

**IN THE MAGISTRATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

IN RE: CIVILIAN WARRANT APPLICATION HEARING NOTICES

**STANDING ORDER APPROVING MEANS OF NOTICE FOR
CIVILIAN WARRANT APPLICATION HEARINGS**

O.C.G.A. § 17-4-40(b)(2), generally provides that a hearing on a warrant application made by a person other than a peace officer or law enforcement officer (“civilian warrant application”) “shall be conducted only after attempting to notify the person whose arrest is sought (“Defendant”) by any means approved by the judge...which is reasonably calculated to apprise such person of the date, time, and location of the hearing.” Effective July 1, 2026, the General Assembly amended O.C.G.A. § 17-4-40(b)(2) by mandating personal service as a notice option for civilian warrant application hearings while maintaining discretion for courts to approve other means of notice.

In accordance with O.C.G.A. § 17-4-40(b)(2) as amended, the following means of notice are hereby **APPROVED** for civilian warrant application hearings conducted in the Magistrate Court of DeKalb County:

(1) Notice by personal service.

- a. A copy of the notice of the warrant applied for containing the alleged offense(s) and the hearing date, time, and location shall be served on the Defendant personally or by leaving a copy thereof at his/her dwelling or usual place of abode with some person of suitable age and discretion then residing therein.
- b. At the applicant’s expense, such personal service shall be made by: (1) any official or person authorized by law to serve process in the Magistrate Court and/or Superior Court of the jurisdiction where service is attempted, (2) a constable or marshal, (3) a process server certified per the procedures of O.C.G.A. § 9-11-4.1, or (4) by any person *sui juris* who is not a party to or otherwise interested in the action and who is specially appointed by the judge(s) of the Magistrate Court and/or Superior Court of the jurisdiction where service is attempted.
- c. When the application is served by a private individual or sworn personnel, such individual shall make proof of service by affidavit, showing the time and place of such service on the Defendant. All proof of service shall be filed with the magistrate court pursuant to O.C.G.A. § 9-11-4(h).

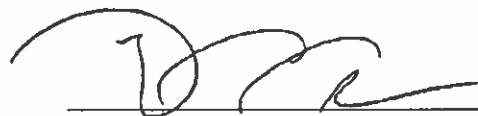
(2) Notice by other means.

- a. After personal service has been attempted in good faith but not achieved, if the Defendant: (1) resides outside the state, (2) has departed from the state, (3) cannot after due diligence be found within the state, or (4) conceals himself or herself to avoid service, and that fact shall appear, by affidavit and/or sworn testimony in open court, then the Court may approve an alternative means of service at the applicant's expense that is reasonably calculated to apprise the Defendant of the date, time, and location of the hearing.
- b. When alternative means of service have been approved by the Court and achieved: (1) sworn personnel shall file written proof of service in the same manner as in civil cases and (2) a private individual, as the person attempting such service, shall make proof of service by affidavit, showing the time and place of such service on the Defendant. This affidavit of service shall be filed with the Magistrate Court.
- c. Nothing in this Standing Order shall require the Court to so approve alternative means of service.

(3) Hearing not required.

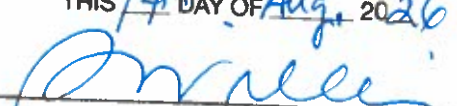
- a. Nothing in this Standing Order shall prohibit the Court, in its sole discretion, from immediately issuing a warrant for the arrest of a person upon a civilian warrant application if one or more statutory factor listed in O.C.G.A. § 17-4-40(b)(6) is found by the Court.
- b. Nothing in this Standing Order shall require the Court to so issue an immediate warrant, and the Court may require notice to the Defendant and a hearing even where an O.C.G.A. § 17-4-40(b)(6) factor is found.

So **ORDERED**, effective immediately, this 14th day of August, 2026.



Berryl A. Anderson, Chief Judge
DeKalb County Magistrate Court

FILED IN THIS OFFICE
THIS 14th DAY OF Aug. 2026



Clerk, Magistrate Court, DeKalb County

