecutor, and Indigent Defense Fund (POPIDF-A)
5. Peace Officer, Prosecutor, and Indigent Defense Fund (POPIDF-B)
6. City/County General Fund (CITY/COUNTY)
7. Jail Construction and Staffing Fund (JAIL)
8. Crime Lab Fee (CLF)
9. Crime Victims Emergency Fund (CVEF)
10. Indigent Defense Application Fee (IDAF)
11. Drug Abuse Treatment and Education Fund (DATE)
12. Local Victim Assistance Programs (LVAP)
13. Brain and Spinal Injury Trust Fund (BSITF)
14. Safe Harbor Fund (SHF)
15. Driver Education and Training Fund (DETF)

Partial Payment Priority List: Fines assessed on or after August 3, 2020

(Note: Restitution is always first.)

1. Peace Officers' Annuity and Benefit Fund (POAB)
2. Clerks' Retirement Fund (CRF)
3. Probate Judges Retirement Fund (PRF)
4. Sheriffs' Retirement Fund (SRF)
5. Brain and Spinal Injury Trust Fund (BSITF)
6. City/County General Fund (CITY/COUNTY)
7. Jail Construction and Staffing Fund (JAIL)
8. Peace Officer, Prosecutor, and Indigent Defense Fund (POPIDF-A)
9. Peace Officer, Prosecutor, and Indigent Defense Fund (POPIDF-B)
10. Local Victim Assistance Programs (LVAP)
11. Law Library (LL)
12. Crime Victims Emergency Fund (CVEF)
13. Drug Abuse Treatment and Education Fund (DATE)
14. Safe Harbor Fund (SHF)
15. Crime Lab Fee (CLF)
16. Indigent Defense Application Fee (IDAF)
17. Driver Education and Training Fund (DETF)

**SCHEDULE OF COSTS AND FEES
 GEORGIA PROBATE COURTS
 ATTACHMENT "A"**

Source - Council of Probate Court Judges

**Subj. to
 Civil Action Surcharge
 OCGA 15-21A-6**

| <u>Probate Proceedings</u> | | |
|----------------------------|--|-----|
| 1 | Temporary Letters of Administration | Yes |
| 2 | Permanent Letters of Administration | Yes |
| 3 | Probate Will in Common | Yes |
| 4 | Probate Will in Solemn | Yes |
| 5 | No Administration Necessary | Yes |
| 6 | Probate Solemn w/ Will Annexed | Yes |
| 7 | Year's Support plus Recording of Cert. of Year's Support | Yes |
| 8 | Presumption of Death, Missing Individual Believed to be Dead | No |
| 9 | Any Proceeding for Ancillary | Yes |
| 10 | Administration by a Foreign Representative | Yes |
| 11 | Any other proceeding by which the jurisdiction of the court is first invoked | Yes |
| 12 | Letters of Administration w/ Will annexed and Previously Probated | Yes |
| 13 | Leave to Sell | Yes |
| 14 | Leave to Sell Perishable Property | Yes |
| 15 | Leave to Sell Property or Encumber Property of Year's | Yes |
| 16 | Petition for Waiver of Bond & Grant of Certain Powers | Yes |
| 17 | Petition for Discharge | Yes |
| 18 | Approval of Division in Kind | Yes |
| 19 | Petition to Determine Heirs | Yes |
| 20 | Petition for Direction Under Will | Yes |
| 21 | Petition of Representative to Compromise a Disputed Claim or Debt | Yes |
| 22 | Petition for Accounting or Final Settlement | Yes |
| 23 | Petition to Resign as PR & Appt. for success | Yes |
| 24 | Petition to Remove PR & Appt. for success | Yes |
| 25 | Citation against PR for failure to make returns or for alleged mismanagement of estate | No |
| 26 | Caveat, objection, or other responsive pleading filed by person to whom notice is given | No |
| 27 | Petition or Motion to intervene as interested Party | No |
| 28 | Any other petition, application, motion or other pleading in an estate which no cost is | Yes |
| 29 | Petition to Change Accounting Period | Yes |
| 30 | Petition to Enter Safety Deposit Box | No |
| 31 | Petition/Motion for Attorney Fees | No |
| 32 | Petition/Motion for Extra Compensation | No |
| 33 | Inventory, Annual Return, Appraisement, Intermediate or Final Returns | No |
| 34 | Notice of Claim or Claim of Creditor | No |
| 35 | Declination to Serve as PR | No |
| 36 | Renunciation of Right of Succession | No |
| 37 | Appeal to Superior Court | No |

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| 38 | Hearings in contested matters, per half day | No |
| | | Subj. to Civil Action Surcharge <u>OCGA 15-21A-6</u> |
| | <u>Minor Guardianships</u> | |
| 1 | Temporary Letters of Guardianship | Yes |
| 2 | Letters of Guardianship by Person Other than Natural Guardian | Yes |
| 3 | Minor Guardianship of Property by Natural Guardian over \$5,000 | Yes |
| 4 | Order that Natural Guardian Not Become Legally Qualified as Guardian of Property | Yes |
| 5 | Application for Letters of Dismission | Yes |
| 6 | Any other proceeding by which the jurisdiction of first invoked with regard to the person and/or property of a minor | Yes |
| 7 | Leave to Sell by Guardian | Yes |
| 8 | Compromise Doubtful Claim of a Minor | Yes |
| 9 | Petition or Encroach - Minor | Yes |
| 10 | Petition to Change Accounting Period | Yes |
| 11 | Inventory, Annual Return, Intermediate or Final Return | No |
| 12 | Motion/Petition for Attorney Fees | No |
| 13 | Petition to Terminate Temporary Guardian | Yes |
| 14 | Any other petition application or other pleadings filed regarding an existing guardianship of a minor | Yes |
| 15 | Citation against guardian for failure to make returns | No |
| 16 | Appeal to Superior Court | No |
| 17 | Hearings in contested matters, per half day | No |
| | | Subj. to Civil Action Surcharge <u>OCGA 15-21A-6</u> |
| | <u>Adult Guardianships</u> | |
| 1 | Petition for Emergency Guardianship | Yes |
| 2 | Petition for Emergency Guardianship and Permanent Guardianship | Yes |
| 3 | Petition for Guardianship - Person/ Property | Yes |
| 4 | Any other proceeding by which the jurisdiction of the Probate Court is first invoked with regard to an adult guardianship | Yes |
| 5 | Leave to Sell by Guardian | Yes |
| 6 | Compromise of Doubtful Claim | Yes |
| 7 | Petition to terminate or modify an Adult Guardianship | Yes |
| 8 | Petition to Encroach | Yes |
| 9 | Petition to Change Accounting Period | Yes |
| 10 | Inventory, Appraisement, Annual Intermediate or Final Returns | No |
| 11 | Petition or Motion for Attorney's Fees | No |
| 12 | Application for Letters of Dismission | Yes |
| 13 | Any other petition, application, motion or pleading filed regarding an existing guardianship of an adult | Yes |

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| 14 | Citation against Guardian for Failure to make returns | No |
| 15 | Hearings in contested matters, per half day | No |

**Subj. to
Civil Action Surcharge
OCGA 15-21A-6**

| <u>Non-Probate Matters</u> | | |
|-----------------------------------|--|-----|
| 1 | Sterilization Petitions | Yes |
| 2 | Involuntary Treatment Petitions | Yes |
| 3 | Petition for Habilitation | Yes |
| 4 | Petitions for Temporary Placement | Yes |
| 5 | Initial hearings in matters involving sterilization, involuntary treatment, habilitation or involuntary treatment in Adult Guardian | No |
| 6 | Mental Health Lay Affidavits | No |
| 7 | Custodial Accounts | No |
| 8 | Writ of Habeas Corpus | Yes |
| 9 | Petition for Lost Papers | No |
| 10 | Petition for Declaration of Exemptions | No |
| 11 | Petition to Change Birth Certificate | No |
| 12 | Constitutional Homestead | Yes |
| 13 | Non-waiverable Homestead | Yes |
| 14 | Statutory Homestead | Yes |
| 15 | Order of Title | Yes |
| 16 | Petition to remove obstruction from a private right-of-way | Yes |
| 17 | Public Safety Patrol Trial | No |
| 18 | All other services rendered by the judge or clerk through the entry of the final order, for any application or petition by which the jurisdiction of Probate Court is invoked and no other cost is set forth | Yes |
| 19 | Issuance of all other orders, including a Rule Nisi, in any matter for which the costs already set forth do not include all services rendered by judge or clerk | No |
| 20 | Motions, amendments, or other pleadings in any matter for which the costs do include all services rendered by judge or clerk and no other cost is set forth. | No |

**Subj. to
Civil Action Surcharge
OCGA 15-21A-6**

| <u>Miscellaneous</u> | | |
|-----------------------------|--|----|
| 1 | For processing appeals to Superior Court | No |
| 2 | For issuance of Fi-Fa | No |
| 3 | For Permit to Discharge Explosives | No |
| 4 | For Permit to Discharge Fireworks | No |
| 5 | Application for Firearms | No |
| 6 | Hearing to determine handgun eligibility | No |
| 7 | Issuance of Replacement Firearms license | No |
| 8 | Application for Marriage License | No |
| 9 | Safekeeping of a Will | No |
| 10 | Issuance of Veteran's License | No |
| 11 | Issuance of Peddler's License | No |
| 12 | Issuance of Residency Certificate | No |
| 13 | Registration of Junk Dealer | No |

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|----|--|----|
| 14 | Certification of publication of application for insurance company charter | No |
| 15 | Recording of Marks and Brands | No |
| 16 | Exemplification | No |
| 17 | Certification under Seal | No |
| 18 | Certified Copies of Letters of Fiduciaries | No |
| 19 | Issuance of Subpoenas | No |
| 20 | Filing of Oath and/or Bond of any officer of any municipality or authority within the county, each | No |
| 21 | Filing of Oath and/or Bond of any County official or officer | No |
| 22 | 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 | No |
| 23 | Recording per page | No |
| 24 | Copies per page | No |

**Schedule of Costs and Fees
Georgia Magistrate Courts
Attachment “B”**

\$15 Civil Action Surcharge will apply to.....

1. 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;
2. 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;
DISPOSSESSORY
3. Abandoned Motor Vehicle foreclosure
4. Garnishments

\$15 Civil Action Surcharge will NOT apply to.....

1. The hearing of application 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 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;
6. The execution of subscribing and the acceptance of written waivers of extradition in the same manner provided for in Code Section 17-13-46; or
7. The trial and sentencing of misdemeanor violations of other Code sections as provided by Article 13 of this chapter.
8. Warrant applications hearings arise out of Title 17, Criminal Procedure and are not a civil claim.

Source: Council of Magistrate Court Judges – July 2004