

Court of Appeals of the State of Georgia

ATLANTA, August 10, 2026

The Court of Appeals hereby passes the following order:

A27D0032. FEDERICO MARTINEZ III v. AMANDA KING.

Federico Martinez III and Amanda King are the parents of a minor child. On July 8, 2026, the trial court entered a family violence protective order against Martinez which, in part, prohibited him from visitation with the child. Martinez has filed a timely application for discretionary review of the order, in which he, inter alia, challenges the ruling on visitation.

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). Accord *Birchby v. Carboy*, 311 Ga. App. 538, 538 n.2 (716 SE2d 592) (2011). However, under OCGA § 5-6-34(a)(11), “[a]ll judgments or orders in child custody cases awarding, refusing to change, or modifying child custody” are directly appealable. Here, because Martinez challenges a protective order involving visitation restrictions, this case is subject to direct appeal. See *Perlman v. Perlman*, 318 Ga. App. 731, 733(1) (734 SE2d 560) (2012). See also 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 divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from family violence, in which the issue may appear.”).

This Court will grant an otherwise timely discretionary application if the lower

court's order is subject to direct appeal. See OCGA § 5-6-35(j). Accordingly, Martinez's application is hereby GRANTED. He shall have ten days from the date of this order to file a notice of appeal with the trial court, if he 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.



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

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.