

Court of Appeals of the State of Georgia

ATLANTA, October 08, 2026

The Court of Appeals hereby passes the following order:

A27D0161. CHRISTINA ALLEN v. JOHN ALLEN.

Applicant Christina Allen and Respondent John Allen are former spouses that share two minor children. Christina petitioned the trial court for a family violence temporary protective order, requesting, in part, temporary legal custody of the minor children. On August 18, 2026, the trial court denied the petition. Christina filed a timely application for discretionary appeal from that order.

Ordinarily, appeals of orders in domestic relations cases — including actions arising under the Family Violence Act — must be initiated by filing an application for discretionary review. See OCGA § 5-6-35(a)(2); *Schmidt v. Schmidt*, 270 Ga. 461, 461–62(1) (510 SE2d 810) (1999), disapproved on other grounds by *Gilliam v. State*, 312 Ga. 60, 64 (860 SE2d 543) (2021). Under OCGA § 5-6-34(a)(11), however, “[a]ll judgments or orders in child custody cases awarding, refusing to change, or modifying child custody” are directly appealable. Here, because Christina challenges a protective order involving custody rulings, this case is subject to direct appeal. See OCGA § 19-9-41(4) (“‘Child custody proceeding’ means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for ... protection from family violence, in which the issue may appear.”); *Perlman v. Perlman*, 318 Ga. App. 731, 733(1) (734 SE2d 560) (2012) (trial court order that “effectively denied” father’s request for 12-month protective order “subject to direct appeal because it involved child custody”).

This Court will grant a timely application for discretionary appeal if the lower court’s order is subject to direct appeal. See OCGA § 5-6-35(j). Accordingly,

Christina's application is hereby GRANTED. She shall have ten days from the date of this order to file a notice of appeal with the trial court, if she has not already done so. See OCGA § 5-6-35(g). The clerk of the trial court is DIRECTED to include a copy of this order in the record transmitted to the Court of Appeals.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 10/08/2026

I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Christina Bailey Smith

, Clerk.