

Court of Appeals of the State of Georgia

ATLANTA, October 15, 2026

The Court of Appeals hereby passes the following order:

A27D0188. ELIZABETH ALCAZAR ROMERO v. JOSHUA A. MAGDZAK.

The parties in this case are married and share a minor child. After Joshua Magdzak filed a divorce action in Florida, Elizabeth Romero filed a petition in Georgia, seeking a custody determination under the emergency jurisdiction provisions of the Uniform Child Custody Jurisdiction and Enforcement Act (“UCCJEA”), OCGA § 19-9-40 et seq. The trial court dismissed the petition for lack of jurisdiction, and Romero filed a timely application for discretionary appeal from that order.

Ordinarily, appeals of orders in domestic relations cases 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.

The issue raised on appeal determines whether a direct appeal is proper in a child custody case. *Voyles v. Voyles*, 301 Ga. 44, 46–47 (799 SE2d 160) (2017). Here, the issue raised on appeal is the trial court’s refusal to exercise jurisdiction over a custody dispute under the UCCJEA, which is a custody ruling within the meaning of the discretionary application statute. See *Gorelik v. Gorelik*, 346 Ga. App. 786, 787 n.1 (815 SE2d 330) (2018) (stating in dicta that a right of direct appeal exists from a trial court order declining to exercise jurisdiction under the UCCJEA); *Bowman v. Bowman*, 345 Ga. App. 380, 381 n.4 (811 SE2d 103) (2018) (same as to trial court order finding jurisdiction under UCCJEA and awarding temporary custody); *Plummer v.*

Plummer, 305 Ga. 23, 24 (823 SE2d 258) (2019) (permitting direct appeal from a trial court order dismissing a father's custody modification action on jurisdictional grounds). The trial court's order in this case is therefore subject to direct appeal.

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, Romero'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, 10/15/2026

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.