

House Bill 439

By: Representatives Ballinger of the 23rd and Welch of the 110th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
2 relating to juvenile court administration, so as to provide that juvenile court judges shall be
3 elected by electors of the judicial circuit in which the judge is to serve; to provide for
4 full-time and part-time juvenile court judges; to repeal provisions relating to the appointment
5 of juvenile court judges; to provide for judicial circuits for juvenile courts; to provide for the
6 number of judges for each of the juvenile courts; to provide for elections of juvenile court
7 judges; to provide for appointment upon vacancy; to preserve current terms of office for
8 currently serving juvenile court judges; to revise the compensation of juvenile court judges;
9 to repeal provisions related to the appointment of associate juvenile courts judges, associate
10 juvenile court traffic judges, and pro tempore juvenile court judges; to provide for related
11 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Article 2 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
15 juvenile court administration, is amended by revising Code Section 15-11-50, relating to
16 creation of juvenile courts and appointment of judges, as follows:

17 "15-11-50.

18 (a)(1) There is created a juvenile court in every county in the state.

19 (2) The juvenile courts shall be divided into judicial circuits, the composition of which
20 shall be the same as provided for the superior courts in Code Section 15-6-1.

21 (3) The number and full-time or part-time classification of judges for each of the juvenile
22 courts composing a judicial circuit shall be equal to the number and classification of
23 judges of the juvenile court as has been provided for by law, including, but not limited
24 to, associate juvenile court judges appointed as provided for under Code Section
25 15-11-60 and superior court judges assuming the duties of juvenile court judges who shall

26 be considered, for purposes of this paragraph, to hold full-time juvenile court judgeships
 27 within each county composing a judicial circuit as reflected on June 30, 2019.

28 (b)(1) Each judge of the juvenile courts shall be elected by the electors of the judicial
 29 circuit in which such judge is to serve. Except where election is provided by local law,
 30 the judge or a majority of the judges of the superior court in each circuit in the state may
 31 appoint one or more qualified persons as judge of the juvenile courts of the circuit. Such
 32 superior court judge or judges shall establish the total number of circuit-wide juvenile
 33 court judges and shall establish whether the judge or judges shall be full time or part time,
 34 or a combination of full time and part time. Each circuit-wide judge appointed of the
 35 juvenile courts shall have the authority to act as judge of each juvenile court in each
 36 county of the circuit.

37 (2) Each judge of the juvenile courts shall be elected on a nonpartisan basis as provided
 38 by law and shall serve for a term of four years. Elections shall be held at the general
 39 election in the year in which the incumbent's term expires, and judges so elected shall
 40 take office on the first day of January following such election.

41 (3) In the event of a vacancy in the office of judge of the juvenile court for any reason
 42 except the expiration of the term of office, the Governor shall appoint a qualified person
 43 who shall serve as provided in Article VI, Section VII, Paragraphs III and IV of the
 44 Constitution.

45 (c) If no person is appointed as a juvenile court judge for a circuit, then a superior court
 46 judge of the circuit shall as part of the duties of the superior court judge assume the duties
 47 of the juvenile court judge in all counties in the circuit in which a separate juvenile court
 48 judgeship has not been established. Notwithstanding subsection (a) or (b) of this Code
 49 section or any other law:

50 (1) Any juvenile court judge in office on July 1, 2020, including, but not limited to, any
 51 associate juvenile court judge, shall be authorized to fulfill his or her term of office, if
 52 such term has been established, and the methods of compensation, selection, operation,
 53 and appointment powers of such juvenile court judge or associate juvenile court judge
 54 shall continue until such time as the expiration of his or her term of office; provided,
 55 however, that if his or her term of office expires prior to December 31 in the year in
 56 which such term expires, such term shall be deemed extended by law and shall expire on
 57 December 31 immediately following the general election in the year in which his or her
 58 term expires; and

59 (2) The juvenile court judgeships of superior court judges assuming the duties of juvenile
 60 court judges shall be deemed to expire on December 31, 2020.

61 (d) All juvenile court judgeships established on or before October 1, 2000, and their
 62 methods of compensation, selection, and operation shall continue until such time as one or

63 ~~more circuit-wide juvenile court judges are appointed. However, in any circuit where a~~
 64 ~~superior court judge assumes the duties of the juvenile court judge, such circuit shall not~~
 65 ~~be entitled to the state funds provided for in Code Section 15-11-52.~~

66 ~~(e) When one or more circuit-wide juvenile court judges are appointed or elected, any~~
 67 ~~juvenile court judge in office at that time shall be authorized to fulfill his or her term of~~
 68 ~~office. The jurisdiction of each judge shall be circuit wide.~~

69 ~~(f) After the initial appointments and prior to any subsequent appointment or~~
 70 ~~reappointment of any part-time or full-time juvenile court judge, the judge or judges~~
 71 ~~responsible for making the appointment shall publish notice of the vacancy of the juvenile~~
 72 ~~court judgeship once a month for three months prior to such appointment or reappointment.~~
 73 ~~Such notice shall be published in the official legal organ of each of the counties in the~~
 74 ~~circuit where the juvenile court judge has venue. The expense of such publication shall be~~
 75 ~~paid by the county governing authority in the county where such notice is published.~~

76 ~~(g) In the event that more~~ When more than one juvenile court judge is appointed elected
 77 in a judicial circuit, one such juvenile court judge shall be designated presiding judge by
 78 majority election of the juvenile court judges of such judicial circuit; provided, however,
 79 that when a judicial circuit has only two juvenile court judges, the juvenile court judge with
 80 the most time in service as a judge within this state shall be designated presiding judge;
 81 provided, further, that when both juvenile court judges have equal time periods of service,
 82 the presiding judge shall be as determined by the Council of Juvenile Court Judges.

83 ~~(h) In any case in which action under this Code section is to be taken by a superior court~~
 84 ~~judge of the circuit, such action shall be taken as follows:~~

85 ~~(1) Where there are one or two superior court judges, such action shall be taken by the~~
 86 ~~chief judge of the circuit; and~~

87 ~~(2) Where there are more than two superior court judges, such action shall be taken by~~
 88 ~~a majority vote of the judges of the circuit."~~

89 SECTION 2.

90 Such article is further amended by revising Code Section 15-11-51, relating to qualification
 91 of judges, as follows:

92 "15-11-51.

93 (a) No person shall be judge of the juvenile court unless, at the time of his or her
 94 ~~appointment~~ election, he or she has attained the age of 30 years, has been a citizen of this
 95 state for three years, is a member of the State Bar of Georgia, and has practiced law for five
 96 years.

97 (b) A juvenile court judge shall be eligible for ~~reappointment or reelection.~~"

SECTION 3.

98

99 Such article is further amended by revising Code Section 15-11-52, relating to terms and
100 compensation of judges, as follows:

101 "15-11-52.

102 (a) ~~Each appointed juvenile court judge shall serve for a term of four years.~~

103 ~~(b) The compensation of the full-time or part-time juvenile court judges shall be set by the~~
104 ~~superior court with the approval of the governing authority or governing authorities of the~~
105 ~~county or counties for which the juvenile court judge is appointed~~ elected but such
106 compensation shall not be less than \$115,000.00 annually. The compensation of the
107 part-time juvenile court judges shall be set by the governing authority or governing
108 authorities of the county or counties for which the juvenile court judge is elected but such
109 compensation shall not be less than \$115,000.00, pro rata for the number of days such
110 juvenile court judge works weekly.

111 ~~(c)~~(b) Out of funds appropriated to the judicial branch of government, the state shall
112 contribute toward the salary of the judges on a per circuit basis in the following amounts:

113 (1) Each circuit with one or more juvenile court judges who are not superior court judges
114 assuming the duties of juvenile court judges shall receive a state grant of \$100,000.00;

115 (2) In addition to the amount set forth in paragraph (1) of this subsection, each circuit
116 which has more than four superior court judges shall be eligible for additional state grants
117 in the amount of \$25,000.00 per superior court judgeship exceeding four judges in such
118 circuit; and

119 (3) In circuits where the superior court judges elect to use the state grant for one or more
120 part-time judges, the amount of the state grant shall be as follows; provided, however,
121 that such grant shall not exceed the amount the circuit is eligible to receive under
122 paragraphs (1) and (2) of this subsection:

123 (A) For each part-time judge who works one day
124 weekly \$20,000.00

125 (B) For each part-time judge who works two days
126 weekly 40,000.00

127 (C) For each part-time judge who works three
128 days weekly 60,000.00; and

129 (D) For each part-time judge who works four
130 days weekly 80,000.00; and

131 ~~(4)~~(c) All state grants provided by this subsection shall be spent solely on salaries for
132 juvenile court judges and shall not be used for any other purposes.

133 **SECTION 4.**

134 Such article is further amended by revising Code Section 15-11-54, relating to administration
135 and expenses of juvenile courts, as follows:

136 "15-11-54.

137 ~~(a) Each juvenile court shall be assigned and attached to the superior court of the county
138 for administrative purposes.~~

139 ~~(b)~~ The governing authority of the county of residence of each juvenile court judge shall
140 offer the juvenile court judge insurance benefits and any other benefits except retirement
141 or pension benefits equivalent to those offered to employees of the county, with a right to
142 contribution from other counties in the circuit for a pro rata contribution toward the costs
143 of such benefits, based on county population. Counties shall continue to provide
144 membership in retirement plans available to county employees for any juvenile court judge
145 in office before July 1, 1998, who did not become a member of the Georgia Judicial
146 Retirement System provided by Chapter 23 of Title 47.

147 ~~(c)~~(b) Except for state grants provided by Code Section 15-11-52, all expenditures of the
148 court are declared to be an expense of the court and payable out of the county treasury with
149 the approval of the governing authority or governing authorities of the county or counties
150 for which the juvenile court judge is ~~appointed~~ elected."

151 **SECTION 5.**

152 Such article is further amended by revising Code Section 15-11-56, relating to simultaneous
153 service by judges, as follows:

154 "15-11-56.

155 (a) No person who is serving as a full-time juvenile court judge shall at the same time hold
156 the office of judge of any other class of court of this state.

157 (b) No person serving as a juvenile court judge after being elected juvenile court judge
158 pursuant to a local law authorized by a constitutional amendment shall at the same time
159 hold the office of judge of any other class of court of this state.

160 (c) Nothing in this Code section shall prevent any duly ~~appointed~~ or elected juvenile court
161 judge from sitting by designation as a superior court judge pursuant to Code Section
162 15-1-9.1."

163 **SECTION 6.**

164 Such article is further amended by revising Code Section 15-11-57, relating to
165 commissioning of juvenile court judges and appointment of associate juvenile court judges,
166 as follows:

167 "15-11-57.

168 ~~(a) Whenever a juvenile court judge is appointed it shall be the duty of the clerk of the~~
 169 ~~superior court to forward to the Secretary of State and to the Council of Juvenile Court~~
 170 ~~Judges a certified copy of the order of appointment. The order of appointment shall set out~~
 171 ~~the name of the person appointed, the term of office, the effective date of the appointment,~~
 172 ~~the name of the person being succeeded, if any, and whether the office was vacated by~~
 173 ~~resignation, death, or otherwise. Upon receipt of such order, the Secretary of State shall~~
 174 ~~issue a commission as for superior court judges.~~

175 ~~(b) Whenever an associate juvenile court judge is appointed to serve in a juvenile court,~~
 176 ~~the clerk of the juvenile court shall forward a certified copy of the order of appointment to~~
 177 ~~the Council of Juvenile Court Judges Reserved.~~"

178 **SECTION 7.**

179 Such article is further amended by revising Code Section 15-11-59, relating to educational
 180 seminars, as follows:

181 "15-11-59.

182 (a) The Council of Juvenile Court Judges, in conjunction with the Institute of Continuing
 183 Judicial Education of Georgia, shall establish seminars for all judges ~~and associate juvenile~~
 184 ~~court judges exercising of the juvenile court jurisdiction~~ courts and may make provisions
 185 relative to such seminars by court rules properly adopted.

186 (b) Seminars shall offer instruction and training in juvenile law and procedure, child
 187 development and psychology, sociological theories relative to delinquency and breakdown
 188 of the family structure, and such other training and activities as the council may determine
 189 would promote the quality of justice in the juvenile court system.

190 (c) Expenses of administration of seminar programs and actual expenses incurred by the
 191 judges ~~or associate~~ of the juvenile court judges courts in attending such seminars shall be
 192 paid from state funds appropriated for the council for such purpose, from federal funds
 193 available to the council for such purpose, or from other sources. Judges ~~and associate~~ of
 194 the juvenile court judges courts shall receive the same expense and travel allowances which
 195 members of the General Assembly receive for attending meetings of legislative interim
 196 committees.

197 (d) Each judge ~~and associate~~ of the juvenile court judge exercising juvenile jurisdiction
 198 courts shall receive training appropriate to the role and participate in at least 12 hours of
 199 continuing legal education or continuing judicial education established or approved by the
 200 council each year and meet such rules as established by the council pertaining to such
 201 training. ~~Superior court judges may meet this requirement by attending seminars held in~~
 202 ~~conjunction with the seminars for superior court judges provided by the Institute of~~

203 ~~Continuing Judicial Education of Georgia.~~ Judges of the and associate juvenile court
 204 ~~judges courts~~ shall not exercise juvenile court jurisdiction unless the council certifies that
 205 annual training has been accomplished or unless the judge is in the first year of his or her
 206 initial ~~appointment~~ election; provided, however, that the council may in hardship cases
 207 extend deadlines for compliance with this Code section."

208 **SECTION 8.**

209 Such article is further amended by revising Code Section 15-11-60, relating to associate
 210 juvenile court judges and qualifications, as follows:

211 "15-11-60.

212 ~~(a) A judge may appoint one or more persons to serve as associate juvenile court judges~~
 213 ~~in juvenile matters on a full-time or part-time basis. The associate juvenile court judge~~
 214 ~~shall serve at the pleasure of the judge, and his or her salary shall be fixed by the judge~~
 215 ~~with the approval of the governing authority or governing authorities of the county or~~
 216 ~~counties for which the associate juvenile court judge is appointed. The salary of each~~
 217 ~~associate juvenile court judge shall be paid from county funds.~~

218 ~~(b) Each associate juvenile court judge shall have the same qualifications as required for~~
 219 ~~a judge of the juvenile court as provided in Code Section 15-11-51; provided, however, that~~
 220 ~~any person serving as an associate juvenile court judge on July 1, 2007, shall be qualified~~
 221 ~~for appointment thereafter to serve as an associate juvenile court judge Reserved.~~"

222 **SECTION 9.**

223 Such article is further amended by revising Code Section 15-11-61, relating to associate
 224 juvenile court traffic judges, as follows:

225 "15-11-61.

226 ~~(a) The judge may appoint one or more persons to serve at the pleasure of the judge as~~
 227 ~~associate juvenile court traffic judges on a full-time or part-time basis.~~

228 ~~(b) An associate juvenile court traffic judge shall be a member of the State Bar of Georgia.~~

229 ~~(c) The compensation of associate juvenile court traffic judges shall be fixed by the judge~~
 230 ~~with the approval of the governing authority of the county and shall be paid in equal~~
 231 ~~monthly installments from county funds, unless otherwise provided by law Reserved.~~"

232 **SECTION 10.**

233 Such article is further amended by revising Code Section 15-11-62, relating to pro tempore
 234 juvenile court judges, as follows:

235 "15-11-62.

236 ~~(a) In the event of the disqualification, illness, or absence of the judge of the juvenile~~
237 ~~court, the judge of the juvenile court may appoint any member of the State Bar of Georgia~~
238 ~~who is resident in the judicial circuit in which the court lies and has practiced law for five~~
239 ~~years, any judge or senior judge of the superior courts, any duly appointed juvenile court~~
240 ~~judge, or any duly appointed associate juvenile court judge to serve as judge pro tempore~~
241 ~~of the juvenile court. In the event the judge of the juvenile court is absent or unable to~~
242 ~~make such appointment, the judge of the superior court of that county may so appoint.~~

243 ~~(b) The person appointed shall have the authority to preside in the stead of the disqualified,~~
244 ~~ill, or absent judge and shall be paid from the county treasury such emolument as the~~
245 ~~appointing judge shall prescribe; provided, however, that the emolument shall not exceed~~
246 ~~the compensation received by the regular juvenile court judge for such services Reserved."~~

247 **SECTION 11.**

248 This Act shall become effective on July 1, 2020.

249 **SECTION 12.**

250 All laws and parts of laws in conflict with this Act are repealed.