

ARTICLE 2
JUVENILE COURT ADMINISTRATION

15-11-201. Creation of juvenile courts; appointment of judges

- (a) There is created a juvenile court in every county in the state.
- (b) The judge or a majority of the judges of the superior court in each circuit in the state may appoint one or more qualified persons as judge of the juvenile courts of the circuit. Such superior court judge or judges shall establish the total number of circuit-wide juvenile court judges and shall establish whether the judge or judges shall be full time or part time, or a combination of full time and part time. Each circuit-wide judge appointed will have the authority to act as judge of each juvenile court in each county of the circuit.
- (c) If no person is appointed as a juvenile court judge for a circuit, then the superior court judge or judges of the circuit shall assume the duties of the juvenile court judge in all counties in the circuit in which a separate juvenile court judgeship has not been established as part of the duties of the superior court judge.
- (d) All juvenile court judgeships established on or before October 1, 2000, their methods of compensation, selection, and operation, shall continue until such time as one or more circuit-wide juvenile court judges are appointed. However, in any circuit where a superior court judge assumes the duties of the juvenile court judge, such circuit shall not be entitled to the state funds provided for in Code section 15-11-203.
- (e) When one or more circuit-wide juvenile court judges are appointed, any juvenile court judge in office at that time shall be authorized to fulfill his or her term of office. The jurisdiction of each judge shall be circuit-wide.
- (f) After the initial appointments and prior to any subsequent appointment or reappointment of any part-time or full-time juvenile court judge, the judge or judges responsible for making the appointment shall publish notice of the opening on the juvenile court once a month for three months prior to such appointment or reappointment. This notice shall be published in the official legal organs of each of the counties in the circuit where the juvenile court judge has venue. The expense of such publication shall be paid by the county governing authority in the county where such notice or notices are published.
- (g) In the event that more than one juvenile court judge is appointed, one shall be designated presiding judge.
- (h) In any case in which action under this Code section is to be taken by the superior court judge of the circuit, such action shall be taken as follows:
 - (1) Where there are one or two judges, such action shall be taken by the chief judge of the circuit; and

- (2) Where there are more than two judges, such action shall be taken by a majority vote of the judges of the circuit.

Comments

The great majority of the revisions in article 2 reflect the technical and organizational changes made to ensure clarity and consistency throughout the code. For example, O.C.G.A. § 15-11-18 has been divided into several stand-alone provisions resulting in P.M.C. §§ 15-11-201 through 15-11-207 but the substantive language remains essentially the same. Additional comments have been added when necessary to explain any further revisions.

15-11-202. Qualifications of judges

- (a) No person shall be judge of the juvenile court unless, at the time of his or her appointment, he or she has attained the age of 30 years, has been a citizen of the state for three years, is a member of the State Bar of Georgia, and has practiced law for five years.
- (b) A juvenile court judge shall be eligible for reappointment.

15-11-203. Terms and compensation of judges

- (a) Each juvenile court judge appointed shall serve for a term of four years.
- (b) Except as otherwise provided by law, the compensation of the full-time or part-time juvenile court judges shall be set by the superior court with the approval of the governing authority or governing authorities of the county or counties for which the juvenile court judge is appointed.
- (c) Out of funds appropriated to the judicial branch of government, the state shall contribute toward the salary of the judges on a per circuit basis in the following amounts:
 - (1) Each circuit with one or more juvenile court judges who are not superior court judges assuming the duties of juvenile court judges shall receive a state base grant of \$85,000.00;
 - (2) In addition to this base amount, each circuit which has more than four superior court judges is eligible for additional state grants. For each superior court judge who exceeds the base of four judges, the circuit shall be eligible for an additional grant in an amount equal to one-fourth of the base amount of the state grant;
 - (3) In those circuits where the judge or judges of the superior court elect to use the state grant for one or more part-time judges, the amount of the state grant shall be as follows:
 - (A) For each part-time judge who works one day weekly \$ 17,000.00
 - (B) For each part-time judge who works two days weekly \$ 34,000.00
 - (C) For each part-time judge who works three days weekly \$ 51,000.00
 - (D) For each part-time judge who works four days weekly \$ 68,000.00;provided, however, that a grant for one or more part-time judges shall not exceed the amount the circuit is eligible for in accordance with paragraphs (1) and (2) of this subsection;
 - (4) Reserved; and
 - (5) All state grants provided by this subsection shall be spent solely on salaries for juvenile court judges and shall not be used for any other purposes.

Comments

This provision was revised for clarity. Further revisions were not made to the compensation schedule because it is outside the scope of this project. However, we would like to emphasize that this is an area that needs revisiting by the legislature to ensure that juvenile court judges are fairly and adequately compensated for the pivotal role they play in determining the fates of the children involved in the juvenile court process.

15-11-204. Practice of law by judges

- (a) It shall be unlawful for any full-time juvenile court judge to engage in any practice of law outside his or her role as a juvenile court judge.
- (b) It shall be unlawful for a part-time judge of any juvenile court to engage directly or indirectly in the practice of law in his or her own name or in the name of another as a partner in any manner in any case, proceeding, or matter of any kind in the court to which he or she is assigned or in any other court in any case, proceeding, or any other matters of which it has pending jurisdiction or has had jurisdiction.
- (c) It shall be unlawful for any juvenile court judge, full-time or part-time, to give advice or counsel to any person on any matter of any kind whatsoever which has arisen directly or indirectly in court, except such advice or counsel as a judge is called upon to give while performing the duties of a juvenile court judge.

15-11-205. Administration and expenses of juvenile courts

- (a) Each juvenile court shall be assigned and attached to the superior court of the county for administrative purposes.
- (b) The governing authority of the county of residence of each juvenile court judge shall offer the juvenile court judge or judges insurance benefits and any other benefits except retirement or pension benefits equivalent to those offered to employees of the county, with a right to contribution from other counties in the circuit for a pro rata contribution toward the costs of such benefits, based on county population. Counties shall continue to provide membership in retirement plans available to county employees for any juvenile court judge in office before July 1, 1998, who did not become a member of the Georgia Judicial Retirement System provided by Chapter 23 of Title 47.
- (c) Except for state base grants provided by Code section 15-11-203, all expenditures of the court are declared to be an expense of the court and payable out of the county treasury with the approval of the governing authority or governing authorities of the county or counties for which the juvenile court judge is appointed.

15-11-206. Applicability of local laws

- (a) To the extent that the provisions of this article conflict with a local constitutional amendment authorizing the election of a juvenile court judge and with the provisions of a local Act authorized by such local constitutional amendment to provide for the term of office, vacancies in office, qualifications, compensation, and full-time or part-time status of a juvenile court judge or judges, the provisions of such local constitutional amendment and such local Act shall govern.

- (b) The state grants provided by Code section 15-11-203 shall be provided to any circuit encompassing a juvenile court governed by the provisions of a local constitutional amendment and a local Act in the same manner as other circuits, except that, in any circuit with one or more elected juvenile court judges, the elected juvenile court judge who is senior in duration of service as a juvenile court judge shall establish, subject to other applicable provisions of law, the total number of circuit-wide juvenile court judges, whether the judge or judges shall be full-time or part-time or a combination of full-time and part-time, and the compensation of any part-time juvenile court judge or judges.

15-11-207. Simultaneous service by judges

- (a) No person who is serving as a full-time juvenile court judge shall at the same time hold the office of judge of any other class of court of this state.
- (b) No one serving as a juvenile court judge after being elected juvenile court judge pursuant to a local law authorized by a constitutional amendment shall at the same time hold the office of judge of any other class of court of this state.
- (c) Nothing in this subsection shall prevent any duly appointed or elected juvenile court judge from sitting by designation as a superior court judge pursuant to Code section 15-1-9.1 or as otherwise provided by law.

15-11-208. Commissioning of juvenile court judges; submission of orders of appointment of associate juvenile court judges to Council of Juvenile Court Judges

- (a) Whenever a juvenile court judge is appointed it shall be the duty of the clerk of the superior court to forward to the Secretary of State and to the Council of Juvenile Court Judges a certified copy of the order of appointment. The order of appointment shall set out the name of the person appointed, the term of office, the effective date of the appointment, the name of the person being succeeded, if any, and whether the office was vacated by resignation, death, or otherwise. Upon receipt of said order, the Secretary of State shall issue a commission as for superior court judges.
- (b) Whenever an associate juvenile court judge is appointed to serve in a juvenile court, the clerk of the juvenile court shall forward a certified copy of the order of appointment to the Council of Juvenile Court Judges.

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15-11-209. Council of Juvenile Court Judges

- (a) All of the judges and associate judges of the courts exercising jurisdiction over children shall constitute a Council of Juvenile Court Judges. The Council shall annually elect from among its members a judge to serve as presiding judge and chairperson of the council.
- (b) The Council shall meet at stated times to be fixed by it, on call of the chairperson. It may establish general policies for the conduct of courts exercising jurisdiction over children and may promulgate uniform rules and forms governing procedures and practices of the courts. It shall publish an annual report of the work of the courts exercising jurisdiction over children, which shall include statistical and other data on the courts' work and services, research studies it may make of the problems of children and families dealt with by the courts, and any recommendations for legislation. The Council is authorized to inspect and copy records of the courts, law enforcement agencies, the Department of Human Resources, and the Department of Juvenile Justice for the purpose of compiling statistical data on children.
- (c) Subject to the approval of the Council, the presiding judge shall appoint a chief administrative and executive officer for the council, who shall have the title of Director of the Council. Under the general supervision of the presiding judge and within the policies established by the Council, the Director shall:
 - (1) Provide consultation to the courts regarding the administration of court services and the recruitment and training of personnel;
 - (2) Make recommendations to the Council for improvement in court services;
 - (3) With the approval of the presiding judge, appoint consultants and necessary clerical personnel to perform the duties assigned to the Council and the Director;
 - (4) Collect necessary statistics and prepare an annual report of the work of the courts;
 - (5) Promulgate in cooperation with the Department of Juvenile Justice or any successor department or agency standard procedures for coordinating state and local probation services throughout the state; and
 - (6) Perform such other duties as the presiding judge shall specify.

Comments

This provision is current O.C.G.A. § 15-11-19. It has been revised and restructured for clarity and consistency with the rest of the proposed model code. Subsection (b) adds the Department of Juvenile to the list of agencies from which the Council is authorized to inspect records. Information-sharing among agencies is an integral tool in the development of more comprehensive and integrated services for children. See Delinquency Guidelines, at 42. The addition of the Department of Juvenile Justice creates a more complete collaborative system and, together with the information obtained on independent courts, will create a more complete statistical picture.

15-11-210. Training seminars

- (a) The Council of Juvenile Court Judges, in conjunction with the Institute of Continuing Judicial Education of Georgia, shall establish seminars for all judges and associate juvenile court judges exercising juvenile court jurisdiction and may make provisions relative to those seminars by court rules properly adopted; provided, however, that judges shall receive credit for attending seminars outside of this state only in circumstances of hardship as determined by the Council of Juvenile Court Judges.
- (b) These seminars shall offer instruction and training in juvenile law and procedure, child development and psychology, sociological theories relative to delinquency and breakdown of the family structure, and such other training and activities as the council may determine would promote the quality of justice in the juvenile court system.
- (c) Expenses of administration of this seminar program and actual expenses incurred by the judges or associate juvenile court judges in attending these seminars shall be paid from state funds appropriated for the Council for that purpose, from federal funds available to the Council for that purpose, or from other appropriate sources. These expenses for judges and associate juvenile court judges shall not exceed the allowances allowed members of the General Assembly.
- (d) Each judge and associate juvenile court judge exercising juvenile jurisdiction shall participate in at least one seminar established or approved by the Council of Juvenile Court Judges each year and meet such rules as established by the Council pertaining to such training. Superior court judges may meet this requirement by attending seminars held in conjunction with the seminars for superior court judges provided by the Institute of Continuing Judicial Education of Georgia. Judges and associate juvenile court judges shall not exercise juvenile court jurisdiction unless the Council of Juvenile Court Judges certifies that annual training has been accomplished or unless the judge is in the first year of his or her initial appointment; provided, however, that the Council may in hardship cases extend deadlines for compliance with this Code section.

15-11-211. Associate juvenile court judges

- (a) The judge may appoint one or more persons to serve as associate juvenile court judge in juvenile matters on a full-time or part-time basis. The associate juvenile court judge shall serve at the pleasure of the judge, and his or her salary shall be fixed by the judge with the approval of the governing authority or governing authorities of the county or counties for which the associate juvenile court judge is appointed. The salary of each associate juvenile court judge shall be paid from county funds.
- (b) Each associate juvenile court judge shall have the same qualifications as required for a judge of the juvenile court as provided in Code section 15-11-202; provided, however, that any person serving as an associate juvenile court judge on July 1, 2009, shall be qualified for appointment thereafter to serve as an associate juvenile court judge.

15-11-212. Associate juvenile court traffic judges

- (a) The judge may appoint one or more persons to serve at the pleasure of the judge as associate juvenile court traffic judges on a full-time or part-time basis.
- (b) An associate juvenile court traffic judge shall be a member of the State Bar of Georgia.
- (c) The compensation of the associate juvenile court traffic judges shall be fixed by the judge with the approval of the governing authority of the county and shall be paid in equal monthly installments from county funds, unless otherwise provided by law.

Comments

O.C.G.A. § 15-11-22(b) was stricken to ensure consistency with the 2006 legislative repeal of the procedure allowing a rehearing with judges in the first instance.

15-11-213. Pro tempore juvenile court judges

- (a) In the event of the disqualification, illness, or absence of the judge of the juvenile court, the judge of the juvenile court may appoint any member of the State Bar of Georgia who is resident in the judicial circuit in which the court lies and has practiced law for five years, any judge or senior judge of the superior courts, or any duly appointed juvenile court judge to serve as judge pro tempore of the juvenile court. In the event the judge of the juvenile court is absent or unable to make such appointment, the judge of the superior court of that county may so appoint.
- (b) The person appointed shall have the authority to preside in the stead of the disqualified, ill, or absent judge and shall be paid from the county treasury such emolument as the appointing judge shall prescribe; provided, however, that the emolument shall not exceed the compensation received by the regular juvenile court judge for such services.

Comments

The revisions require a person appointed as judge pro tempore to have the same qualifications as a judge and associate juvenile court judge.

15-11-214. Clerks and other personnel

- (a) The judge of the juvenile court shall have the authority to appoint clerks and any other personnel necessary for the execution of the purposes of this chapter.
- (b) The salary, tenure, compensation, and all other conditions of employment of the employees shall be fixed by the judge, with the approval of the governing authority of the county. The salaries of the employees shall be paid out of county funds.
- (c) Any employee of the court may be removed for cause by the judge of the court, the reasons therefor to be assigned in writing.

Comments

The original language regarding local merit boards and competitive examinations by the court was stricken as outdated. The provision was otherwise revised for clarity and consistency with the rest of the proposed model code.

15-11-215. Training requirements for juvenile court clerks

- (a) Any person who is appointed as or is performing the duties of a clerk of the juvenile court shall satisfactorily complete 20 hours of training in the performance of the duties of a clerk of the juvenile court within the first 12 months following such appointment or the first performance of such duties.
- (b) In each year after the initial appointment, any person who is appointed as or is performing the duties of a clerk of the juvenile court shall satisfactorily complete in that year 12 hours of additional training in the performance of such person's duties as clerk.
- (c) This training shall be provided by the Institute of Continuing Judicial Education of Georgia. Upon satisfactory completion of such training, a certificate issued by the Institute shall be placed into the minutes of the juvenile court record in the county in which such person serves as a clerk of the juvenile court. All reasonable expenses of such training including, but not limited to, any tuition fixed by such institution shall be paid from county funds by the governing authority of the county for which the person serves as a clerk of the juvenile court, unless funding is provided from other sources.
- (d) A judge of the juvenile court shall appoint a clerk pro tempore for that court in order for the regular clerk to attend required training. Such clerk pro tempore shall not be required to meet the training requirements for performing the clerk's duties.
- (e) The provisions of this Code section shall not apply to clerks of juvenile courts who also act as clerks of superior courts and who already have mandatory training requirements in such capacity.

15-11-216. Appointment and salaries of probation and intake officers

- (a) The judge may appoint one or more probation and intake officers.
- (b) The salaries of the probation and intake officers shall be fixed by the judge with the approval of the governing authority of the county or counties for which they are appointed and shall be payable from county funds.

Comments

The powers and duties of probation officers are stated in P.M.C. § 15-11-217.

15-11-217. Duties of probation and intake officers

A probation and/or intake officer:

- (1) Shall make investigations, reports, and recommendations to the court as directed by this chapter;
- (2) May receive and examine complaints and charges of delinquency , deprivation or that a child is in need of services for the purpose of considering the commencement of proceedings under this chapter;
- (3) Shall supervise and assist a child placed on probation or under the protective supervision or care of such probation officer by order of the court or other authority of law;
- (4) Shall make appropriate referrals to other private or public agencies of the community if their assistance appears to be needed or desirable;
- (5) May take into custody and detain a child who is under the supervision or care of such probation officer if the probation officer has reasonable cause to believe that the child's health or safety or that of another is in imminent danger, or that the child may abscond or be removed from the jurisdiction of the court, or when so ordered by the court pursuant to this chapter. A probation officer may not conduct accusatory proceedings against a child who is or may be under such probation officer's care or supervision;
- (6) Shall perform all other functions designated by this chapter or by order of the court pursuant thereto. Any of the functions specified in this Code section may be performed in another state if authorized by the court located in this state and permitted by the laws of the other state; and
- (7) Other laws to the contrary notwithstanding, no county juvenile intake or probation officer or staff of the Department of Juvenile Justice serving as juvenile intake or probation officer shall be liable for the acts of a child not detained or taken into custody when, in the judgment of such officer, such detention or custody is not warranted.

15-11-218. Transfer of probation and intake services and employees to Department of Juvenile Justice

- (a) The intake and probation services of the juvenile court of each county may be transferred to and become a part of the state-wide juvenile and intake services and be fully funded through the Department of Juvenile Justice. The intake and probation employees of juvenile courts of those counties whose intake and probation services are transferred pursuant to this Code section shall become employees of the Department on the date of such transfer and on and after that date such employees shall be subject to the salary schedules and other personnel policies of the Department, except that the salaries of such employees shall not be reduced as a result of becoming employees of the Department.
- (b) The intake and probation services of the juvenile court of a county may be transferred to the Department by local Act of the General Assembly which approves such transfer.
- (c) Persons who were probation and intake employees of the juvenile court of a county on June 30, 1996, but who were transferred as probation and intake employees to and became a part of the state-wide juvenile and intake services system fully funded through the Department of Juvenile Justice before January 1, 1999, shall be covered employees in the classified service of the state merit system.

Comments

The definitions in the beginning of this provision have been moved to the definitions section of article 1 General Provisions.