Court of Appeals
of the State of Georgia

ATLANTA, June 03, 2015

The Court of Appeals hereby passes the following order:

A15D0417. TAMARA NOLAN v. MARQUEZ BURDETTE SR.

Tamara Nolan filed this application for discretionary appeal from the trial court's order concerning, among other issues, custody of her minor child and findings of contempt arising from visitation issues. Under OCGA § 5-6-34 (a) (11), direct appeals are permitted from "[a]ll judgments or orders in child custody cases awarding, refusing to change, or modifying child custody or holding or declining to hold persons in contempt of such child custody judgments or orders." And "[v]isitation is considered a custody issue." *Daniels v. Barnes*, 289 Ga. App. 897, 899 n. 1 (658 SE2d 472) (2008); see also OCGA § 19-9-41 (4) (defining "child custody proceeding" as "a proceeding in which legal custody, physical custody, or visitation with respect to a child is in issue."). Thus, the order that Nolan seeks to appeal is directly appealable. The fact that Nolan wishes to challenge other portions of the trial court's order does not alter this conclusion. See *Collins v. Davis*, 318 Ga. App. 265, 266-269 (1) (733 SE2d 798) (2012) (if trial court's order falls within scope of OCGA § 5-6-34 (a) (11), then a direct appeal is authorized regardless of the issue raised on appeal).

We will grant a timely discretionary application if the lower court's order is subject to direct appeal. See OCGA § 5-6-35 (j). Accordingly, this application is hereby GRANTED. Nolan shall have ten days from the date of this order to file a notice of appeal with the trial court. If, however, she has already filed a notice of appeal, she need not file a second notice. 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, 06/03/2015

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.

Stephen E. Castlen, *Clerk.*