

# Court of Appeals of the State of Georgia

ATLANTA, September 08, 2026

*The Court of Appeals hereby passes the following order:*

**A27A0295. IN THE INTEREST OF: J. C. et al., CHILDREN (FATHER).**

The father of three minor children filed this direct appeal from a juvenile court order terminating his parental rights.<sup>1</sup> Under OCGA § 5-6-35(a)(12) and (b), however, an appeal from an order terminating parental rights must be initiated by filing an application for discretionary review. See *In the Interest of K. R.*, 285 Ga. 155, 156 (674 SE2d 288) (2009). Four months after he filed his initial notice of appeal, the father filed, also in the juvenile court, an “Amended Notice of Discretionary Appeal,” in which, he asserted, he was “fil[ing] his notice of requesting a discretionary appeal” in this case. Because that document was filed in the juvenile court, we must construe it as an amended notice of direct appeal and not an application requesting discretionary review. Compare OCGA § 5-6-35(d) (an application for discretionary review must be timely filed in the appropriate appellate court), with OCGA § 5-6-37 (a notice of appeal must be timely filed “with the clerk of the court wherein the case was determined”). “Compliance with the discretionary appeals procedure is jurisdictional.” *Smoak v. Dep’t of Human Res.*, 221 Ga. App. 257, 257 (471 SE2d 60) (1996). Consequently, the father’s failure to comply with the discretionary review

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<sup>1</sup> In the same order, the juvenile court also terminated the rights of the children’s mother. She is not a party to this appeal.

procedure deprives us of jurisdiction over this direct appeal, which is hereby  
DISMISSED.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta, 09/08/2026*

*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.*