

Senate Bill 131

By: Senators Tillery of the 19th, Stone of the 23rd, Mullis of the 53rd, Black of the 8th, Kirk of the 13th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the
2 Juvenile Code, so as to provide that adoption proceedings be stayed while an appeal of an
3 order to terminate parental rights is pending; to clarify the court's duties to a case while an
4 appeal is pending; to clarify provisions relating to the waiver of the right to counsel; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile
9 Code, is amended by revising Code Section 15-11-35, relating to appeals, as follows:

10 "15-11-35.

11 In all cases of final judgments of the juvenile court, appeals shall be taken to the Court of
12 Appeals or the Supreme Court in the same manner as appeals from the superior court.
13 However, no such judgment or order shall be superseded or modified except in the
14 discretion of the trial court; rather, the judgment or order of the court shall stand until
15 reversed or modified by the reviewing court. The appeal of an order granting a petition to
16 terminate parental rights shall stay an adoption proceeding related to the child who is the
17 subject of such order until such order becomes final by the conclusion of appellate
18 proceedings or the expiration of the time for seeking such review. Except for proceedings
19 in connection with an adoption, the court shall continue to conduct hearings and issue
20 orders in accordance with this chapter while an appeal in a case is pending."

21 **SECTION 2.**

22 Said chapter is further amended by revising subsection (g) of Code Section 15-11-103,
23 relating to the right to an attorney, as follows:

24 "(g) A party other than a child shall be informed of his or her right to an attorney prior to
25 any hearing. A party other than a child shall be given an opportunity to:

- 26 (1) Obtain and employ an attorney of such party's own choice;
- 27 (2) Obtain a court appointed attorney if the court determines that such party is an
- 28 indigent person; or
- 29 (3) Waive the right to an attorney, provided that such waiver is made knowingly,
- 30 voluntarily, and on the record."

31 **SECTION 3.**

32 Said chapter is further amended by revising subsection (b) of Code Section 15-11-511,

33 relating to arraignment, admissions at arraignment, and right to attorney, as follows:

34 "(b) The court may accept an admission at arraignment and may proceed immediately to

35 disposition if a child is represented by counsel at arraignment. If a child's liberty is not in

36 jeopardy, he or she may waive the right to counsel at arraignment, provided that such

37 waiver is made knowingly, voluntarily, and on the record. A child represented by counsel

38 or whose liberty is not in jeopardy may make a preliminary statement indicating whether

39 he or she plans to admit or deny the allegations of the complaint at the adjudication

40 hearing. The court shall not accept an admission from a child whose liberty is in jeopardy

41 and who is unrepresented by counsel."

42 **SECTION 4.**

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