

JUDICIAL COUNCIL OF GEORGIA

General Session

Friday, December 10, 2004

Crowne Plaza Ravinia Hotel

9:00 a.m.

Dunwoody A & B Ballroom



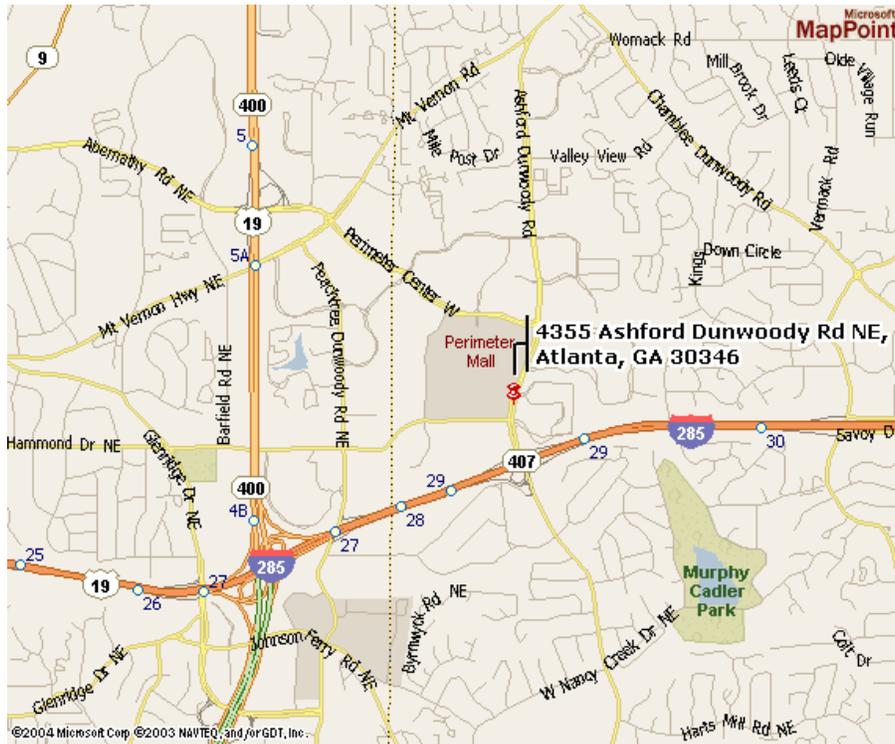
Luncheon

12 Noon

Dunwoody C Ballroom

*4355 Ashford Dunwoody Road
Atlanta, GA 30346*

Driving Directions to the Ravinia Crowne Plaza Hotel
4355 Ashford Dunwoody Road, N.E.
Atlanta, GA 30346
770-395-7700



FROM THE SOUTH

Traveling Northbound on I-75 or I-85 — Pass downtown Atlanta and exit at GA 400 North (Exit 87 Toll Road). Proceed onto I-285 Eastbound and take Exit 29 for Ashford-Dunwoody Road. At the top of the exit ramp turn left crossing over I-285. Hotel will be on your right.

FROM THE NORTH

Traveling Southbound on I-75 — Travel southbound on I-75 exiting onto I-285 Eastbound. Proceed to Ashford-Dunwoody Road (Exit 29). At the top of the exit ramp turn left crossing over I-285. Hotel will be on your right.

FROM THE NORTH

Traveling Southbound on I-85 — Travel southbound on I-85 exiting onto I-285 Westbound. Proceed to Ashford-Dunwoody Road (Exit 29). At the top of the exit ramp turn right. Hotel will be on your right.

JUDICIAL COUNCIL OF GEORGIA
Crowne Plaza Ravinia Hotel
Dunwoody A & B Ballroom
Atlanta, GA

Friday, December 10, 2004

9:00 a.m.

Continental Breakfast will be served beginning at 8:00 a.m.

1. **Introductions and Preliminary Remarks**
(Chief Justice Fletcher, Est. Time—5 Min.)

2. **Approval of August 20, 2004 Minutes** Tab 1
(Chief Justice Fletcher, Est. Time—3 Min.)

3. **Approval of ICJE Curricula for Calendar Year 2005** Tab 2
(Mr. Reaves, Est. Time—5 Min.)
 - A. Magistrate Courts Training Council
 - B. Municipal Courts Training Council

4. **Reports from Judicial Council Committees:**
 - A. Board of Court Reporting Tab 3
For Informational Purposes Only
No Action Required by the Council

 - B. Case-Count Committee
(Judge Bishop & Dr. Arnold, Est. Time—10 Min.)

 - C. Committee on Domestic Violence Tab 4
For Informational Purposes Only
No Action Required by the Council

 - D. Cross Jurisdictional Issues Study Committee Tab 5
(Justice Hines, Est. Time—5 Min.)

 - E. Court Fee Sub-Committee
(Judge Stone & Mr. Bray, Est. Time—5 Min.)

 - F. Drug Court Committee Report & Drug Court Standards Tab 6
(Judge Kreeger & Ms. Nesbit, Est. Time—5 Min.)

 - G. Georgia Courts Automation Commission Tab 7
(Judge Pape & Mr. Nolan, Est. Time—5 Min.)

H. Records Retention Committee
(Judge Whittemore & Dr. Arnold, Est. Time—10 Min.)

I. Standard Code and Statute Table Committee
(Judge Purdom & Mr. Harris, Est. Time 10 Min.)

5. **Legislative Tracking Presentation**
(Ms. Nesbit, Est. Time—10 Min.)

6. **AOC Information Technology Update**
(Mr. Harris, Est. Time—10 Min.)

***** **15 Minute Break** *****

7. **Judicial Council Standing Committee on Policy**
(Presiding Justice Sears, Est. Time—10 Min.)

8. **Budget Matters**
(Judge Salter & Mr. Harris, Est. Time—10 Min.)

- A. FY 2005 Judicial Branch Supplemental Request
- B. FY 2006 Judicial Branch General Appropriations Request

9. **Report from AOC Director**
(Mr. Ratley, Est. Time—10 Min.)

10. **Reports from Appellate Courts and Trial Court Councils**

- A. Supreme Court
(Chief Justice Fletcher, Est. Time—5 Min.)
- B. Court of Appeals
(Chief Judge J. D. Smith, Time—5 Min.)
- C. Council of Superior Court Judges
(Judge H. Gibbs Flanders, Est. Time—5 Min.)
- D. Council of State Court Judges
(Judge Edward E. Carriere, Jr., Est. Time—5 Min.)
- E. Council of Juvenile Court Judges
(Judge Robin Nash, Est. Time—5 Min.)
- F. Council of Probate Court Judges
(Judge Susan P. Tate, Est. Time—5 Min.)

G. Council of Magistrate Court Judges
(Judge Haynes Henton Townsend, Est. Time—5 Min.)

H. Council of Municipal Court Judges
(Judge John K. Edwards, Jr., Est. Time—5 Min.)

11. **Written Reports for Information Purposes from Various Agencies & Entities**

- A. Institute of Continuing Judicial Education Tab 9
- B. Georgia Office of Dispute Resolution Tab 10
- C. Georgia Child Fatality Review Panel Tab 11

12. **Old/New Business**

(Chief Justice Fletcher, Est. Time—15 Min.)

Date and Place of Next Regular Council Meeting

Date: Wednesday, June 8, 2005

Place: Marriott Savannah Riverfront

12. **Concluding Remarks and Adjournment**

(Chief Justice Fletcher, Est. Time 5 Min.)

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12 Noon—Lunch

Served in the Dunwoody C Ballroom

Judicial Council of Georgia

August 20, 2004

Wyndham Atlanta Hotel

Atlanta, Georgia

Members Present:

Chief Justice Norman S. Fletcher
Presiding Justice Leah Ward Sears
Chief Judge J. D. Smith
Judge Melinda Anderson
Judge Mike Bracewell
Judge Edward E. Carriere, Jr.
Judge A. Wallace Cato
Judge Daniel M. Coursey, Jr.
Judge William H. Craig
Judge Doris L. Downs
Judge H. Gibbs Flanders, Jr.
Judge Linda Warren Hunter
Judge James E. McDonald, Jr.
Judge Robin S. Nash
Judge George F. Nunn, Jr.
Judge John M. Ott
Judge F. Gates Peed
Judge John F. Salter, Sr.
Judge Hugh W. Stone
Judge Susan P. Tate
Judge Haynes Henton Townsend
Judge Phillip R. West
Judge Jon B. Wood

Members Absent:

Presiding Judge John H. Ruffin, Jr.

Staff Present:

Mr. David L. Ratley
Dr. Gregory W. Arnold
Ms. Billie Bolton
Mr. Jay Martin
Ms. Debra Nesbit
Ms. Marla S. Moore
Mr. Kevin Tolmich

Ms. Terry Cobb
Mr. Vince Harris
Ms. Ashley Stollar
Ms. Yolanda Lewis
Ms. Cynthia Clanton
Ms. Sharon Evans
Ms. Stephanie Chambliss
Mr. George Nolan
Mr. Randy Dennis

Guests Present:

Mr. Frank Abbott, Clerk of Court
Justice Robert Benham, Supreme Court of Georgia
Mr. Philip Boudewyns, Gwinnett County Court Administrator
Judge William Boyett, Conasauga Judicial Circuit
Judge Roger Bradley, Appalachian Judicial Circuit
Judge Leroy Burke, Municipal Courts
Mr. George Collins, Ninth District Court Administrator
Judge William M. Coolidge, Council of Municipal Court Judges
Mr. John Cowart, Second District Court Administrator
Ms. Judy Cramer, Fifth District Court Administrator
Mr. Danny DeLoach, First District Court Administrator
Judge John Edwards, Municipal Courts
Mr. Stephan Frank, Council of State Court Judges
Mr. Tom Gunnells, Tenth District Court Administrator
Ms. Sara Haskins, Georgia Public Defender Standards Council
Mr. Bill Hewitt, Clerk of Court
Justice Harris Hines, Supreme Court of Georgia
Judge Shephard Howell, Cherokee Judicial Circuit
Judge Dawson Jackson, Gwinnett Judicial Circuit
Mr. Eric John, Council of Juvenile Court Judges
Mr. Tom Lawler, Clerk of Court, Gwinnett Superior Court
Judge Arthur McLane, Southern Judicial Circuit
Mr. Jim Martin, Georgia Public Defender Standards Council
Mr. Nolan Martin, Eighth District Court Administrator
Mr. Tom Merriam, Council of Superior Court Judges
Ms. Sharon Moore, Board of Court Reporting
Judge Henry Newkirk, State Court of Fulton County
Ms. Jody Overcash, Seventh District Court Administrator
Judge Tim Pape, Juvenile Court of Floyd County
Ms. Molly J.M. Perry, Council of Superior Court Judges
Ms. Rachel Ramos, Fulton Daily Report
Mr. Richard Reaves, Institute of Continuing Judicial Education
Mr. Fred Roney, Sixth District Court Administrator
Judge Rucker Smith, Southwestern Judicial Circuit

Ms. Leila Taaffe, Office of Dispute Resolution
Justice Hugh Thompson, Supreme Court of Georgia
Ms. Sherie Welch, Clerk, Supreme Court of Georgia

Chief Justice Fletcher called the meeting to order at 9:05 a.m. He welcomed everyone to the meeting and expressed appreciation to the Council of Municipal Court Judges for sponsorship of the Thursday evening reception for Judicial Council members. He recognized new members taking their seats on the Council: Judges Anderson, Nunn, Ott, Stone, and Wood. He stated that Presiding Judge Ruffin is absent today due to personal business. Chief Justice Fletcher asked that the Council members introduce themselves followed by those seated in the audience.

Approval of Minutes

Turning to the minutes of the meeting held on June 16, 2004, Chief Justice Fletcher asked for any corrections or additions. He called attention to a typographical error on page 12 where, in the third paragraph, the word "need" should be "needed." Judge Flanders moved that the minutes be adopted as corrected. Judge Tate seconded. The motion carried.

Consideration of Judgeship Requests

Dr. Arnold noted that, prior to today's meeting and in response to inquiries from Council members, an explanatory memorandum providing a brief description of each data element of the judgeship study had been distributed. He asked if there were any further questions about the data elements or figures.

Dr. Arnold stated that on August 13, additional materials relevant to the judgeship study received at the AOC too late to be included in the agenda were also mailed to Council members. He called attention to Tab 2 where the policy concerning creation of judgeships, as devised and approved by the Judicial Council, is provided. Behind Tab 3 is a compilation of dates regarding creation of judgeships from 1989 to the present. The judgeship data for this year appears in the pages that follow. Dr. Arnold expressed his appreciation to the AOC Research staff for their diligent field work and data collection. He also gave credit to the district court administrators and the clerks of superior court for their assistance and cooperation.

Turning to the caseload charts, Dr. Arnold noted that data for circuits requesting new judgeships is highlighted in yellow. Using the Western Circuit as an example, he explained that their weighted caseload number required to demonstrate the need for a new judgeship would be 4.00, since the current number of superior court judges is three and must be exceeded by one whole number. A circuit whose number does not exceed the threshold may still gain Judicial Council approval for a new judgeship by a two-thirds majority vote of the Council, rather than a simple majority.

Judge Tate asked Dr. Arnold to explain how the weighted caseload formula tends to favor circuits with a larger number of judges over those with fewer. Dr. Arnold stated that a circuit having two judges must have a whole number of three to qualify; a circuit with ten judges needs at least an eleven. In the two-judge circuit each judge is doing the work of one judge plus one-half of the work of a third judge, who is not yet available. In the case of a ten judge circuit, each judge would be doing extra work amounting to one-

tenth of the work of the needed judge. Such a deficit in additional judge-time falls most heavily on circuits having fewer judges.

Dr. Arnold reviewed figures presented on the judgeship study charts including: criminal filings, civil filings, total circuit filings, and population. He noted that the 2003 population figures are projected figures based on the 2000 census data, as are the 2010 numbers. He also explained the summary chart which ranks the requesting circuits in terms of four critical factors, the sample ballots for approval and for ranking. Letters of support from local officials and legislators have been included for each requesting circuit.

A letter is included from Judge Downs to Mr. Ratley asking that the case weights be reconsidered in light of the operating procedures of special jurisdiction courts in the Atlanta Circuit. Chief Justice Fletcher asked Judge Downs if the Atlanta Circuit has withdrawn their current judgeship request. Judge Downs stated that they have, however, their concern regarding modification of the case weights still obtains.

Dr. Arnold noted that supporting documentation is included for the Alapaha, Appalachian, Cobb, Dublin, and Houston circuit requests and for the Southern Circuit request for a sixth judgeship. Additional letters of support for judgeships approved by the Council in August 2003 is also provided. After answering questions regarding ranking of carryover recommendations, Dr. Arnold asked that the ballots be distributed.

Chief Justice Fletcher asked for comments about the pending vote. Judge Cato stated that the presence of state courts in some counties should be factored into the ranking process. Since a state court is financed by the county, their presence means that local citizens are not relying solely on state funds to pay the costs of their judicial system. Judge Cato stated that ranking in terms of need should take into account the presence or

absence of state courts. He also stated that he sees drug courts as rehabilitative in nature and believes such services should be provided by the executive branch and funded by the legislature. In his view drug court procedures take a judge out of the judging business and compromise her or his objectivity and impartiality.

The Chief Justice noted the first ballot is for approval of requests made this year. He asked Judge J.D. Smith, Ms. Marla Moore, and Judge Mike Bracewell to assist with tallying the ballots.

Committee on Court Reporting Matters

Judge Boyett stated that the committee's written report is included in the agenda. There is no further report at this time.

Report of AOC Director

Mr. Ratley stated that he was particularly pleased that Judge Nunn has returned to the Judicial Council; they worked together extensively when Mr. Ratley was the Third District Court Administrator. He noted that while he believes the case count methodology currently in use is as good as any used elsewhere in the fifty states, the data can be inadequate from a statistical point of view. Mr. Ratley encouraged the Council to establish a standing committee to give further study to the work of therapeutic courts, the presence of state courts in circuits requesting judgeships, and other issues.

Turning to accomplishments of the AOC, Mr. Ratley noted that a budget briefing for council members was held recently in Americus. He acknowledged the work of Deputy Director Jay Martin in coordinating the two-day meeting and expressed appreciation for participation by agencies that are part of the Judicial Council budget. On August 11-13, the AOC Information Technology staff attended a two-day seminar at

Unicoi State Park. Guest speakers from the Washington State and Colorado AOCs made presentations on IT developments and case management systems. Mr. Ratley introduced Ms. Yolanda Lewis who is now a research analyst for the agency. Ms. Lewis was formerly employed by the Criminal Justice Coordinating Council.

Chief Judge Smith announced the results of the balloting: Appalachian (3rd), Cobb (10th), Dublin (3rd), and Southern Circuit (6th) requests for judgeships were approved. Houston (3rd) and Alapaha (3rd) requests were not approved.

Staff distributed ranking ballots to members of the Council. Dr. Arnold explained that the ranking ballot lists a total of thirteen judgeships: Alapaha, Atlanta and Houston circuits should now be crossed out. Six judgeships approved in 2003 {Cherokee (4th), Coweta (6th), Flint (3rd), Gwinnett (9th), Gwinnett (10th) and Southern (5th)} are on the ballot since these approvals carry-over in accordance with Judicial Council policy. The four requests that gained approval today also appear on the ranking ballot. Judges are asked to rank these ten requests from 1-10, with one being the most needed, etc.

Following a 20-minute break, ranking results were announced by Judge Smith as follows:

1. Southern (5th)
2. Gwinnett (9th)
3. Flint (3rd)
4. Cherokee (4th)
5. Appalachian (3rd)
6. Dublin (3rd)
7. Coweta (6th)
8. Cobb (10th)

9. Southern (6th)
10. Gwinnett (10th)

Budget Matters

Judge Salter, chair of the Judicial Council budget committee, welcomed Ms. Rachel Ramos of the Fulton Daily Report and Mr. Howard Melton of the Governor's staff who had just arrived at the meeting. He reported that the budget committee held its meeting in Americus following the budget briefing for Judicial Council members. He stated that the committee had approved both the supplemental and continuation budget requests at that time.

Details on the supplemental budget request are behind Tab 2 in the budget notebook handed out to members of the Council during the break. The request includes: Item 1. \$500,000 to purchase hardware and software for implementation of HB 1EX (court fee bill); Items 2. & 3. funds needed to meet final payroll for FY 05; Item 4. \$12,000 for services of a contract attorney; Item 5. funding for the new circuit public defender program.

The continuation budget, found Behind Tab 3, includes a 3% COLA increase for staff salaries and adds an additional 5% for operating costs. Enhancement requests for the '06 budget, in addition to the funds for the public defender system, are as follows: \$45,906 for an administrative assistant for the Court Services division; \$150,000 to increase salaries of juvenile court judges; \$395,000 for drug courts and \$38,000 for an administrative assistant for the child placement project.

Judge Salter expressed his appreciation to members of the budget committee: Judges Flanders, Peed, Carriere, Nash, Day and Tate. He asked if there were any questions on the budget requests for Mr. Harris.

Judge Peed asked whether the \$500,000 in the supplemental request, listed as a one-time request for equipment purchases, is shown as a continuation item in the '06 request. Mr. Harris stated that the funds are continued and will be used for additional equipment upgrades for data transmission to the Department of Motor Vehicles.

Judge Peed also inquired whether the \$12,000 requested in the supplement budget for contract attorney services had been extended for the twelve months covered by the '06 request. Mr. Harris stated that the funds for attorney services were continued and are needed to oversee contracts for circuit public defenders.

Judge Salter moved approval of the budgets as presented. Judge Nash seconded. The motion carried unanimously.

SSCIS Project

Judge Flanders reported that the AOC is now providing data from the Superior and State Court Information System on-line to judges through the Sidebar software program. This caseload information comes to the agency from the superior court clerks.

Judicial Emergency Task Force

Justice Thompson reported that, shortly after the September 11 attacks, the Judicial Council established a committee to formulate policies for appropriate emergency operations procedures for courts. The committee researched the law concerning inherent powers of courts and produced and distributed a resource guide/handbook to assist local courts in planning for emergencies. The committee also asked ICJE to include

emergency planning in its continuing education programs for judges. At present, with passage of enabling legislation authorizing courts to extend statutory time-limits in emergency situations, the committee feels that their mission has been accomplished.

Jury Composition Committee

Justice Thompson turned to the work of a committee exploring jury reform. As a result of the Georgia Jury Summit and recent appellate cases involving jury issues, he and others believe the time is appropriate to go forward with jury reform. A possibility, already implemented in other states, is to alter the forced-balance method of preparing the jury box, thereby making the pool of prospective jurors more inclusive.

Mr. Tom Munsterman of the National Center for State Courts is now under contract to assist jury reform efforts. Preliminary discussions with members of the General Assembly regarding jury issues took place during the 2004 legislative session. In addition, Dr. Doug Bachtel of the University of Georgia has contracted to implement the model reforms at selected test sites. Justice Thompson noted that the committee is seeking grants to fund its work. To date they have received \$37,000. A district court administrator will soon be appointed to serve on the committee.

Old/New Business

Chief Justice Fletcher stated that three Judicial Council committees authorized at the June meeting have now been named. Ms. Nesbit distributed a handout listing appointments to the Court Fees, Records Retention, and Standard Code and Statute Table committees. Judge Cato noted that after reviewing the Records Retention Committee membership, he believes the Council had specified that a clerk of superior or state court

member, as well as a practicing court reporter member, should be included. Chief Justice Fletcher stated that he would ask the staff to handle this.

Judge Downs moved for appointment of a standing committee to explore issues regarding judgeship study methodology and other judgeship matters. Judge Coursey seconded. After brief discussion concerning the need for a broad charge to this committee, Chief Justice Fletcher called for a vote on the motion. The motion carried unanimously.

Judge Flanders asked the Chief Justice if a committee on cross-jurisdictional issues would be appointed soon. The Chief Justice stated that it would.

Chief Justice Fletcher announced that the next meeting of the Judicial Council will be held on December 10, 2004, at Perimeter Center in Atlanta. He recognized the important contributions of Ms. Terry Cobb who handles all arrangements for Council meetings including: contracting with the facility, meal planning, and logistics.

The Chief Justice stated that a group photograph of Judicial Council members will be taken immediately after the meeting in the Apollo Room. Luncheon follows.

The meeting was adjourned.

JUDICIAL COUNCIL OF GEORGIA

Chief Justice Norman S. Fletcher
Chairperson
Supreme Court of Georgia
507 State Judicial Building
Atlanta, GA 30334
404-656-3477/FAX 657-4211

Presiding Justice Leah Ward Sears
Vice Chairperson
Supreme Court of Georgia
501 State Judicial Building
Atlanta, GA 30334
404-656-3474/FAX 657-6997

Judge Melinda Anderson
Magistrate Court of Liberty County
P. O. Box 912
Hinesville, GA 31310-0912
912-368-2063/FAX 876-2474

Judge Mike Bracewell
Probate Court of Morgan County
P. O. Box 857
Madison, GA 30650-0857
706-343-6500/FAX 343-6465

Judge Edward E. Carriere, Jr.
State Court of DeKalb County
DeKalb County Courthouse
556 N. McDonough St., Suite 3240
Decatur, GA 30030
404-687-7130/FAX 687-7156

Judge A. Wallace Cato
Superior Courts
South Georgia Judicial Circuit
P. O. Box 65
Bainbridge, GA 39818-0065
229-246-1111/FAX 246-5265

Judge Daniel M. Coursey, Jr.
Superior Court
Stone Mountain Judicial Circuit
900 DeKalb County Courthouse
556 N. McDonough Street
Decatur, GA 30030
404-371-4710/FAX 371-2993

Judge William H. Craig
Superior Court
Flint Judicial Circuit
Henry County Courthouse
1 Courthouse Square, 2nd Floor
McDonough, GA 30253-3293
770-954-2107/FAX 954-2083

Judge Doris L. Downs
Superior Court
Atlanta Judicial Circuit
T-7955 Justice Center Tower
185 Central Avenue, S. W.
Atlanta, GA 30303
404-730-4991/FAX 335-2828

Judge H. Gibbs Flanders, Jr.
Superior Courts
Dublin Judicial Circuit
P. O. Box 2100
Dublin, GA 31040-2100
478-272-0061/FAX 275-9180

Judge Linda Warren Hunter
Superior Court
Stone Mountain Judicial Circuit
505 DeKalb County Courthouse
556 N. McDonough Street
Decatur, GA 30030
404-371-2525/FAX 371-4754

Judge James E. McDonald, Jr.
Juvenile Court of the
Western Judicial Circuit
325 E. Washington Street, Room 115
Athens, GA 30601
706-613-3300/FAX 613-3306

Judge Robin S. Nash
Juvenile Court of the
Stone Mountain Judicial Circuit
3631 Camp Circle
Decatur, GA 30032
404-294-2753/FAX 294-2956

Judge George F. Nunn, Jr.
Superior Court
Houston Judicial Circuit
201 North Perry Parkway
Perry, GA 30169
478-218-4840/FAX 218-4845

Judge John M. Ott
Superior Courts
Alcovy Judicial Circuit
1132 Usher Street, N. W., Room 220
Covington, GA 30014
770-784-2080/FAX 784-2130

Judge F. Gates Peed
Superior Courts
Ogeechee Judicial Circuit
P. O. Box 967
Statesboro, GA 30459
912-764-6095/FAX 489-3148

Presiding Judge John H. Ruffin, Jr.
Court of Appeals of Georgia
334 State Judicial Building
Atlanta, GA 30334
404-656-3458/FAX 651-8139

Judge John F. Salter, Sr.
State Court of Dougherty County
P. O. Box 1827
Albany, GA 31702-1827
229-431-2152/FAX 431-3282

Chief Judge J. D. Smith
Court of Appeals of Georgia
334 State Judicial Building
Atlanta, GA 30334
404-656-3453/FAX 651-8139

Judge Hugh W. Stone
Superior Courts
Enotah Judicial Circuit
114 Courthouse Street, Box 2
Blairsville, GA 30512
706-439-6100/FAX 439-6099

Judge Susan P. Tate
Probate Court of Clarke County
325 East Washington Street, Room 215
Athens, GA 30601
706-613-3320/FAX 613-3323

Judge Haynes Henton Townsend
Magistrate Court of Whitfield County
210 N. Thornton Avenue
P. O. Box 386
Dalton, GA 30720-4272
706-278-5052/FAX 278-8810

Judge Phillip R. West
Superior Courts
Oconee Judicial Circuit
P. O. Box 1058
Eastman, GA 31023-1058
478-374-7731/FAX 374-0344

Judge Jon B. Wood
Superior Courts
Lookout Mountain Judicial Circuit
P. O. Box 1185
LaFayette, GA 30728-1185
706-638-1650/FAX 638-1654

Judicial Council of Georgia

Crown Plaza Ravinia

Atlanta, GA

December 10, 2004

MEMBERS KNOWN TO BE LEAVING THE COUNCIL PRIOR TO JUNE 9, 2005

1. Judge J. D. Smith, Court of Appeals of Georgia
2. Judge H. Gibbs Flanders, Jr., Superior Courts, Dublin Judicial Circuit
3. Judge Robin S. Nash, Juvenile Court of the Stone Mountain Judicial Circuit
4. Judge Susan P. Tate, Probate Court of Clarke County



Judicial Council of Georgia
Administrative Office of the Courts

David L. Ratley
Director

November 29, 2004

MEMORANDUM

TO: Each Member of the Judicial Council

FROM: David L. Ratley 

RE: **Approval of Proposed Curricula for Certification Programs Submitted by the Georgia Magistrate Courts Training Council and the Georgia Municipal Courts Training Council**

The Judicial Council is required under O.C.G.A. §§15-10-131(3) and 36-32-21 (5) to approve the curricula of the magistrate and municipal courts training councils. Curricula for both have been approved by their respective training councils and are enclosed for your review and approval.

Mr. Richard D. Reaves, Executive Director of the Institute of Continuing Judicial Education, will be in attendance at the Council meeting and will answer any questions you may have. Copies of the pertinent code sections have also been enclosed.

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Magistrate Court Calendar of Courses 2005

COURSE	CAPACITY			DATE	VENUE
CERTIFICATION (New, Non-Attorney Magistrates)					
	Mag.	Other	Total		
40-Hour BASIC, Criminal Law	50		50	Feb. 6-11	Georgia Center, Athens
40-Hour BASIC, Civil Law	50		50	Sept. 11-16	Georgia Center, Athens
RE-CERTIFICATION					
6-Hour Mentor Orientation	15		15	Feb. 22	Georgia Center, Athens
20-Hour Law and Literature (CCC)*	20	20	40	March 1-2	Georgia Center, Athens
20-Hour Staff Development Refresher	15	5	20	April 13-15	Georgia Center, Athens
12-Hour Judicial Leadership (CCC)* T**	10	40	50	April (TBA)	Georgia Center, Athens
20-Hour Chief Magistrates	50		50	May 4-6	Atl. Marriott Gwinnett
20-Hour Office Software Applications	25	5	20	June 15-17	Georgia Center, Athens
12-Hour Domestic Violence (CCC)	10	40	50	July (TBA)	TBA
14-Hour Clerks & Secretaries	125	5	125	August 10-12	Brasstown Valley
12-Hour Pharmacology of Drugs (CCC)	20	20	40	October TBA	UGA Campus
20-Hour Survey Recertification	200		200	Oct. 5-7	Savannah Riverfront Marriott
20-Hour Access and Mobility Issues (CCC)	20	40	60	Nov 2-4	Wyndham, Peach Tree
20-Hour Constitutional Criminal Procedures	60	5	65	Nov 16-18	R. at Lake Blackshear
276 Hours of Classroom Instruction al Time					
TOTAL RE-CERTIFICATION SEATS	570	180	750		
TRAINING COUNCIL MEETINGS					
5-Hr. Quarterly Council Meeting				Jan.	
5-Hr. Quarterly Council Meeting				April	
5-Hr. Quarterly Council Meeting				June	
5-Hr. Quarterly Council Meeting				Oct.5-7	Savannah Riverfront Marriott

* Cross Class of Court

** Tentative

Municipal Court Judges' Courses for 2005

Course	2005	Location
Basic Certification	February 9-11	Georgia Center
Recertification Course	February 10-11	Georgia Center
Law & Literature	March 1-2	Georgia Center
Traffic Violations, Ages 17-21	March 24-25	Georgia Center
Survey Update	June 22-24	Savannah Marriott
Basic Certification	September 14-16	Georgia Center
Recertification Course	September 15-16	Georgia Center
Judicial Use of Computers	September 15-16	Georgia Center
Traffic Violations, Ages 17-21	September 29-30	Georgia Center
Pharmacology of Drugs	TBA	TBA



Judicial Council of Georgia
Board of Court Reporting

David L. Ratley
Director, AOC

Sharon Reiss
Program Manger

To: Chief Justice Norman S. Fletcher
Each Member of the Judicial Council

From: Board of Court Reporting, Sharon Reiss, Program Manager

Date: November 17, 2004

Re: Report from Board Staff authorized by the Judicial Council Court Reporting
Matters Committee

The members of the Committee on Court Reporting Matters, Judge Herbert E. Phipps, Chief Judge William "Hal" Craig, Judge John F. Salter, Sr. and Judge William Boyett reviewed two issues on behalf of the full council membership:

First, the Board voted to revise Article 4 for the license fee. The rule change will not specify the fee only that the Board will set the fee. The Board plans to evaluate the renewal fee on a yearly basis, as is allowed by O.C.G.A §15-41-31, which states that the Board has the authority to set the license fee.

Secondly, under the fee schedule, the Board voted to increase the rate paid for copy of exhibit fee from 35 cents to 50 cents. There have been no changes to the exhibit fee since 1993.

The Committee approves these changes to the rules and regulations and fee schedule.

Attachments



Judicial Council of Georgia
Board of Court Reporting

David L. Ratley
Director, AOC

Sharon Reiss
Program Manger

To: Judicial Council Court Reporting Matters Committee
Judge William T. Boyett, Chair
Chief Judge William Craig
Judge Herbert E. Phipps
Judge John F. Salter, Sr.

From: Clay Richardson, Project Administrator, Board of Court Reporting

Date: October 13, 2004

Re: Revisions to Board Rules & Regulations
1. Copy of exhibit fee
2. License renewal changes, Article 4

The Board of Court Reporting has approved revisions to its rules and regulations. I have attached a copy of the sections affected by these changes. The Board respectfully requests a favorable review of the revisions.

The Board voted to change the rate paid for copy of exhibit fee to 50 cents from 35 cents under the fee schedule. There have been no changes to the copy of exhibit fee since 1993. For your convenience, I have enclosed a copy with the proposed changes.

The Board also voted to revise Article 4 by deleting the specific amount for the license fee, so that the rule change does not specifically state the fee only that the Board will set the fee. The Board plans to evaluate the renewal fee on a yearly basis, as is allowed by O.C.G.A §15-41-31.

Proposed Changes to Board Rules:

Under the Court Reporters' Fee Schedule

2. C. The rate to be paid the court reporter for each exhibit page shall be ~~\$0.35~~ \$0.50 per page per transcript original or copy. In a special exhibit reproduction request where the reproduction cost exceeds \$0.50 per page, the actual reproduction cost may be charged and this shall only apply in cases where the court reporter has the capability and is willing to provide such service.

Article 4. Application for Certification

A. Procedure for Filing after Testing

Application for certification is not made until after notification of passing both the written and dictation portions of the test. Statements made and information given on the application shall be under oath. Applications for certification must be received within 45 days after notification of having passed the test. A ~~\$55.00~~ certification fee and a fee to cover the cost of the court reporting seal must be included. The certification fee will be set by the Board. Any applicant failing to comply with this deadline will be required to take the dictation portion of the test again in order to be certified.

Upon receipt of the application and fees, a numbered certificate will be issued. A reporter possessing either an "A" or "B" (pre-2003) or a number-only designation will be a properly certified court reporter under the 1974 Act.

B. Procedure for Filing with National or State Certificate

3. Procedure: The Application for Court Reporter Certification (National or State Accreditation) shall be filed with the Board of Court Reporting (See Appendix D). A ~~\$55.00~~ certification fee (~~\$27.50 after August 1st~~) and a fee to cover the cost of the court reporting seal must be included. The certification fee will be set by the Board. The statements made and information given shall be under oath. Upon verification of the information given, and within 40 days of receipt of the application, a numbered certificate and identification card will be issued as described below.

C. Right to Review

The Board of Court Reporting reserves the right to review any Application for Certification, and may refuse to certify any applicant for good cause shown.

D. Reporting Method Indicated on Certificate

The certificate will specify the method of takedown used to pass the test, including whether an electronic recording device as a backup system was used (pre-1991 rules). The court reporter shall use this certified method. Any court reporter certified without a backup may choose to use a backup system in performance of daily duties. A reporter may be certified in more than one method of takedown by successfully passing the exam using

Judicial Council of Georgia
Administrative Office of the Courts

David L. Ratley
Director

Memorandum

TO: Each Member of the Judicial Council

FROM: Cynthia Hinrichs Clanton
General Counsel

RE: Legal Assistance to Victims of Domestic Violence

DATE: October 14, 2004

I am please to report that the Georgia General Assembly appropriated \$2,145,000 for legal services to domestic violence for FY 2005. These state funds were awarded to six nonprofit agencies during the June 25, 2004 meeting of the Judicial Council Domestic Violence Committee.

Lisa Durden, Programs & Contracts Accountability Manager for the AOC, has taken an active role in conducting site visits to the agencies. We appreciate all that she has done for us.

The report of the Judicial Council Chairperson, the Honorable William T. Boyett, is attached.

Judge Boyett plans to attend the Judicial Council meeting and will be available for questions about this grant. I will also be available to answer questions.

Attachments

Judicial Council Committee on Domestic Violence
Report to the Judicial Council of Georgia
June 16, 2004

The Georgia General Assembly appropriated to the Judicial Council of Georgia \$2.2 million for fiscal year 2004. This money was managed by the Administrative Office of the Courts of Georgia and disbursed to non-profit agencies that provide victims of domestic violence with civil legal services.

The Domestic Violence Committee of the Judicial Council of Georgia reviewed applications for grant funds from around the state in a competitive process. Grant recipients were required to be non-profit agencies with at least two years of experience in providing civil legal services to victims. Funds were awarded to the agencies for legal services in the areas of child custody, contested temporary protective orders, family support, housing and employment. Assistance was also provided for victims who experienced problems with access to education and healthcare. Services eligible for state funds did not include divorce, juvenile delinquency, or obtaining an initial temporary protective order.

In September of 2003, the Domestic Violence Committee awarded \$1,584,000 to four non-profit agencies located in Georgia. These agencies had a statewide focus on assisting family violence victims. The agencies receiving grant funds under the current fiscal year disbursement were:

- *Amity House* \$ 7,500
- *Atlanta Legal Aid Society* \$ 449,504
- *Georgia Mountain Women's Center d/b/a Circle of Hope* \$ 44,448
- *Georgia Legal Services Program* \$1,082,548

In January of 2004, the Domestic Violence Committee awarded \$475,200 (\$528,000 before the 2% State Budget cut) to six non-profit agencies located in Georgia. These agencies assisted family violence victims in special need areas or populations, like homeless victims. The agencies receiving grant funds under the current fiscal year disbursement were:

- *Cherokee Family Violence Center* \$ 6,652.80
- *Circle of Hope* \$ 49,420.80
- *Gateway House* \$ 45,144.00
- *Georgia Law Center for the Homeless* \$ 31,363.20
- *Georgia Legal Services* \$338,342.40
- *Halcyon Homes, Inc.* \$ 4,276.80

The Georgia General Assembly recently appropriated \$2,145,000 to the Judicial Council for FY 2005. The application deadline for grants was May 21, 2004 and \$2,059,200 was available to fund agencies that proposed direct legal service programs for victims throughout Georgia (\$2,145,000 minus a 4% administrative fee). The Committee meeting to award these grant funds is scheduled for June 25.

In anticipation of the appropriation, the Committee adopted revised grant guidelines. The new guidelines simplified the grant process for applicants and allowed for improved administration and monitoring of the grant funds. The new guidelines are attached for your information.

The Domestic Violence Committee is committed to ensuring that the FY 2005 state funds are awarded appropriately and the recipient agencies are accountable for the funds. The Committee members are:

Judge William T. Boyett, Chairperson
Judge Anne E. Barnes
Judge William P. Bartles
Dr. Louise Bill
Rebecca Bukant
Judge Melodie Clayton
Judge Divida Gude
Judge Cliff Jolliff
Linda A. Klein
Judge Edward D. Lukemire
Nolan Martin
Judge J. Carlisle Overstreet
Judge Barrett Whittemore

Respectfully submitted,

The Honorable William T. Boyett
Chairperson

**JUDICIAL COUNCIL
CROSS JURISDICTIONAL ISSUES STUDY COMMITTEE
December, 2004 Report**

This study committee was formed with the understanding and acknowledgement that with the various divisions and classes of courts, friction sometimes occurs when the courts need to interface with each other. In other situations, the various courts are involved with issues that cut across jurisdictional lines. With this committee, chaired by Supreme Court Justice P. Harris Hines, the goal is to have all classes of courts interface with each other in a collaborative manner, specifically on issues working with children, families and the courts. The committee members, in this forum, can see the needs and desires of each class of courts to help the children, youth and families that may come before them. Thus, the intent is that through this committee, formal recommendations can be made to the full Judicial Council on these cross jurisdictional issues.

The first study committee meeting was held on October 1, 2004. The purpose of the committee materialized as each representative from the various classes of courts articulated particular cross-jurisdictional issues each were facing. For example, Judge Peggy Walker, Juvenile Court Judge, Douglas Judicial Circuit, said she had queried the various juvenile court judges on what each believed were cross jurisdictional issues. The most common responses were the issues of child support, legitimation and guardianship. Judge Walker is to present material at the next study committee on whether the juvenile court judges are recommending needed legislation, particularly relating to child support. Currently, through legislation which was enacted in 2003, juvenile courts have concurrent jurisdiction with superior courts to order temporary child support. Conflicts ensued as to what is considered "temporary" and whether superior courts are able to incorporate the juvenile court's order. Discussion also took place regarding which division of courts, probate or juvenile court, should hear guardianship cases. That issue is to be discussed again, with some possible resolutions put forth, at the next study committee at the end of November. Other issues discussed by the various court representatives include the status of guardian ad litem training, and for which courts this will be needed. Currently, plans are in motion to convene regional training for Superior Court and Juvenile Court guardian ad litem. However, Judge Susan Tate, Probate Court Judge, Athens-Clarke County, said that probate court judges would like to see training conducted for guardian ad litem serving probate court.

Within this forum, Jane Martin, Administrative Office of the Courts' Assistant Director for Grants and Performance Outcomes, reported on pending grants that have a multi-jurisdictional basis. She has been working on the Laurens Family Justice Center grant, which is a collaborative effort involving juvenile court there. In this plan, the juvenile court has been removed from the courthouse, and moved to a donated building where other agencies, such as mental health and public health will provide services. Judge William Tribble, Sr., Juvenile Court, Dublin Judicial Circuit, who attended the meeting as a representative of the juvenile courts, described how within this center, services for families will be located in one place. Judge Tribble said his work at the center will take place during non-traditional hours, and will deal with the entire families.

As part of this program, there needs to be special emphasis on ages 0-6 years. Michelle Barclay, Child Placement Program Manager, announced that some of the juvenile courts are working on a 0-3 'fast track' formula, in which these young children are put on a special calendar and families are provided intense parenting services. With these intensive services and faster calendar, the courts can make a decision quicker whether these parents can be reformed or quickly terminate parental rights so that the child can be adopted.

During the October meeting, recommendations were to invite "Municipal Courts" to attend the next study committee, as well as inviting a representative from the Department of Juvenile Justice. Those in attendance and the courts each represented at the October meeting were as follows: Judge Peggy Walker, Juvenile Court, Douglas Judicial Circuit; Judge Edward Carriere, Jr., State Court, DeKalb County; Judge Haynes Townsend, Magistrate Court, Whitfield County; Judge Anne Workman, Superior Court, Stone Mountain Judicial Circuit; Brenda Woodard, Chief Legal Counsel, Department of Human Resources; Judge William Tribble, Sr., Juvenile Court, Dublin Judicial Circuit; and Judge Susan Tate, Probate Court, Athens-Clarke County. Committee Members Judge Neil Dickert and Vivian Eagan were unable to attend. Eric John, Executive Director, Council of Juvenile Court Judges, an invited guest of the Committee, attended, as well as staff members: Debra Nesbit, Associate Director for Legislative and Governmental Affairs, Administrative Office of the Courts; Michelle Barclay, Child Placement Project Manager, Administrative Office of the Courts; Marla Moore, Associate Director for Court Services, Administrative Office of the Courts; Jane Martin, Assistant Director for Grants and Performance Outcomes, Administrative Office of the Courts; and Jill Radwin, Child Support Judicial Liaison, Administrative Office of the Courts.

The next study committee meeting is set for November 30, 2004, in which the committee will discuss child support in juvenile court; legitimation issues in both superior and juvenile courts; status of the guardian ad litem training; mental health courts; and pending grants.

JUDICIAL COUNCIL OF GEORGIA

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Memorandum

TO: Judicial Council Members
FROM: Judge Kreeger
RE: Drug Court Committee Report
DATE: December 10, 2004

Distribution of State Funds

The Standing Committee on Drug Courts received \$105,000 in State funds. On October 8, 2004, based on a three requests for funds, the money was distributed to three different courts and the Drug Court Conference. The following is the distribution of funds:

<u>Conasauga Judicial Circuit Drug Court</u>	\$30,000
A cash match for a grant they have received.	
<u>Towaliga Judicial Circuit Drug Court</u>	\$10,630
A cash match for a grant they have received.	
<u>Atlanta Judicial Circuit Drug Court</u>	\$54,370
Funding to help with some of their participants' issues; particularly housing for the homeless.	
<u>Drug Court Conference</u>	\$10,000
Funding to help off-set the cost of the conference to be held in May, 2005.	

Reporting Procedure Developed

Reporting forms for grants/funds distributed by the Committee were developed and approved at the November 19, 2004, meeting. Budget categories for personnel, travel, equipment, supplies, printing and other will be reported on a quarterly basis by those that receive funds from the Committee.

Drug Court Standards

The Committee reviewed the Drug Court Standards set in place by the Superior Court. With minor adjustments to cover all types of Drug Courts in the state of Georgia, the Committee recommends the standards to the full Judicial Council for adoption.

Drug Court Conference

The Committee voted to have a Drug Court Conference in May, 2005. The AOC has appropriated \$10,000 toward the Conference along with the \$10,000 the Committee appropriated. The conference will be held in the Atlanta area. Among others, Legislators, District Attorneys, Solicitors, Judges, and, of course, all staff from the Drug Courts will be invited to participate. The Committee is working with Rich Reeves to ensure Continuing Judicial Education credit for the judges that participate in the breakout sessions.

Sub-Committees

Sub-committees were created at the October 8, 2004, meeting, and members were assigned sub-committees at the November 19, 2004, meeting. The sub-committees are as follows:

Program Development – Encourage courts in every Judicial District to implement a drug court program.

Members: Judge Lawrence, Judge Matthews, Jody Overcash

Funding and Resource – Develop a strategy and methods for development of budget request for State funding.

Members: Judge Girardeau, Cathy McCumber

Legislation – Draft enabling legislation. Identify potential opposition and develop a strategy to build legislative support.

Members: Judge Williams, Judge Little, Nolan Martin

Public Relations/Communication – Provide planning and input to a periodic newsletter. Develop a Speaker's Bureau to be available to speak to public, schools, clubs, organizations and policy makers to promote the drug court movement.

Members: Judge Downs, Daniel DeLoach

Grants – Review all funding requests for state funds for drug courts and make recommendations to full committee regarding grants.

Members: Judge Bass, Daniel DeLoach, Cathy McCumber

Conference (added at the November 19 meeting) – Plan, develop and execute the Drug Court Conference to be held in May, 2005.

Members: Judge Girardeau, Cathy McCumber, Jody Overcash

**JUDICIAL COUNCIL OF GEORGIA
COMMITTEE ON DRUG COURTS**

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George H. Kreeger
Chair

Judicial Council of Georgia

Standing Committee on Drug Courts

Reply to:
Debra Nesbit
*Legislative and
Governmental Affairs*

November 22, 2004

MEMORANDUM

To: Members of the Judicial Council

From: George Kreeger, Chair
Judicial Council Standing Committee on Drug Courts

RE: Drug Court Standards

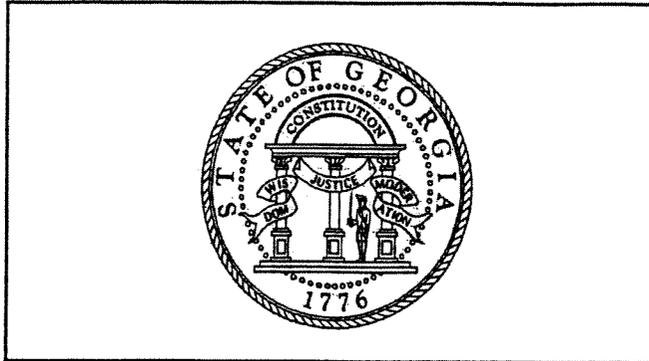
Attached for your review and approval are draft drug court standards developed and adopted by The Council of Superior Court Judges, Drug Court Committee.

The Standing Committee on Drug Courts has reviewed these standards and voted to recommend them to the full Judicial Council for adoption. An electronic copy was not available at the time of this mailing; therefore one change made by the committee is not reflected in the enclosed standards. Juvenile Court Judge Thomas J. Matthews requested that the phrase "Criminal Justice System" be amended throughout the document to read Juvenile and Criminal Justice Systems.

If you have questions or comments regarding the enclosed standards please feel free to contact me at 770-528-1837 or Debra Nesbit, AOC Staff to the Committee, at 404 651-7616 or nesbitd@gaaoc.us.

Your approval of the enclosed standards will be greatly appreciated and will assist in ensuring that the drug courts in this state are effective and efficient in their operation.

CC: Chief Justice Norman Fletcher
David Ratley
Debra Nesbit



GEORGIA

DRUG COURT

STANDARDS

Preface

Purpose

The Standards, or Key Components, were produced by a diverse group of drug court practitioners and other experts from across the country, brought together by the National Association of Drug Court Professionals. The committee included representatives from courts, prosecution, public defense, treatment, pretrial services, case management, probation, court administration, and academia and others with drug court experience. These Key Components, with some minor modifications, have been adopted by the Council of Superior Court Judges as the Standards for Georgia's Drug Courts.

It is intended for the benchmarks presented here to be inspirational, describing the very best practices, designs, and operations of drug courts for adults with alcohol and other drug problems. The committee acknowledges that local resources, political, and operational issues will not permit every local adult drug court to adopt all aspects of the guidelines.

The benchmarks offered here are not intended as a certification or regulatory checklist because drug courts in Georgia are still too new to codify policies, procedures, and operations. Because drug courts are evolving, we will benefit most from general, practical guidance on how to get established, what to consider, whom to include, and how to proceed. The benchmarks are meant to serve as a practical, yet flexible framework for developing effective drug courts in vastly different jurisdictions and to provide a structure for conducting research and evaluation for program accountability.

How to Use This Document

This document is organized around 10 key components, which describe the basic elements that define drug courts. The purpose of each key component is explained, followed by several performance benchmarks that give guidance for implementing each key component.

Introduction

Insanity is doing the same thing over and over again and expecting different results.

Anonymous

Background

For several decades, drug use has shaped the criminal justice system. Drug and drug-related offenses are the most common crime in nearly every community.¹ Drug offenders move through the criminal justice system in a predictable pattern: arrest, prosecution, conviction, incarceration, release. In a few days, weeks, or months, the same person may be picked up on a new charge and the process begins again.

The segment of society using drugs between 1950 and 1970 expanded with the crack cocaine epidemic of the mid-1980's, and the number of drug arrests skyrocketed.² Early efforts to stem the tide only complicated the situation. Initial legislation redefined criminal codes and escalated penalties for drug possession and sales. These actions did little to curtail the illicit use of drugs and alcohol. As law enforcers redoubled their efforts, America's prisons were filled,³ compromising Federal and State correction systems' abilities to house violent and career felons.⁴ Some States scrambled to "build out" of the problem, spending hundreds of millions of dollars on new prisons, only to find that they could not afford to operate or maintain them.⁵

Other jurisdictions, encouraged and supported by the Federal Government, developed Expedited Drug Case Management systems and were the first to adopt the term "drug court." These early efforts sped up drug case processing by reducing the time between arrest and conviction. Existing resources were used more efficiently, and serious drug trafficking cases were processed

¹Drug Strategies, Keeping Score 1996: What are we getting for our federal drug control dollars. pp. 9-10, Washington D.C.: Drug Strategies, 1996.

²Drugs, Crime and the Criminal Justice System: A National Report. (NCJ133652), Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 1992. pp. 26, 61.

³Drugs and Crime Facts 1994. (NCJ154053). Washington D.C.: U.S. Department of Justice Statistics, 1995.

⁴National Drug Control Strategy: Reclaiming Our Communities From Drugs and Violence. Washington, D.C.: The White House, February, 1994. Currie, E. Reckoning. New York: Hill & Wang, 1995, p. 15.

⁵National Directory of Corrections Construction, 1993 Supplement. (NCJ142525). Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice and the Bureau of Justice Assistance, July, 1993. Currie, p. 151.

more rapidly. However, these efforts did little to address the problems of habitual drug use and simply sped up the revolving door from court to jails and prisons and back again.

As offenders flooded the criminal justice system, many were not identified as having problems with alcohol and other drugs or were released to the community without referral to treatment. When they were identified, attempts by judges to refer them to treatment often yielded meager gains, either because the few alcohol and other drug (AOD) abuse treatment programs were full and waiting lists were long or because cooperative working relationships between criminal justice agencies and AOD treatment providers were inadequate or nonexistent. In addition, the majority of drug abusers ordered by judges to participate in treatment did not remain involved in the process long enough to develop behaviors and skills for long-term abstinence.

The traditional adversarial system of justice, designed to resolve legal disputes, is ineffective at addressing AOD abuse. Moreover, many features of the court system actually contribute to AOD abuse instead of curbing it: Traditional defense counsel functions and court procedures often reinforce the offender's denial of an AOD problem. The offender may not be assessed for AOD use until months after arrest, if at all. Moreover, the criminal justice system is often an unwitting enabler of continuing drug use because few immediate consequences for continued AOD use are imposed. When referrals to treatment are made, they can occur months or years after the offense and there is little or no inducement to complete the program.

In response, a few innovative jurisdictions began to reexamine the relationship between criminal justice processing and AOD treatment services. Several commonsense improvements sprang up spontaneously throughout the Nation. It became increasingly apparent that treatment providers and criminal justice practitioners shared common goals: stopping the illicit use and abuse of all addictive substances and curtailing related criminal activity. Each system possessed unique capabilities and resources that could complement the other and enhance the effectiveness of both if combined in partnership. Thus, the concept of treatment-oriented drug courts was born.

What Is a Drug Court?

The mission of drug courts is to stop the abuse of alcohol and other drugs and related criminal activity. Drug courts offer a compelling choice for individuals whose criminal justice involvement stems from AOD use: participation in treatment. In exchange for successful completion of the treatment program, the court may dismiss the original charge, reduce or set aside a sentence, offer some lesser penalty, or offer a combination of these.

Drug courts transform the roles of both criminal justice practitioners and AOD treatment providers. The judge is the central figure in a team effort that focuses on sobriety and accountability as the primary goals. Because the judge takes on the role of trying to keep participants engaged in treatment, providers can effectively focus on developing a therapeutic relationship with the participant. In turn, treatment providers keep the court informed of each participant's progress so that rewards and sanctions can be provided.

Drug courts create an environment with clear and certain rules. The rules are definite, easy to understand, and most important, compliance is within the individual's control. The rules are based on the participant's performance and are measurable. For example, the participant either appears in court or does not, attends treatment sessions or does not; the drug tests reveal drug use or abstinence. The participant's performance is immediately and directly communicated to the judge, who rewards progress or penalizes noncompliance. A drug court establishes an environment that the participant can understand—a system in which clear choices are presented and individuals are encouraged to take control of their own recovery.

The Planning Process

Drug courts require a coordinated, systemic approach to the drug offender. Comprehensive and inclusive planning is critical. Planning begins with a vision of what will be achieved when the drug court succeeds. A mission statement evolves from this vision, giving rise to goals and objectives that create form and function. Clearly defined goals and objectives should be measurable and provide accountability for State and local funding agencies and policymakers who ultimately will ensure the continuation of the court.

Planning must be detailed, and thorough and must include as many perspectives as possible. A myriad of issues must be addressed, including offender identification and eligibility criteria; treatment methods, expectations, and support service availability; organizational coordination; formal policies and procedures; contractual and budgetary agreements; ongoing supervision; and process and outcome evaluation.

The judge, court administrator, clerk, prosecutor, defender, and other staff are particularly important to the planning process. The initial planning group should also include representatives from State and local treatment provider agencies, law enforcement, pretrial services, jails, probation services, and other community-based organizations. This core group develops a work plan addressing the operational, coordination, resource, information management, and evaluation needs of the program. The work plan should be specific, describing roles and responsibilities of each program component. For example, eligibility criteria, screening, and assessment procedures must be established. Both court and treatment case management procedures and information systems must be developed. Graduated responses to both participant compliance and noncompliance must be defined. Treatment requirements and expectations need to be understood and agreed to by the planning group.

Drug court programs should have the capacity to demonstrate tangible outcomes and cost—effectiveness. It is unlikely that drug courts will thrive without demonstrating reductions in AOD use, decreases in criminal behavior, and improvements in the employability and educational levels of participants.

As the planning process continues, additional challenges will arise. Once the drug court begins, what isn't working will quickly become apparent and must be adjusted or modified. Key personnel will change over time. Experience will bring growth and expansion. Mechanisms must already be in place to address these challenges.

Although the plan may never be perfect, the time allotted for planning should be sufficient to consider all of the critical issues, but short enough to implement while enthusiasm for the new endeavor is high.

Key Component # 1

Drug courts integrate alcohol and other drug treatment services with justice system case processing.

Purpose: The mission of drug courts is to stop the abuse of alcohol and other drugs and related criminal activity. Drug courts promote recovery through a coordinated response to offenders dependent on alcohol and other drugs. Realization of these goals requires a team approach, including cooperation and collaboration of the judges, prosecutors, defense counsel, probation authorities, other corrections personnel, law enforcement, pretrial services agencies, evaluators and treatment providers, an array of local service providers, and the greater community. State-level organizations representing AOD issues, law enforcement and criminal justice, vocational rehabilitation, education, and housing also have important roles to play. The combined energies of these individuals and organizations can assist and encourage defendants to accept help that could change their lives.

The criminal justice system has the unique ability to influence a person shortly after a significant triggering event such as arrest, and thus persuade or compel that person to enter and remain in treatment. Research indicates that a person coerced to enter treatment by the criminal justice system is likely to do as well as one who volunteers.⁶

Drug courts usually employ a multiphased treatment process, generally divided into a stabilization phase, an intensive treatment phase, and a transition phase. The stabilization phase may include a period of AOD detoxification, initial treatment assessment, education, and screening for other needs. The intensive treatment phase typically involves individual and group counseling and other core and adjunctive therapies as they are available (see Key Component 4). The transition phase may emphasize social reintegration, employment and education, housing services, and other aftercare activities.

Performance Benchmarks:

1. Initial and ongoing planning is carried out by a broad-based group, including persons representing all aspects of the criminal justice system, the local treatment delivery system, funding agencies, the local community other key policymakers.

⁶Hubbard, R., Marsden, M., Rachal, J., Harwood, H., Cavanaugh, E., and Ginzburg, H. Drug Abuse Treatment: A National Study of Effectiveness. Chapel Hill: University of North Carolina Press, 1989.
Pringle G., Impact of the criminal justice system on substance abusers seeking professional help, Journal of Drug Issues. Summer, pp. 275-283, vol 12, no. 3, 1982.

2. Documents defining the drug court's mission, goals, eligibility criteria, operating procedures, and performance measures are collaboratively developed, reviewed, and agreed upon.
3. Abstinence and law-abiding behavior are the goals, with specific and measurable criteria marking progress. Criteria may include compliance with program requirements, reductions in criminal behavior and AOD use, participation in treatment, restitution to the victim or to the community, and declining incidence of AOD use.
4. The court and treatment providers maintain ongoing communication, including frequent exchanges of timely and accurate information about the individual participant's overall program performance.⁷
5. The judge plays an active role in the treatment process, including frequently reviewing of treatment progress. The judge responds to each participant's positive efforts as well as to noncompliant behavior.
6. Interdisciplinary education is provided for every person involved in drug court operations to develop a shared understanding of the values, goals, and operating procedures of both the treatment and justice system components.
7. Mechanisms for sharing decisionmaking and resolving conflicts among drug court team members, such as multidisciplinary committees, are established to ensure professional integrity.

⁷All communication about an individual's participation in treatment must be in compliance with the provisions of 42 CFR, Part 2 (the federal regulations governing confidentiality of alcohol and drug abuse patient records), and with similar State and local regulations.

Key Component #2

Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Purpose: To facilitate an individual's progress in treatment, the prosecutor and defense counsel must shed their traditional adversarial courtroom relationship and work together as a team. Once a defendant is accepted into the drug court program, the team's focus is on the participant's recovery and law-abiding behavior—not on the merits of the pending case.

The responsibility of the prosecuting attorney is to protect the public's safety by ensuring that each candidate is appropriate for the program and complies with all drug court requirements. The responsibility of the defense counsel is to protect the participant's due process rights while encouraging full participation. Both the prosecuting attorney and the defense counsel play important roles in the court's coordinated strategy for responding to noncompliance.

Performance Benchmarks:

1. Prosecutors and defense counsel participate in the design of screening, eligibility, and case-processing policies and procedures to guarantee that due process rights and public safety needs are served.
2. For consistency and stability in the early stages of drug court operations, the judge, prosecutor, and court-appointed defense counsel should be assigned to the drug court for a sufficient period of time to build a sense of teamwork and to reinforce a nonadversarial atmosphere.
3. The prosecuting attorney
 - reviews the case and determines if the defendant is eligible for the drug court program **based upon entrance criteria established by the drug court team;**
 - files all necessary legal documents;
 - participates in a coordinated strategy for responding to positive drug tests and other instances of noncompliance;
 - agrees that a positive drug test or open court admission of drug possession or use will not result in the filing of additional drug charges based on that admission; and

- makes decisions regarding the participant's continued enrollment in the program based on performance in treatment rather than on legal aspects of the case, barring additional criminal behavior.

4. The defense counsel

- reviews the arrest warrant, affidavits, charging document, and other relevant information, and reviews all program documents (e.g., waivers, written agreements);
- advises the defendant as to the nature and purpose of the drug court, the rules governing participation, the consequences of abiding or failing to abide by the rules, and how participating or not participating in the drug court will affect his or her interests;
- explains all of the rights that the defendant will temporarily or permanently relinquish;
- gives advice on alternative courses of action, including legal and treatment alternatives available outside the drug court program, and discusses with the defendant the long-term benefits of sobriety and a drug-free life;
- explains that because criminal prosecution for admitting to AOD use in open court will not be invoked, the defendant is encouraged to be truthful with the judge and with treatment staff, and informs the participant that he or she will be expected to speak directly to the judge, not through an attorney.

Key Component #3

Eligible participants are identified early and promptly placed in the drug court program.

Purpose: Arrest can be a traumatic event in a person's life. It creates an immediate crisis and can force substance abusing behavior into the open, making denial difficult. The period immediately after an arrest, or after apprehension for a probation violation, provides a critical window of opportunity for intervening and introducing the value of AOD treatment. Judicial action, taken promptly after arrest, capitalizes on the crisis nature of the arrest and booking process.

Rapid and effective action also increases public confidence in the criminal justice system. Moreover, incorporating AOD concerns into the case disposition process can be a key element in strategies to link criminal justice and AOD treatment systems overall.

Performance Benchmarks:

1. Eligibility screening is based on established written criteria. Criminal justice officials or others (e.g., pretrial services, probation) are designated to screen cases and identify potential drug court participants.
2. Eligible participants for drug court are promptly advised about program requirements and the relative merits of participating.
3. Trained professionals screen drug court—eligible individuals for AOD problems and suitability for treatment. **The judge and the drug court team have the responsibility of assuring that the persons designated to screen eligible individuals are adequately trained and are using instruments for screening recognized in the behavioral health field that are appropriate for a criminal justice population. The screening should include a clinical interview where additional information is gathered and observations made to assist with the decision regarding the suitability of the individual for treatment in the particular drug court program for which he/she is being considered.**
4. Initial appearance before the drug court judge occurs immediately after arrest or apprehension to ensure program participation.
5. The court requires that eligible participants enroll in AOD treatment services immediately.

Key Component #4

Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Purpose: The origins and patterns of AOD problems are complex and unique to each individual. They are influenced by a variety of accumulated social and cultural experiences. If treatment for AOD is to be effective, it must also call on the resources of primary health and mental health care and make use of social and other support services.⁸

In a drug court, the treatment experience begins in the courtroom and continues through the participant's drug court involvement. In other words, drug court is a comprehensive therapeutic experience, only part of which takes place in a designated treatment setting. The treatment and criminal justice professionals are members of the therapeutic team.

The therapeutic team (treatment providers, the judge, lawyers, case managers, supervisors, and other program staff) should maintain frequent, regular communication to provide timely reporting of a participant's progress and to ensure that responses to compliance and noncompliance are swift and coordinated. Procedures for reporting progress should be clearly defined in the drug court's operating documents.

While primarily concerned with criminal activity and AOD use, the drug court team also needs to consider co-occurring problems such as mental illness, primary medical problems, HIV and sexually-transmitted diseases, homelessness; basic educational deficits, unemployment and poor job preparation; spouse and family troubles—especially domestic violence—and the long-term effects of childhood physical and sexual abuse. If not addressed, these factors will impair an individual's success in treatment and will compromise compliance with program requirements. Co-occurring factors should be considered in treatment planning. In addition, treatment services must be relevant to the ethnicity, gender, age, and other characteristics of the participants.

For the many communities that do not have adequate treatment resources, drug courts can provide leadership to increase treatment options and enrich the availability of support services. Some drug courts have found creative ways to access services, such as implementing treatment readiness programs for participants who are on waiting lists for comprehensive treatment programs. In some jurisdictions, drug courts have established their own treatment programs

⁸ Treatment-Based Drug Court Planning Guide and Checklist, Combining Alcohol and Other Drug Abuse Treatment With Diversion for Juveniles in the Justice System, TIP #21, Treatments Drug Courts: Integrating Substance Abuse Treatment With Legal Case Processing, TIP #23. Rockville, MD: Center for Substance Abuse Treatment, 1996.

where none existed. Other drug courts have made use of pretrial, probation, and public health treatment services.

Performance Benchmarks:

1. Individuals are initially screened and thereafter periodically assessed by both court and treatment personnel to ensure that treatment services and individuals are suitably matched:
 - An assessment at treatment entry, while useful as a baseline, provides a time specific "snapshot" of a person's needs and may be based on limited or unreliable information. Ongoing assessment is necessary to monitor progress, to change the treatment plan as necessary, and to identify relapse cues.
 - If various levels of treatment are available, participants are matched to programs according to their specific needs. Guidelines for placement at various levels should be developed.
 - Screening for infectious diseases and health referrals occurs at an early stage.

2. Treatment services are comprehensive:
 - Services should be available to meet the needs of each participant.
 - Treatment services may include, but are not limited to; group counseling; individual and family counseling; relapse prevention; 12-step self-help groups; preventive and primary medical care; general health education; medical detoxification; acupuncture for detoxification, for control of craving, and to make people more amenable to treatment; domestic violence programs; batterers' treatment; and treatment for the long-term effects of childhood physical and sexual abuse.
 - Other services may include housing; educational and vocational training; legal, money management, and other social service needs; cognitive behavioral therapy to address criminal thinking patterns; anger management; transitional housing; social and athletic activities; and meditation or other techniques to promote relaxation and self-control.
 - Specialized services should be considered for participants with co-occurring AOD problems and mental health disorders. Drug courts should establish linkages with mental health providers to furnish services (e.g., medication monitoring, acute care) for participants with co-occurring disorders. Flexibility (e.g., in duration of treatment phases) is essential in designing drug court services for participants with mental health problems.

- Treatment programs or program components are designed to address the particular treatment issues of women and other special populations.
 - Treatment is available in a number of settings, including detoxification, acute residential, day treatment, outpatient, and sober living residences.
 - Clinical case management services are available to provide ongoing assessment of participant progress and needs, to coordinate referrals to services in addition to primary treatment, to provide structure and support for individuals who typically have difficulty using services even when they are available, and to ensure communication between the court and the various service providers.
3. Treatment services are accessible:
- Accommodations are made for persons with physical disabilities, for those not fluent in English, for those needing child care, and/or for persons with limited literacy.
 - Treatment facilities are accessible by public transportation, when possible.
4. Funding for treatment is adequate, stable, and dedicated to the drug court:
- To ensure that services are immediately available throughout a participant's treatment, agreements are made between courts and treatment providers. These agreements are based on firm budgetary and service delivery commitments.
 - Diverse treatment funding strategies are developed based on both government and private sources at national, State and local levels.
 - Health care delivered through managed care organizations is encouraged to provide resources for the AOD treatment of member participants.
 - Payment of fees, fines, and restitution is part of treatment.
 - Fee schedules are commensurate with an individual's ability to pay. However, no one should be turned away solely because of an inability to pay.

5. Treatment services have quality controls:

- Direct service providers are certified or licensed where required, or otherwise demonstrate proficiency according to accepted professional standards.
- Education, training, and ongoing clinical supervision are provided to treatment staff.

6. Treatment agencies are accountable:

- The judge and the drug court team are responsible for assuring full compliance with the quality controls outlined in the preceding paragraph 5.**
- Treatment agencies give the court accurate and timely information about a participant's progress. Information exchange complies with the provisions of 42 CFR. Part 2 (the Federal regulations governing confidentiality of AOD abuse patient records) and with applicable State statutes.
- Responses to progress and noncompliance are incorporated into the treatment protocols.

7. Treatment designs and delivery systems are sensitive and relevant to issues of race, culture, religion, gender, age, ethnicity, and sexual orientation.

Key Component #5

Abstinence is monitored by frequent alcohol and other drug testing.

Purpose: Frequent court-ordered AOD testing is essential. An accurate testing program is the most objective and efficient way to establish a framework for accountability and to gauge each participant's progress. Modern technology offers highly reliable testing to determine if an individual has recently used specific drugs. Further, it is commonly recognized that alcohol use frequently contributes to relapse among individuals whose primary drug of choice is not alcohol.

AOD testing results are objective measures of treatment effectiveness, as well as a source of important information for periodic review of treatment progress. AOD testing helps shape the ongoing interaction between the court and each participant. Timely and accurate test results promote frankness and honesty among all parties.

AOD testing is central to the drug court's monitoring of participant compliance. It is both objective and cost-effective. It gives the participant immediate information about his or her own progress, making the participant active and involved in the treatment process rather than a passive recipient of services.

Performance Benchmarks:

1. AOD testing policies and procedures are based on established and tested guidelines, such as those established by the American Probation and Parole Association. Contracted laboratories analyzing urine or other samples should also be held to established standards.
2. Testing may be administered randomly or at scheduled intervals, but occurs no less than twice a week during the first several months of an individual's enrollment. Frequency thereafter will vary depending on participant progress.
3. The scope of testing is sufficiently broad to detect the participant's primary drug of choice as well as other potential drugs of abuse, including alcohol.
4. The drug-testing procedure must be certain. Elements contributing to the reliability and validity of a urinalysis testing process include, but are not limited to,
 - Direct observation of urine sample collection;
 - Verification temperature and measurement of creatinine levels to determine the extent of water loading;

- Specific, detailed, written procedures regarding all aspects of urine sample collection, sample analysis, and result reporting;
 - A documented chain of custody for each sample collected;
 - Quality control and quality assurance procedures for ensuring the integrity of the process; and
 - Procedures for verifying accuracy when drug test results are contested.
5. Ideally, test results are available and communicated to the court and the participant within one day. The drug court functions best when it can respond immediately to noncompliance, the time between sample collection and availability of results should be short.
 6. The court is immediately notified when a participant has tested positive, has failed to submit to AOD testing, has submitted the sample of another, or has adulterated a sample.
 7. The coordinated strategy for responding to noncompliance includes prompt responses to positive tests, missed tests, and fraudulent tests.
 8. Participants should be abstinent for a substantial period of time prior to program graduation.

Key Component #6

A coordinated strategy governs drug court responses to participants' compliance.

Purpose: An established principle of AOD treatment is that addiction is a chronic, relapsing condition. A pattern of decreasing frequency of use before sustained abstinence from alcohol and other drugs is common. Becoming sober or drug free is a learning experience, and each relapse to AOD use may teach something about the recovery process.

Implemented in the early stages of treatment and emphasized throughout, therapeutic strategies aimed at preventing the return to AOD use help participants learn to manage their ambivalence toward recovery, identify situations that stimulate AOD cravings, and develop skills to cope with high-risk situations. Eventually, participants learn to manage cravings, avoid or deal more effectively with high-risk situations, and maintain sobriety for increasing lengths of time.

Abstinence and public safety are the ultimate goals of drug courts, but many participants exhibit a pattern of positive urine tests within the first several months following admission. Because AOD problems take a long time to develop and because many factors contribute to drug use and dependency, it is rare that an individual ceases AOD use as soon as he or she enrolls in treatment. Even after a period of sustained abstinence, it is common for individuals to occasionally test positive.

Although drug courts recognize that individuals have a tendency to relapse, continuing AOD use is not condoned. Drug courts impose appropriate responses for continuing AOD use. Responses increase in severity for continued failure to abstain.

A participant's progress through the drug court experience is measured by his or her compliance with the treatment regimen. Certainly cessation of drug use is the ultimate goal of drug court treatment. However, there is value in recognizing incremental progress toward the goal, such as showing up at all required court appearances, regularly arriving at the treatment program on time, attending and fully participating in the treatment sessions, cooperating with treatment staff, and submitting to regular AOD testing.

Drug courts must reward cooperation as well as respond to noncompliance. Small rewards for incremental successes have an important effect on a participant's sense of purpose and accomplishment. Praise from the drug court judge for regular attendance or for a period of clean drug tests, encouragement from the treatment staff or the judge at particularly difficult times, and ceremonies in which tokens of accomplishment are awarded in open court for completing a particular phase of treatment are all small but very important rewards that bolster confidence and give inspiration to continue.

Drug courts establish a coordinated strategy, including a continuum of responses, to continuing drug use and other noncompliant behavior. A coordinated strategy can provide a common operating plan for treatment providers and other drug court personnel. The criminal justice system representatives and the treatment providers develop a series of complementary, measured responses that will encourage compliance. A written copy of these responses, given to participants during the orientation period, emphasizes the predictability, certainty, and swiftness of their application.

Performance Benchmarks:

1. Treatment providers, the judge, and other program staff maintain frequent, regular communication to provide timely reporting of progress and noncompliance and to enable the court to respond immediately. Procedures for reporting noncompliance are clearly defined in the drug court's operating documents.
2. Responses to compliance and noncompliance are explained verbally and provided in writing to drug court participants before their orientation. Periodic reminders are given throughout the treatment process.
3. The responses for compliance vary in intensity.
 - Encouragement and praise from the bench;
 - Ceremonies and tokens of progress, including advancement to the next treatment phase;
 - Reduced supervision;
 - Decreased frequency of court appearances;
 - Reduced fines or fees;
 - Dismissal of criminal charges or reduction in the term of probation;
 - Reduced or suspended incarceration; and
 - Graduation.
4. Responses to or sanctions for noncompliance might include
 - Warnings and admonishment from the bench in open court;
 - Demotion to earlier program phases;
 - Increased frequency of testing and court appearances;
 - Confinement in the courtroom or jury box;
 - Increased monitoring and/or treatment intensity;
 - Fines;
 - Required community service or work programs;
 - Escalating periods of jail confinement (However, drug court participants remanded to jail should receive AOD treatment services while confined); and
 - Termination from the program and reinstatement of regular court processing.

Key Component #7

Ongoing judicial interaction with each drug court participant is essential.

Purpose: The judge is the leader of the drug court team, linking participants to AOD treatment and to the criminal justice system. This active, supervising relationship, maintained throughout treatment, increases the likelihood that a participant will remain in treatment and improves the chances for sobriety and law-abiding behavior. Ongoing judicial supervision also communicates to participants—often for the first time—that someone in authority cares about them and is closely watching what they do.

Drug courts require judges to step beyond their traditionally independent and objective arbiter roles and develop new expertise. The structure of the drug court allows for early and frequent judicial intervention. A drug court judge must be prepared to encourage appropriate behavior and to discourage and penalize inappropriate behavior. A drug court judge is knowledgeable about treatment methods and their limitations.

Performance Benchmarks:

1. Regular status hearings are used to monitor participant performance:
 - Frequent status hearings during the initial phases of each participant's program establish and reinforce the drug court's policies, and ensure effective supervision of each drug court participant. Frequent hearings also give the participant a sense of how he or she is doing in relation to others.
 - Time between status hearings may be increased or decreased, based on compliance with treatment protocols and progress observed.
 - Having a significant number of drug court participants appear at a single session gives the judge the opportunity to educate both the offender at the bench and those waiting as to the benefits of program compliance and consequences for noncompliance.
2. The court applies appropriate incentives and sanctions to match the participant's treatment progress.
3. Payment of fees, fines and/or restitution is part of the participant's treatment. The court supervises such payments and takes into account the participant's financial ability to fulfill these obligations. The court ensures that no one is denied participation in drug courts solely because of inability to pay fees, fines, or restitution.

Key Component #8

Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Purpose: Fundamental to the effective operation of drug courts are coordinated management, monitoring, and evaluation systems. The design and operation of an effective drug court program result from thorough initial planning, clearly defined program goals, and inherent flexibility to make modifications as necessary.

The goals of the program should be described concretely and in measurable terms to provide accountability to funding agencies and policymakers. And, since drug courts will increasingly be asked to demonstrate tangible outcomes and cost-effectiveness, it is critical that the drug court be designed with the ability to gather and manage information for monitoring daily activities, evaluating the quality of services provided, and producing longitudinal evaluations.

Management and monitoring systems provide timely and accurate information about program operations to the drug court's managers, enabling them to keep the program on course, identify developing problems, and make appropriate procedural changes. Clearly defined drug court goals shape the management information system, determine monitoring questions, and suggest methods for finding information to answer them.

Program management provides the information needed for day-to-day operations and for planning, monitoring, and evaluation. Program monitoring provides oversight and periodic measurements of the program's performance against its stated goals and objectives.

Evaluation is the institutional process of gathering and analyzing data to measure the accomplishment of the program's long-term goals. A process evaluation appraises progress in meeting operational and administrative goals (e.g., whether treatment services are implemented as intended). An outcome evaluation assesses the extent to which the program is reaching its long-term goals (e.g., reducing criminal recidivism). An effective design for an outcome evaluation uses a comparison group that does not receive drug court services.

Although evaluation activities are often planned and implemented simultaneously, process evaluation information can be used more quickly in the early stages of drug court implementation. Outcome evaluation should be planned at the beginning of the program as it requires at least a year to compile results, especially if past participants are to be found and interviewed.

Evaluation strategies should reflect the significant coordination and the considerable time required to obtain measurable results. Evaluation studies are useful to everyone, including funding agencies and policymakers who may not be involved in the daily operations of the program. Information and conclusions developed from periodic monitoring reports, process evaluation activities, and longitudinal evaluation studies may be used to modify program procedures, change therapeutic interventions, and make decisions about continuing or expanding the program.

Information for management, monitoring, and evaluation purposes may already exist within the court system and/or in the community treatment or supervision agencies (e.g., criminal justice data bases, psychosocial histories, and formal AOD assessments). Multiple sources of information enhance the credibility and persuasiveness of conclusions drawn from evaluations.

Performance Benchmarks:

1. Management, monitoring, and evaluation processes begin with initial planning. As part of the comprehensive planning process, drug court leaders and senior managers should establish specific and measurable goals that define the parameters of data collection and information management. An evaluator can be an important member of the planning team.
2. Data needed for program monitoring and management can be obtained from records maintained for day-to-day program operations, such as the numbers and general demographics of individuals screened for eligibility; the extent and nature of AOD problems among those assessed for possible participation in the program; and attendance records, progress reports, drug test results, and incidence of criminality among those accepted into the program.
3. Monitoring and management data are assembled in useful formats for regular review by program leaders and managers.
4. Ideally, much of the information needed for monitoring and evaluation is gathered through an automated system that can provide timely and useful reports. If an automated system is not available, manual data collection and report preparation can be streamlined. Additional monitoring information may be acquired by observation and through program staff and participant interviews.
5. Automated and manual information systems must adhere to written guidelines that protect against unauthorized disclosure of sensitive personal information about individuals.
6. Monitoring reports need to be reviewed at frequent intervals by program leaders and senior managers. They can be used to analyze program operations, gauge effectiveness, modify procedures when necessary, and refine goals.

7. Process evaluation activities should be undertaken throughout the course of the drug court program. This activity is particularly important in the early stages of program implementation.
8. If feasible, a qualified independent evaluator should be selected and given responsibility for developing and conducting an evaluation design and for preparing interim and final reports. If an independent evaluation is unavailable the drug court program designs and implements its own evaluation, based on guidance available through the field.
 - Judges, prosecutors, the defense bar, treatment staff, and others design the evaluation collaboratively with the evaluator.
 - Ideally, an independent evaluator will help the information systems expert design and implement the management information system.
 - The drug court program ensures that the evaluator has access to relevant justice system and treatment information.
 - The evaluator maintains continuing contact with the drug court and provides information on a regular basis. Preliminary reports may be reviewed by drug court program personnel and used as the basis for revising goals, policies, and procedures as appropriate.
9. Useful data elements to assist in management and monitoring may include, but are not limited to,
 - The number of defendants screened for program eligibility and the outcome of those initial screenings;
 - The number of persons admitted to the drug court program;
 - Characteristics of program participants, such as age, sex, race/ethnicity, family status, employment status, and educational level, current charges; criminal justice history; AOD treatment or mental health treatment history; medical needs (including detoxification); and nature and severity of AOD problems;
 - Number and characteristics of participants (e.g., duration of treatment involvement, reason for discharge from the program);
 - Number of active cases;
 - Patterns of drug use as measured by drug test results;
 - Aggregate attendance data and general treatment progress measurements;

- Number and characteristics of persons who graduate or complete treatment successfully;
 - Number and characteristics of persons who do not graduate or complete the program;
 - Number of participants who fail to appear at drug court hearings and number of bench warrants issued for participants;
 - Re-arrests during involvement in the drug court program and type of arrest(s); and
 - Number, length, and reasons for incarcerations during and subsequent to involvement in the drug court program.
10. When making comparisons for evaluation purposes, drug courts should consider the following groups:
- Program graduates;
 - Program terminations;
 - Individuals who were referred to, but did not appear for, treatment; and
 - Individuals who were not referred for drug court services.
11. At least six months after exiting a drug court program, comparison groups (listed above) should be examined to determine long-term effects of the program. Data elements for follow-up evaluation may include
- Criminal behavior/activity;
 - Days spent in custody on all offenses from date of acceptance into the program;
 - AOD use since leaving the program;
 - Changes in job skills and employment status;
 - Changes in literacy and other educational attainments;
 - Changes in physical and mental health;
 - Changes in status of family relationships;
 - Attitudes and perceptions of participation in the program; and

- Use of health care and other social services.

12. Drug court evaluations should consider the use of cost-benefit analysis to examine the economic impact of program services. Important elements of cost-benefit analysis include

- Reductions in court costs, including judicial. counsel, and investigative resources;
- Reductions in costs related to law enforcement and corrections;
- Reductions in health care utilization; and
- Increased economic productivity.

Key Component #9

Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Purpose: Periodic education and training ensures that the drug court's goals and objectives, as well as policies and procedures, are understood not only by the drug court leaders and senior managers, but also by those indirectly involved in the program. Education and training programs also help maintain a high level of professionalism, provide a forum for solidifying relationships among criminal justice and AOD treatment personnel, and promote a spirit of commitment and collaboration.

All drug court staff should be involved in education and training, even before the first case is heard. Interdisciplinary education exposes criminal justice officials to treatment issues, and treatment staff to criminal justice issues. It also develops shared understandings of the values, goals, and operating procedures of both the treatment and the justice system components. Judges and court personnel typically need to learn about the nature of AOD problems and the theories and practices supporting specific treatment approaches. Treatment providers typically need to become familiar with criminal justice accountability issues and court operations. All need to understand and comply with drug testing standards and procedures.

For justice system or other officials not directly involved in the program's operations, education provides an overview of the mission, goals, and operating procedures of the drug court.

A simple and effective method of educating new drug court staff is to visit an existing court to observe its operations and ask questions. On-site experience with an operating drug court provides an opportunity for new drug court staff to talk to their peers directly and to see how their particular role functions.

Performance Benchmarks:

1. Key personnel have attained a specific level of basic education, as defined in staff training requirements and in the written operating procedures. The operating procedures should also define requirements for the continuing education of each drug court staff member.

2. Attendance at education and training sessions by all drug court personnel is essential. Regional and national drug court training provide critical information on innovative developments across the Nation. Sessions are most productive when drug court personnel attend as a group. Credits for continuing professional education should be offered, when feasible.
3. Continuing education institutionalizes the drug court and moves it beyond its initial identification with the key staff who may have founded the program and nurtured its development.
4. An education syllabus and curriculum are developed, describing the drug court's goals, policies, and procedures. Topics might include
 - Goals and philosophy of drug courts;
 - The nature of AOD abuse, its treatment and terminology;
 - The dynamics of abstinence and techniques for preventing relapse;
 - Responses to relapse and to noncompliance with other program requirements;
 - Basic legal requirements of the drug court program and an overview of the local criminal justice system's policies, procedures, and terminology;
 - Drug testing standards and procedures;
 - Sensitivity to racial, cultural, ethnic, gender, and sexual orientation as they affect the operation of the drug court;
 - Interrelationships of co-occurring conditions such as AOD abuse and mental illness (also known as "dual diagnosis"); and
 - Federal, State, and local confidentiality requirements.

Key Component #10

Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

Purpose: Because of its unique position in the criminal justice system, a drug court is especially well suited to develop coalitions among private community-based organizations, public criminal justice agencies, and AOD treatment delivery systems. Forming such coalitions expands the continuum of services available to drug court participants and informs the community about drug court concepts.

The drug court is a partnership among organizations—public, private, and community-based—dedicated to a coordinated and cooperative approach to the AOD offender. The drug court fosters systemwide involvement through its commitment to share responsibility and participation of program partners. As a part of—and as a leader in—the formation and operation of community partnerships, drug courts can help restore public faith in the criminal justice system.

Performance Benchmarks:

1. Representatives from the court, community organizations, law enforcement, corrections, prosecution, defense counsel, supervisory agencies, treatment and rehabilitation providers, educators, health and social service agencies, and the faith community meet regularly to provide guidance and direction to the drug court program.
2. The drug court plays a pivotal role in forming linkages between community groups and the criminal justice system. The linkages are a conduit of information to the public about the drug court, and conversely, from the community to the court about available community services and local problems.
3. Partnerships between drug courts and law enforcement and/or community policing programs can build effective links between the court and offenders in the community.
4. Participation of public and private agencies, as well as community-based organizations, is formalized through a steering committee. The steering committee aids in the acquisition and distribution of resources. An especially effective way for the steering committee to operate is through the formation of a nonprofit corporation structure that includes all the principle drug court partners, provides policy guidance, and acts as a conduit for fundraising and resource acquisition.

5. Drug court programs and services are sensitive to and demonstrate awareness of the populations they serve and the communities in which they operate. Drug courts provide opportunities for community involvement through forums, informational meetings, and other community outreach efforts.
6. The drug court hires a professional staff that reflects the population served, and the drug court provides ongoing cultural competence training.



Georgia Courts Automation Commission

Judge Timothy A. Pape
Chair

George Nolan
Executive Director

Memorandum

TO: Judicial Council Members
FROM: Timothy A. Pape
RE: Report on Commission Activities
Date: December 9, 2004

Commission Membership Activities

In addition to correcting organizational deficiencies via the introduction and adoption of a set of by-laws to govern decisions, and the establishment of business guidelines to govern projects presented for GCAC funding, the commission has developed a Strategic Plan to guide future decisions and actions. This Strategic Plan will aide the commission with making reasonable, logical, reliable decisions in addressing its legislative directives. New initiatives of the commission will be based on use of its collaborative make-up and expertise in the facilitation of information sharing among all courts and other government agencies, as well as the establishment of statewide court standards.

Strategic Plan

The Commission officially approved and accepted its Strategic Plan at its scheduled August 2004 meeting. The plan has now been published and can be found on the GCAC web site at www.gcacommission.org. An RFP will be needed to obtain the assistance required to properly implement this Strategic Plan. The commission desires that each level of court be made aware of what the Georgia Courts Automatic Commission is doing for them and what each purpose of the plan serves for the courts. The RFP will seek the implementation of a plan to address the need to organize delivery of automated services in Georgia and to determine how the commission can accomplish its goals listed in the Strategic Plan.



GCAC and AOC Memorandum of Understanding

The Commission approved a Memorandum Of Understanding (MOU) between the GCAC and the AOC. This MOU address the relationship between the two agencies and spells out some of the specifics involved in the delivery of automation products and services. A copy of the MOU can be found on the GCAC Web Site at www.gcacommission.org.

Project Activities

Court Software Certification

The commission completed a contracted study for the definition of a court software certification program. This study is a pre-requisite to the development of a complete Court Software Certification Program. The certification program study defined the standards and information flow requirements necessary to insure transmission of court data, and specifically traffic court data, from local courts to the state's traffic data repository. The commission continues its work with the Department of Motor Vehicle Safety to insure that Georgia and its courts are able to meet the federally mandated year 2007 deadline for electronically reporting traffic disposition data to a federal database within 72 hours following disposition by a court. States failing to meet this deadline will be subject to a possible loss of billions of federal highway dollars. An RFP for vendor provided Traffic Court Software Certification is being developed for issue by the commission. Extension of the certification program to other trial courts will be addressed after successful implementation in the Traffic Courts. A copy of the RFP will be made available on the GCAC Web Site at www.gcacommission.org as soon as the commission's sub-committee approves it for release. This project is in keeping with the commission mission to facilitate and collaborate with the courts and government agencies for the benefit of the citizens of this state.

Electronic Filing Pilot Evaluation

The Douglas County e-Filing pilot projects have been evaluated via a contracted study conducted by a third party consulting group. The evaluation included information gathering on the electronic filing of civil documents directly into the state's standard case management software, the electronic Form 90, and the electronic filing of Child Support Recovery documents. The evaluation was conducted jointly by staff of the Child Support Enforcement Recovery unit of the Georgia DHR, staff of the AOC IT group, and members of the contracted consulting group. The projects were evaluated for statewide rollout applicability and to identify any changes or revisions required to allow promote full or partial statewide electronic document filings. A copy of this evaluation report can be found on the GCAC web Site at www.gcacommission.org. This project is in keeping with the commission mission to facilitate and collaborate with the courts and government agencies for the benefit of the citizens of this state.



Judicial Circuit Connectivity

The electronic connectivity project to connect multiple courts in the Lookout Mountain Judicial Circuit continues with the assistance of third party vendors. This circuit wide project takes advantage of the state provided standard case management software used by every county in the circuit. The success of this project will yield desired interoperability and applicability testing with other courts and counties within the circuit, circuit wide connectivity between local county court participants, and a central database to house backup of local court data to protect against disasters when and if that should occur. A byproduct of this effort will be the lesson learned that could be used in providing this service to other circuits and counties. This circuit wide connectivity will provide opportunity for county court participants to improve the professional quality of life in their judicial communities. This project is in keeping with the commission mission to facilitate and collaborate with the courts and government agencies for the benefit of the citizens of this state.



Judicial Branch of Georgia
Administrative Office of the Courts

Retention Schedules for
Administrative Records

Approved November 5, 2004



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Municipal Court Member/Position Vacant



Judicial Branch of Georgia
Administrative Office of the Courts
Retention Schedules for Administrative Records

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Administrative Office of the Courts

Retention Schedules for Administrative Records

Accounting – 01

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Accounts Payable Files	Records documenting payments made by agency for services rendered or items purchased	5 years	O.C.G.A. 11-2-725	Temporary – Short Term	
Accounts Receivable Files	Records documenting monies owed to and collected by the agency	5 years	O.C.G.A. 11-2-725	Temporary – Short Term	
Bank Statements	Periodic computations of deposits and credits to a bank account	5 years	O.C.G.A. 9-3-25	Temporary – Short Term	
Cancelled Checks	Copies (or originals) of paid warrants	5 years	O.C.G.A. 9-3-25	Temporary – Short Term	
Cash Balances and Reconciliations	Records documenting cash balances, receipts and disbursements completed during the day	5 years	O.C.G.A. 9-3-25	Temporary – Short Term	
Collection Records	Records documenting an agency's efforts to collect unpaid accounts	5 years after account paid in full or deemed uncollectible	O.C.G.A. 9-3-25	Temporary – Short Term	
Contracts and Agreements	Records documenting services and products provided to an agency for a specified cost and period of time	Capital Improvements: 10 years after expiration; Other contracts: 7 years	O.C.G.A. 9-3-24; 9-3-26	Temporary – Short Term	



Judicial Branch of Georgia

Administrative Office of the Courts

Retention Schedules for Administrative Records

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
		after contract expiration			
Cost Accounting Reports	Financial reports by cost center for all expenditures	3 years		Temporary – Short Term	
Credit Card Administration Records	Records documenting administration of credit cards issued to individual agency staff or offices	7 years	O.C.G.A. 9-3-24	Temporary – Short Term	
Deposit Slips and Reconciliations	Documents recording transactions in a bank account	6 years	O.C.G.A. 9-3-25	Temporary – Short Term	
Federal and State Grant Project Files, Non-Education Agencies	Records documenting federal and state-funded grant projects	3 years after submission of final financial report	Uniform Requirements for Grants and Cooperative Agreements between State and Local Governments (Common Rule)	Temporary – Short Term	
General Ledger and Trial Balances	Record of final entry for all financial transactions	7 years	O.C.G.A. 9-3-24	Temporary – Short Term	
Invoices	Records requesting payment for goods and services provided to an agency	5 years	O.C.G.A. 11-2-725	Temporary – Short Term	



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Retention Schedules for Administrative Records

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Journal Entries (Journal Vouchers)	Adjustments to financial accounts	5 years	O.C.G.A. 9-3-25	Temporary – Short Term	
Outstanding Obligations	Documents the unpaid accounts of an agency	5 years	O.C.G.A. 9-3-25	Temporary – Short Term	
Payment Schedules	Schedules of the deferred payment of goods, equipment, and services	5 years	O.C.G.A. 9-3-25	Temporary – Short Term	
Professional Membership Records	Records documenting agency-paid individual memberships and activities in professional organizations	5 years	O.C.G.A. 9-3-26	Temporary – Short Term	
Purchase Orders	Approvals for the purchase of supplies and equipment	5 years	O.C.G.A. 11-2-725	Temporary – Short Term	
Receipts	Documentation of monies collected	5 years	O.C.G.A. 11-2-201; 11-2-725	Temporary – Short Term	
Reconciliations	Periodic reconciliations of accounts within operating and general ledgers	5 years	O.C.G.A. 9-3-25	Temporary – Short Term	
Refund/Disbursement Requests	Records documenting requests and disbursements made for overpayment of funds	4 years	O.C.G.A. 9-3-25; 11-2-725	Temporary – Short Term	



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Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Returned Checks	Records documenting attempts to collect monies for non-negotiable (usually insufficient funds) checks received for payment to agency accounts	5 years	O.C.G.A. 11-2-725	Temporary – Short Term	
Signature Authorizations	Records documenting the certification of employees who are authorized to sign fiscal and contractual documents	7 years after authorization expires	O.C.G.A. 9-3-24	Temporary – Short Term	
Travel Authorization and Reimbursement Records	Records documenting requests for authorization from supervisors to travel on official business and related material, such as reimbursement of expenses and itineraries	3 years	O.C.G.A. 50-6-7; Government Accounting Procedures Manual for the State of Georgia	Temporary – Short Term	
Travel – Registration Fee Payments	Records documenting payment of registration fees which are not considered travel expenses	4 years	O.C.G.A. 45-7-26	Temporary – Short Term	
Vouchers	Individual transactions for the purchase of supplies and equipment	5 years	O.C.G.A. 11-2-725	Temporary – Short Term	



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Retention Schedules for Administrative Records

Administration - 02

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Administrative Rules Records	Records documenting reviews and changes to administrative rules issued in compliance with O.C.G.A. 50-13-1 through 44	5 years after expiration	O.C.G.A. 9-3-25	Temporary - Short Term	
Agency Director's Files	Records of the agency head, commissioner, or director that provide an overview of agency policy and program activities	Permanent		Permanent	Transfer to Archives every 1-4 years
Correspondence, Fiscal	Records documenting purchases, issuance of fiscal policy, or obligations and revenues	5 years	O.C.G.A. 9-3-25; 11-2-725	Temporary - Short Term	
Correspondence, General	Correspondence related to day-to-day operations of the office	5 years	O.C.G.A. 9-3-25	Temporary - Short Term	
Crisis or Disaster Records	Records documenting events and damages to agency property due to storms, riots, fires, drought, floods, and other acts affecting the citizens or agency facilities; may include photos, logs, reports, notes and correspondence	5 years	O.C.G.A. 9-3-32; 38-3-30	Temporary - Short Term	Contact Archives staff for mandatory review before disposition to ensure that no permanent materials are destroyed
Daily Broadcast Logs	Records documenting agency daily broadcast activities via radio or television	3 years	47 CFR 1073.1840	Temporary - Short Term	



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Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Daily/Monthly Activity Reports	Record of daily/monthly activities	5 years	O.C.G.A. 9-3-25	Temporary - Short Term	
Emergency Preparedness Plans	Business recovery plans for man-made and natural disasters	5 years after superseded or updated	O.C.G.A. 9-3-32	Temporary - Short Term	
Federal and State Grant Reports	Final narrative summary submitted according to grant requirements of the funding agency	Permanent	Uniform Requirements for Grants and Cooperative Agreements between State and Local Governments (Common Rule)	Permanent	Transfer to Archives every 1-4 years
Legal Reference Materials	Opinions (both formal and informal), recommendations, and correspondence to the agency from the Attorney General or other legal counsel that is not part of a legal case file	Permanent		Permanent	
Maps, Apportionment	Maps describing and documenting judicial districts and circuit boundaries	Permanent		Permanent	Transfer to Archives every 11-14 years
Minutes and Agenda	Official record of agency meetings and the decisions made	Permanent		Permanent	Transfer to Archives every 1-4 years



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Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Periodic Reports	Annual and other periodic narrative reports that describe agency functions and activities	Permanent. Retain 1 copy		Permanent	Transfer to Archives
Policies and Procedures	Standard operating practice for business processes	Permanent		Permanent	
Printing Service Files	Include printing requests, cost estimates, mock-ups, proofs, and printing plates	1 year after superseded		Temporary - Short Term	
Publications	Newsletters, handbooks, pamphlets, and brochures published by an agency	Permanent. Retain 1 copy		Permanent	Transfer to Archives
Visual Materials (Videos and Films)	Films, videos, DVDs, and other visual representations of agency public service announcements, events, and productions	Permanent		Permanent	Transfer to Archives

Administrative Support - 03

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Blank Forms and Duplicates	Extra copies of blank forms and duplicates of reports or other materials that are no longer needed	Retain for useful life		Transitory	



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Retention Schedules for Administrative Records

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Calendars	Desk calendars and other scheduling media	Retain until no longer useful		Transitory	
Data Input Forms	Any type of form used to collect information for input into electronic form	Destroy upon verification/audit of data entry		Temporary - Short Term	
Email Messages	Text documents which are created, stored, and delivered in an electronic format; email is the communication tool, equivalent to paper, microfilm, etc. in status; retention of email is decided by the CONTENT not format of the record	Transitory; Administrative Support; or Policy and Program	O.C.G.A. 45-6-1; 50-18-70(a)		
Emails, Administrative Support	Messages of a facilitative nature created or received in the course of administering programs; examples - correspondence, daily/weekly activity reports, appointments	Identify functional content (financial, administrative, etc.) and consult relevant common schedules		Temporary - Short Term	
Emails, Policy and Program	Messages documenting the formulation and adoption of policies and procedures and the management of agency programs or functions; examples - case file management, constituent correspondence, periodic reports, budget documents	Identify functional content (financial, administrative, etc.) and consult relevant common schedules			Contact Archives staff for assistance in establishing a routine transfer process for permanent email



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Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Emails, Transitory	Messages of short-term interest with no documentary or evidential value; examples - routine requests for publications; transmittal letters; agency event notices (holidays, parties, charitable campaigns)	Retain for useful life		Transitory	
Indexes	Provide a ready reference or pointer into larger sets of records	Retain until destruction of indexed set of records		Temporary - Short Term	Indexes of permanent records must accompany the records to the Archives
Mailing Lists	Various standard lists of names and addresses	Retain for useful life		Transitory	
Newspaper Clippings and Scrapbooks	Copies of news articles and photos maintained by the agency as a historical record of activities	Newspaper Clippings: Retain for useful life. Scrapbooks: See Archival Instructions		Transitory	Scrapbooks: Contact Archives staff before disposition to ensure that no permanent materials are destroyed
Reference Files	Copies of records, publications, and other materials used to answer routine inquiries and questions	Retain for useful life		Transitory	
Telephone and Fax Machine Contact Logs	Lists of telephone and fax machine contacts and related data	Retain for useful life		Transitory	



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Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Telephone Return Message Records	"While You Were Out" message slips, fax contact logs, and related data	Retain for useful life		Transitory	

Audit - 04

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Annual Financial Statements (Department of Audits)	Provides an annual statement of net assets and activities; often called a comprehensive annual final statement or report (CAFR)	Permanent	O.C.G.A. 50-6-24; OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations; Government Accounting and Standards Board No. 34	Permanent	Transfer to Archives annually
Audit Reports (Agency Copies)	Reports prepared by the Department of Audits examining and verifying the agency's financial activities for a defined period of time	5 years or two successive audits, whichever is longer	O.C.G.A. 50-6-24; OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations	Temporary - Short Term	
Internal Auditing Records	Records documenting the conduct of an internal review of agency financial accounts and processes	5 years or two successive audits, whichever is longer	O.C.G.A. 50-6-24; OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations	Temporary - Short Term	



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Retention Schedules for Administrative Records

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions

Budget - 05

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Budget Maintenance Records	Records documenting changes made in the agency's initial budget including change requests, request authorizations, funds transfers, and other records	6 years	O.C.G.A. 45-8-9; 45-12-83; 45-12-87	Temporary - Short Term	
Budget Request Records	Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments to allotments, and reporting program performance	6 years	O.C.G.A.45-8-9; 45-12-78	Temporary - Short Term	

Information Technology - 06

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Computer Inventory Records	Records documenting the assignment of a specific computer to an individual as well as an inventory of the software licensed for that computer; also may include IP address or mailbox assigned to the individual	4 years after computer removed from service or staff leaves agency	O.C.G.A 16-9-93; 45-11-1; 50-5-51; 50-5-80; 50-5-146	Temporary - Short Term	
Computer System Documentation	Hardware and software	5 years and		Temporary - Short Term	



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Retention Schedules for Administrative Records

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
	manuals and program coding	migration of all permanent records to new system			
Equipment and Network Usage Documentation	Policies and procedures for appropriate use of agency equipment and software	4 years after superseded	O.C.G.A. 16-9-93g(4)	Temporary - Short Term	
Equipment Records	Include purchase orders, warranties, operation manuals and service contracts for all computer hardware and software	4 years after disposition of equipment	O.C.G.A. 9-3-32; 16-9-93; 50-5-51; 50-5-80	Temporary - Short Term	
Network and PC Password and Security Identifications	Records documenting the issuance or selection of a network password and the administration of security on an agency's network	4 years	O.C.G.A. 16-9-93g(4)	Temporary - Short Term	
System Architecture Documents and Wiring Schemas	Records documenting the location of wiring and the design of the overall agency network environment	3 years after obsolete or replaced	O.C.G.A. 9-3-33	Temporary - Short Term	
Accession Records	Master record of all acquisitions	Permanent		Permanent	
Circulation and Retrieval Records	Records documenting daily, monthly, and annual reference activity	3 years		Temporary - Short Term	



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Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Membership Registrations	Records used to grant borrowing, viewing, or access privileges to viewers	2 years after expiration		Temporary - Short Term	

Payroll - 07

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Annual Payroll Earnings Reports	Summary of employees' payroll earnings for fiscal year, including deductions	50 years after tax year in which the records were created		Temporary - Long Term	
Deduction Authorizations	Records documenting an individual employee's authorization to withhold taxes and other deductions from the employee's pay	5 years after deductions are changed	O.C.G.A. 48-7-111; 26 CFR 31.6001-1	Temporary - Short Term	
Deduction Records	Records documenting retirement contributions, and all other deductions for insurance, bank accounts, or cafeteria plans that are withheld from the pay of individual employees	5 years after end of fiscal year	O.C.G.A. 48-7-111; 26 CFR 31.6001-1	Temporary - Short Term	
Employee Salary Schedules	Records documenting pay scales and salary levels for all employees	Permanent		Permanent	Transfer to Archives every 1-4 years
Garnishments	Records documenting the	3 years after release	26 CFR 31.6001-1;	Temporary - Short Term	



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Retention Schedules for Administrative Records

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
	withholding of funds from an employee's wages at the request of the courts or a state agency	from garnishment	29 CFR 516.5		
Periodic Tax Reports	Records documenting taxable and non-taxable income of an agency	5 years	O.C.G.A. 48-7-111	Temporary - Short Term	
Salary and Wage Records	Pre-payroll reports, monthly payroll check registers, monthly fund distribution reports and payroll action forms	5 years after the end of the fiscal year	O.C.G.A. 9-3-22; 9-3-25; 26 CFR 31.6001-1	Temporary - Short Term	
Unclaimed Pay Checks	Checks that remain unclaimed by employees	1 year	O.C.G.A. 44-12-206	Temporary - Short Term	
Withholding Allowance Certificates (W-2 and W-4 forms)	Federal forms completed by an individual to establish the amount of taxes withheld from wages	5 years after superseded	O.C.G.A. 48-7-111; 26 CFR 31.6001-1	Temporary - Short Term	

Personnel - 08

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Applications for Employment, Unsolicited or Incomplete	Records documenting applications for job openings	3 months		Temporary - Short Term	
Continuation of Insurance Benefits	Records documenting	3 years	Consolidated	Temporary - Short Term	



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Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
(COBRA) Records	individual election to continue insurance benefits beyond employment with an agency		Omnibus Reconciliation Act of 1986		
Employee Assistance Program Case Files	Records documenting the referral and treatment of employees in an agency-sponsored assistance program	6 years after employee completes program	O.C.G.A. 45-20-13	Temporary - Short Term	
Employee Grievance Action Case Files, Resolved	Resolution of employee complaints against supervisor or other employees	2 years after all parties have left employment at the agency	29 CFR 1602.31	Temporary - Short Term	
Employee Handbooks	Guidelines created to explain the internal operations and procedures of the agency to a new employee	Permanent		Permanent	Transfer to Archives every 1-4 years
Employee Medical Files, Toxic/Hazardous Substance Exposure	Documentation of employee exposure to hazardous materials	30 years after separation	29 CFR 1910.1020(d)	Temporary - Long Term	
Employee Parking Records	Records documenting employee parking permit applications, cards, and permits	5 years after expiration of permit	O.C.G.A. 9-3-30	Temporary - Short Term	
Employee Personnel Files - Permanent (Full-time) Staff	Documents an employee's work history with the agency, generally maintained as a case file; includes records of continuing education,	7 years after separation	O.C.G.A. 45-20-13; 47-2-2; 47-2-70(c); 47-2-92; 47-2-94; 47-2-125	Temporary - Long Term	



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Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
	performance evaluations, disciplinary actions, and background checks				
Employee Personnel Files - Temporary Staff	Records documenting the work of temporary staff that accrue no retirement benefits as part of their employment	6 years	O.C.G.A. 47-2-99	Temporary - Short Term	
Employee Retirement Contribution Reports	Documents relating to participation in an agency supported retirement program	6 years	O.C.G.A. 47-2-26; 48-7-111	Temporary - Short Term	
Employee Retirement Plans (Employee Retirement System)	Copies of pension plans, both current and past, summarizing benefits and eligibility criteria	Permanent. Retain 1 copy		Permanent	Transfer to Archives every 1-4 years
Employee Retirement Plans, Copies of	Copies of pension plans, both current and past, summarizing benefits and eligibility criteria	Retain for useful life		Transitory	
Employment Eligibility Verification Records	I-9 forms	3 years after date of hire or 1 year after separation, whichever is longer	8 CFR 247a.2	Temporary - Short Term	
Equal Employment Opportunity Commission (EEOC) Reports	Reports classifying employees by race and gender that document compliance with EEOC rules	3 years	29 CFR 1620.32	Temporary - Short Term	



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Retention Schedules for Administrative Records

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Family Medical Leave Case Files	Records documenting extended absence from work by an employee under provisions of the Family Medical Leave Act	3 years after separation	29 CFR 825.16; 29 CFR 516.1; 29 CFR 516.5; 29 CFR 516.6	Temporary - Short Term	
Final Leave Status	Records documenting cumulative leave held by an individual employee	Place in personnel file after separation	O.C.G.A. 47-2-91	Temporary - Long Term	
Group Insurance Policies, Expired	Group insurance policies-such as life, health, or workers' comp - held by an agency as part of the employee benefits program	10 years		Temporary - Long Term	
Job Recruitment Materials	Records documenting efforts to advertise positions and attract qualified personnel	2 years	29 CFR 1620.32; 29 CFR 516.6	Temporary - Short Term	
Leave Donation Records	Records documenting the donation of leave by employees to assist an individual who must be absent from work for an extended period of time due to illness	1 year after leave used		Temporary - Short Term	
Leave Records	Records documenting hours worked, sick leave donations, leave earned, and leave taken; does not include final leave status	5 years		Temporary - Short Term	



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Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Official Bonds and Oaths	Bonds required of state officials and custodians of funds	5 years after expiration of term	O.C.G.A. 20-2-104; 36-6-2; 36-6-3; 36-6-4	Temporary - Short Term	
Position Classification Materials	Records documenting job requirements, description, and salary range	4 years after position is reclassified	29 CFR 1620.32; 29 CFR 516.5; 29 CFR 516.6	Temporary - Short Term	
Pre-employment Assessments, Not Hired	Exams taken by those applying for positions with a state agency	3 years	29 CFR 1620.32; 29 CFR 516.5	Temporary - Short Term	
Retirement Incentive Program Records	Records documenting employees who elect for early retirement under government offered incentive programs	6 years after final payment		Temporary - Short Term	
Worker's Permits	Permits to allow persons under 18 years old to obtain summer employment	2 years	20 CFR 655, subpart J, appendix A	Temporary - Short Term	

Property - 09

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Blueprints and Specifications, As-Builts	Plans and specifications maintained by an agency for its own facility. Used by facilities management to facilitate repairs and upgrades to the building.	Permanent	Historical value; O.C.G.A. 9-3-51	Permanent	Transfer to Archives every 1-4 years



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Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Capital Construction Project Records	Provides a record of the planning, administration, and implementation of capital construction projects; includes project descriptions and requirements, bid records, plan reviews, project schedules, contract changes, consultant contracts, and budgets	11 years after completion of project	O.C.G.A. 51-1-11	Temporary - Long Term	
Depreciation Schedules	Records documenting useful life and depreciation of agency-owned equipment and property, usually for insurance purposes	4 years	O.C.G.A. 9-3-31; 9-3-32	Temporary - Short Term	
Equipment Maintenance Records	Includes purchase orders, warranties, operating manuals, service contracts and service logs for maintenance of agency-owned equipment and vehicles	5 years	O.C.G.A. 9-3-31; 9-3-32; 9-3-33	Temporary - Short Term	
Facility Inspection Files and Reports	Records documenting inspection of facilities to comply with standards, rules, and codes affecting health and safety of the occupants; includes safety inspections	Building Age 0-8 years: 11 years. Building Age 9-up years: 3 years.	O.C.G.A. 9-3-33; 9-3-51	Temporary - Long Term	
Facility/Building Security Records	Records documenting security measures and procedures; includes security inspections	5 years	O.C.G.A. 9-3-30	Temporary - Short Term	



Judicial Branch of Georgia

Administrative Office of the Courts

Retention Schedules for Administrative Records

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Fuel and Oil Usage Reports	Periodic reports of the consumption of diesel, gas, and oil in government-owned vehicles	3 years after disposition of equipment or cars		Temporary - Short Term	
Fuel Tax Reports	Periodic reports of taxable and non-taxable diesel fuel usage by government-owned vehicles	3 years		Temporary - Short Term	
Insurance Fund Claims	Records documenting requests for payment of insurance claims from the Georgia Department of Administrative Services Risk Management Division	5 years after claim is paid or denied	O.C.G.A. 9-3-31; 9-3-32; 9-3-33	Temporary - Short Term	
Insurance Policies	Records documenting insurance purchase for agency facilities or of membership in risk management cooperatives	7 years after expiration of policy or membership	O.C.G.A. 9-3-24	Temporary - Long Term	
Inventories	Listings of agency-owned property and equipment	5 years after disposition of equipment	O.C.G.A. 9-3-30; 9-3-31; 9-3-32; 9-3-33; 16-8-4; 50-5-51; 50-5-80; 50-5-146	Temporary - Short Term	
Leasing and Rental Records	Records documenting the leasing or renting of land, buildings, or facilities	7 years after expiration (or termination) of contract	O.C.G.A. 9-3-24; 50-5-65; 5-5-80; 50-5-146	Temporary - Short Term	



Judicial Branch of Georgia

Administrative Office of the Courts

Retention Schedules for Administrative Records

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Property Disposition Requests (Surplus Property Records)	Requests for change in status of state-owned property	5 years	O.C.G.A. 9-3-26	Temporary - Short Term	
Receipts of Responsibility	Records documenting property temporarily in use or possession of an employee	Retain until return of item to property manager	O.C.G.A. 9-3-31; 9-3-32; 50-5-80	Transitory	
Restricted Area/Access Authorization Identification Records	Documents the issuance of security/access badges to staff	5 years after employee separation from service	O.C.G.A. 16-9-93g(4)	Temporary - Short Term	
Space Planning/Design Management Project Files	Evaluation and design of space for government agencies	3 years after project completion		Temporary - Short Term	
Vehicle Accident Reports	Records documenting damage to agency-owned vehicles	5 years	O.C.G.A. 9-3-31; 9-3-32; 9-3-33	Temporary - Short Term	
Vehicle and Equipment Maintenance Files	Records documenting service history, mileage, damage repair, routine preventative maintenance and disposition of agency vehicles	5 years after disposition of vehicle	O.C.G.A. 9-3-33	Temporary - Short Term	
Vehicle and Equipment Purchases	Records documenting the purchase of equipment and vehicles	5 years after disposition of equipment	O.C.G.A. 9-3-31; 11-2-725	Temporary - Short Term	
Vehicle Permits/Security Identification	Records documenting the	2 years after		Temporary - Short Term	



Judicial Branch of Georgia

Administrative Office of the Courts

Retention Schedules for Administrative Records

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Records	issuance of vehicle decals providing access to secure areas	expiration			
Vehicle Title Records	Documents agency ownership of cars, vans, trucks, trailers, boards, tractors, etc.	Applications: Retain until receipt of title. Title: Retain for duration of ownership.	O.C.G.A. 9-3-31	Temporary - Short Term	
Vehicle Use Authorizations and Requests	Records documenting permission for employees to use their private automobiles for official business	5 years after superseded or obsolete	O.C.G.A. 9-3-31; 9-3-32	Temporary - Short Term	

Records Management - 10

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Destruction Records	Records documenting the destruction of agency records	7 years	O.C.G.A. 9-3-24	Temporary - Short Term	
Inventories	Current listings of records created and maintained by an agency	5 years after disposition of records	O.C.G.A. 9-3-32; 16-8-4; 50-5-80; 50-5-146	Temporary - Short Term	
Microfilm Production Records	Records documenting the preparation and filming of records such as production reports, activity reports, film logs, retake orders, title targets, and list of records to	7 years	O.C.G.A. 9-3-32	Temporary - Short Term	



Judicial Branch of Georgia

Administrative Office of the Courts

Retention Schedules for Administrative Records

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
	be filmed				
Microfilm Quality Inspection Reports (Quality Control Reports)	Reports documenting the quality of individual rolls of film	Retain for life of film		Temporary - Long Term	
Microfilm Transmittals and Evaluation Reports	Records documenting the transfer of film to a security storage facility and the condition of the film upon acceptance into the facility (evaluation report is completed by storage facility)	Retain for life of film		Temporary - Long Term	
Microfilm Vault Monitoring Reports	Records documenting temperature and humidity conditions within a storage facility	5 years	O.C.G.A. 9-3-32	Temporary - Short Term	
Records Transmittal Records	Records documenting the transfer of agency records into the custody of a records center facility	5 years after disposition of transferred records	O.C.G.A. 9-3-32; 16-8-4; 50-5-80; 50-5-146	Temporary - Short Term	
Reference Requests	Reference pull sheets documenting the retrieval of records from a records center facility	7 years	O.C.G.A. 9-3-24	Temporary - Short Term	
Records Schedules, Reference Copies	Copies of approved agency records retention schedules	5 years after superseded	O.C.G.A. 50-18-99; 50-18-102	Temporary - Short Term	



Judicial Branch of Georgia

Administrative Office of the Courts

Retention Schedules for Administrative Records

Record Title	Description	Retention	Legal Citation	Retention Classification	Archival Instructions
Records Schedules, Record Copy (Judicial Council/AOC)	Records retention schedules approved by the Judicial Council and maintained by the AOC or other governing authority	Permanent	O.C.G.A. 50-18-99; 50-18-102	Permanent	Transfer to Archives when superseded

2003 - 2004 ICJE Annual Report

Narrative Report of the Executive Director

Institutional Background

The Institute of Continuing Judicial Education of Georgia (ICJE) is a public service and outreach commitment of the University of Georgia School of Law. Its governing Board of Trustees reflects representation from of the State's four ABA accredited law schools, the State Bar, and the judicial branch constituents served. The Institute is a creation of the Supreme Court and the Judicial Council of Georgia. The ICJE bears primary responsibility for initial training and continuing education of elected officials and court support personnel of the Georgia judiciary. Conferences, seminars and workshops signify the products traditionally identified with the ICJE by constituents. However, program support materials, monographs and exercises, videotapes as well as other self-study resources are also embraced by the Institute's efforts. The ICJE provides semi-annual or annual programs for judges of superior, state, juvenile, probate, magistrate and municipal courts, together with training sessions for clerks of superior, state, juvenile, probate and magistrate courts, as well as courses for secretaries of both trial court judges and magistrates, along with instructional activities for juvenile court probation officers, court administrators, and administrative law judges of Georgia's Office of State Administrative Hearings and the Workers Comp Board.

Major Highlights

During the 2003 - 2004 product year, FY 2004, the Institute successfully delivered its customary calendar of activities. For the sixteenth consecutive year, more than 2,500 attendees (actually 3,795) took part in Institute programming. Attendee contact hours for the year totaled 58,326, the highest ACH sum in the Institute's history.

Record-setting participation was achieved in several of the ICJE's regular events, including: the summer conference for Superior Court Judges (200), the annual conference for trial judges' secretaries (161), the multi-class-of-court specialty course on Judicial Election Campaigning (77), the magistrates specialty course on Political Conduct and Ethics (69), the annual conference for Juvenile Court Clerks (98), and the annual conference for Juvenile Court Probation Officers (155).

One of the prior year's two major new product development efforts, delivery of basic Spanish language education for court clerks was continued on a modest scale, while being set-up to expand in FY 2005 to initiate training of judges in this arena. The training included: (i) written materials covering the structure of Spanish language as well as terminology and phraseology reflecting significant public information about courts, (ii) a CD ROM for use in practicing both listening and speaking relevant vocabulary and dialogue pertinent to court services, (iii) a daylong class on Spanish language structure, vocabulary and pronunciation.

The year's most novel undertaking was a series of instructional focuses on curricula covering judicial ethics with regard to judicial election campaigning, brought about by changes in national Constitutional Law as well as the State's Code of Judicial Conduct. Two lengthy courses in particular targeted these matters, along with several short update presentations. Generous funding from the Council of Superior Court Judges of Georgia enabled design and delivery of this activity.

The Georgia Court Information Sharing Collaborative, also funded in large part by the Council of Superior Court Judges, was continued this year. As one of the past year's major product development efforts, the Georgia Court Information Sharing Collaborative then included:

(i) speakers from across the country familiar with the creation of integrated justice data / information management systems for courts, (ii) teams of participating Georgia court personnel from approximately half the judicial circuits in the State and numbering just over 200 individuals, (iii) judicial and non-judicial participation in local product development teams to bring integrated justice principles to Georgia's court information sharing processes, to benefit both local and state-level usage of court information. The FY 2004 iteration focused on reports of progress by the local, circuit-wide teams of integrated justice practitioners, together with a special introduction to e-filing procedures.

Finally, the international outreach arena of ICJE activities continued with design and delivery of yet another two week course illustrating for visiting judges from Ghana innovative judicial administration practices applicable in trial court settings. This was the third delegation of Ghanaian judges served by the ICJE

Specialty courses delivered during the FY 2004 product year targeted: Handling Domestic Violence Cases, Search & Seizure Law, Judicial and Court Security, Duties and Powers of Chief Magistrates, Judicial Ethics and Professionalism, Faculty Training & Course Development, and part two of the Georgia Court Information Sharing Collaborative. A delegation of fifteen Georgia judges of superior, state, and magistrate court participated in phase two of the Leadership Institute in Judicial Education at the University of Memphis.

Readings for the year's various Judging and Humanities efforts centered around the books: American Ethics and the Virtuous Citizen: Basic Principles by Robert Grant, No enemy But Time by Charles Harris, Oracle of the Ages: Reflections on the Curious Life of Fortune Teller Mayhaley Lancaster by Dot Moore, The Gift of Fear by Gavin DeBecker, A Sudden

Silence by Eve Bunting, and Confronting Drunk Driving by H, Laurence Ross. Authors Grant, Harris and Moore facilitated several of these particular study sessions for superior and state court judges.

Implementation continued on the four-year, long range, product and institutional development plan for the Institute that encompasses: (i) maintaining current services and infrastructure; (ii) implementing new programs, products and services; (iii) procuring new equipment and furnishings; (iv) employing new personnel. State general revenue appropriations requests for *full funding* within the ICJE of the total costs for continuing judicial education in Georgia were curtailed due to the State's economic downturn. Indeed, the Institute operated in FY 2004 on 15% fewer dollars than were appropriated for FY 2003. Brokering product support funds from other judicial branch agencies, however, sustained the array of CJE products and services available to the Georgia judiciary.

Connection with UGA Strategic Plan

Reflecting the Institute's tie to the UGA School of Law, the following ICJE efforts during the FY 2004 product year meshed with six strategic planning goals of the University of Georgia.

(1) Fostering Cultural Diversity & Equality in the Courts

Arrangements were made to preview a model curriculum that addresses the handling of sexual assault cases by State courts, for implementation in FY 2005 and beyond. This specialty curriculum is a product of the National Judicial Education Project to Promote Equality for Women and Men in the Courts. Similarly, nationally-renown domestic violence expert, Prof. Sarah Buehl, was brought in from Texas to teach in the ICJE's Spring specialty course targeting family violence.

Immigration lawyers and officials addressed several judicial groups during the year, focusing particularly upon the immigration status of criminal court defendants and the impact of State court rulings for these individuals.

In the orientation courses for new judges of magistrate, municipal, probate, state and superior court, specifically treated subject matters were: (i) the Canon 3B(5) and 3B(6) judicial obligations to avoid behaviors of bias and prejudice based upon race, ethnicity, gender, or religion, as well as (ii) not to tolerate such conduct by others within the supervision of the court.

(2) Strengthening Support and Funding

Once again, the overall funding for the State's general program of judicial education was brokered from resources initially earmarked for the ICJE, as well as directed toward magistrate court judges, municipal court judges, superior court judges, and certified court reporters. In the face of FY 2004 general revenue appropriations reductions experienced by the ICJE, several other agencies and departments of the judicial branch shared funds with the Institute as their budgets would permit. The Supreme Court's Equality Commission continued to collaborate with the ICJE by providing monies for published materials as well as to offer to underwrite the travel expenses for certain speakers. The Georgia Court Information Sharing Collaborative: Part II was fully funded with monies provided from the Council of Superior Court Judges and the Prosecuting Attorneys Council. Similarly, the specialty course on Judicial Elections Campaigning was paid for from the superior courts budget.

(3) Curricula & Methods Responding to Mission

Full-time UGA faculty and staff shared their expertise in a number of program leadership roles. These instructors included the Law School's Laurie Fowler, Lynda Hanscome, Sarajane

Love, Rich Reaves, Alex Scherr, and Carol Watson, along with the College of Pharmacy's Carol Middlebrooks and Randall Tackett. Mark Kadish and Paul Milich of the GSU Law School also served as CJE contributing faculty members, as did Mercer Law School's John Cole and Patrick Longan.

(4) Broadening International Perspective

The ICJE's Executive Director instructed on the topics of judicial independence and rule of law, judicial ethics and professionalism, as well as administration of judicial education, while hosting the delegation of visiting judges from Ghana. The Ghanaian's took part in the two week course on effective judicial administration, which is a joint venture of the UGA Law School's ICJE and its Dean Rusk Center for International and Comparative Law; and this course is one of two designed for this collaboration's International Judicial Training Program.

(5) Strengthening Commitment to Environmental Stewardship

Environmental torts were addressed through incorporating treatment of the book Civil Action by Jonathon Harr in the Institute's judicial administration program for visiting foreign judges. Traditionally, the issues and cases in this area relate primarily to federal court litigation and rarely surface in State courts. But, this reality is beginning to change nationwide. Both magistrate and municipal court operations with divisions or case calendars labeled environmental courts, which handle local ordinance violations connected with preserving environmental quality, spur the need for treatment of these topics in annual recertification courses. The growing vigor of public health and safety code enforcement by local governments is beginning to present a new arena of subject matters for the training of municipal and magistrate court judges. For

superior court judges, administrative law judges and magistrates, the ICJE in concert with the UGA Institute of Ecology delivered a course on soil erosion and sedimentation control during the FY 2004 product year.

(6) Utilizing New Technologies

Training of judges and court support personnel on utilization of new technology applications continued. The Georgia Court Information Sharing Collaborative: Part II was conducted this year. As one of the past year's major product development efforts, the Georgia Court Information Sharing Collaborative then included: (i) speakers from across the country familiar with the creation of integrated justice data / information management systems for courts, (ii) teams of participating Georgia court personnel from approximately half the judicial circuits in the State and numbering just over 200 individuals, (iii) judicial and non-judicial participation in local product development teams to bring integrated justice principles to Georgia's court information sharing processes, to benefit both local and state-level usage of court information. The FY 2004 iteration focused on reports of progress by the local, circuit-wide teams of integrated justice practitioners, together with a special introduction to e-filing procedures. The traditional focus on legal research employing CD Rom products gave way to the growing openness toward court use of more comprehensive internet-based legal research. Again this year, approximately 80 lessons from the on-line, self-study, facilities of "Learn2.Com" were made available by the ICJE to personnel of the judicial branch.

Assessment of ICJE Effectiveness Measures

The 2003 - 2004 program year included the following achievements.

- o Total participant attendance in ICJE seminar and conference activities, annually

recurring as well as special events, again exceeded 2,500 (actually 3,795). Attendee contact hours for the year totaled 58,326, the second highest sum in the Institute's history.

- o Contracts in cooperation with the Council of Superior Court Judges were implemented for product delivery in FY 2004 embracing: (i) continuation of the Georgia Court Information Sharing Collaborative, and (ii) a specialty course on Judicial Elections Campaigning. Working with the National Center for State Courts, the ICJE maintained a distance learning capacity of computer software applications for court personnel through the facility named "Learn2.Com". Financial aid was furnished to enable Georgia judges to take part in programs of the National Judicial College and the American Academy of Judicial Education.

- o Implementation continued of training targeted for clerks of juvenile court pursuant to a mandatory training law calling for a 20 hour basic course of orientation as well as an ongoing requirement of 12 hours. Similarly, implementation occurred during the FY 2004 product year of training targeted for secretaries to superior court judges, based upon fulfilling a 12 hour requirement. Inauguration of a certificate program for clerks of superior court, delivered by the UGA Carol Vinson Institute of Government, commenced during FY 2004 after development of this product by the CVIOG during first three quarters of the year.

- o Georgia's Magistrate Courts Training Council continued its court system-leading production of a high quality benchbook with yet another annual update and regular use of this resource in its survey update recertification and basic certification training. In FY 2004 this product also went on-line on the Magistrates' web-site as well as on CD Rom for individuals who prefer these formats to hard copy publications. An update for the municipal courts benchbook was also completed and distributed. Mentor-based new judge orientation for

magistrates, in accord with the recent mandatory training law, saw nearly 80 mentoring pairs operating during the year, enabling new magistrates to receive coaching during their first year of service from a more experienced judge. All classes of court, moreover, continued experimentation with some form of reinvigorated program for new judge orientation.

- o Collaboration with the Supreme Court's Equality Commission, in CJE product design and delivery growing from the work of the State's previous Gender Bias Study Commission and the Race Ethnic Bias Study Commission, was manifested through various instructional units specifically targeting: (i) appropriate use of language interpreters, (ii) domestic violence, as well as (iii) race, gender, ethnic, status fairness and equality. The Spanish language classes for clerks of court were implemented bearing in mind the goals and purposes of this Commission.

- o Funds appropriated by the legislature to the ICJE for programming and product development for the upcoming product year (FY 2005), increased by about 3%, after being reduced 15% for FY 2004 from FY 2003.

Unit Health Overall in Retrospect

Judicial educational funding brokered for use in FY 2004 decreased measurably over the level of the two previous years; yet appropriated funds, tuition payments, grants and service fees combined to furnish slightly more than 1.4 million dollars (\$1,402,630). Sources of these funds included the: Board of Court Reporting, Institute of Continuing Judicial Education, local county and municipal governing authorities, Magistrate Courts Training Council, Municipal Courts Training Council, Council fo Probate Court Judges, Council of Magistrate Court Judges, Council of State Court Judges and Superior Courts of Georgia, together with constituent MCLE payments. About \$7,500 in additional funding was gained from the training activity that

targeted the visiting judicial delegation from Ghana. During the year, as well, ever-improving administrative routines were brought to bear in the processing of appropriations funding as well as contracts and grants, operational expenses, program registrations, statistical measurement data, financial aid requests, and annual report information.



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The following pages are excerpts from FY 2003 “Alternative Dispute Resolution in the Georgia Courts,” the annual report prepared by the Georgia Office of Dispute Resolution. This report tracks the cases filed in Georgia trial courts that are referred to ADR by the courts or upon request of the parties at some point between the date the complaint is filed and the trial date.

During fiscal year 2003, over 28,000 cases were referred to ADR processes. There was a 68% resolution rate for the almost 20,000 cases that were referred to ADR that actually completed an ADR process.

Driving the popularity of ADR is the benefits it can offer to the parties and the courts. ADR provides an opportunity for parties to resolve their legal disputes in an expeditious and cost effective manner. ADR use can shrink dockets and reduce case processing times, thus offering relief to overburdened courts’ resources. Moreover, a process such as mediation, with its emphasis on communication and conciliation helps parties to craft satisfactory and durable settlements.

It is with a great deal of pride that the Georgia Office of Dispute Resolution presents this report of the continued growth and usefulness of Georgia’s court ADR programs.

Registered Neutral Information FY 2003

NUMBER OF REGISTERED NEUTRALS FY 2003	1,322
NUMBER OF NEW REGISTRATIONS FY 2003	114

Table 1.1 **Neutrals by Registration Category**

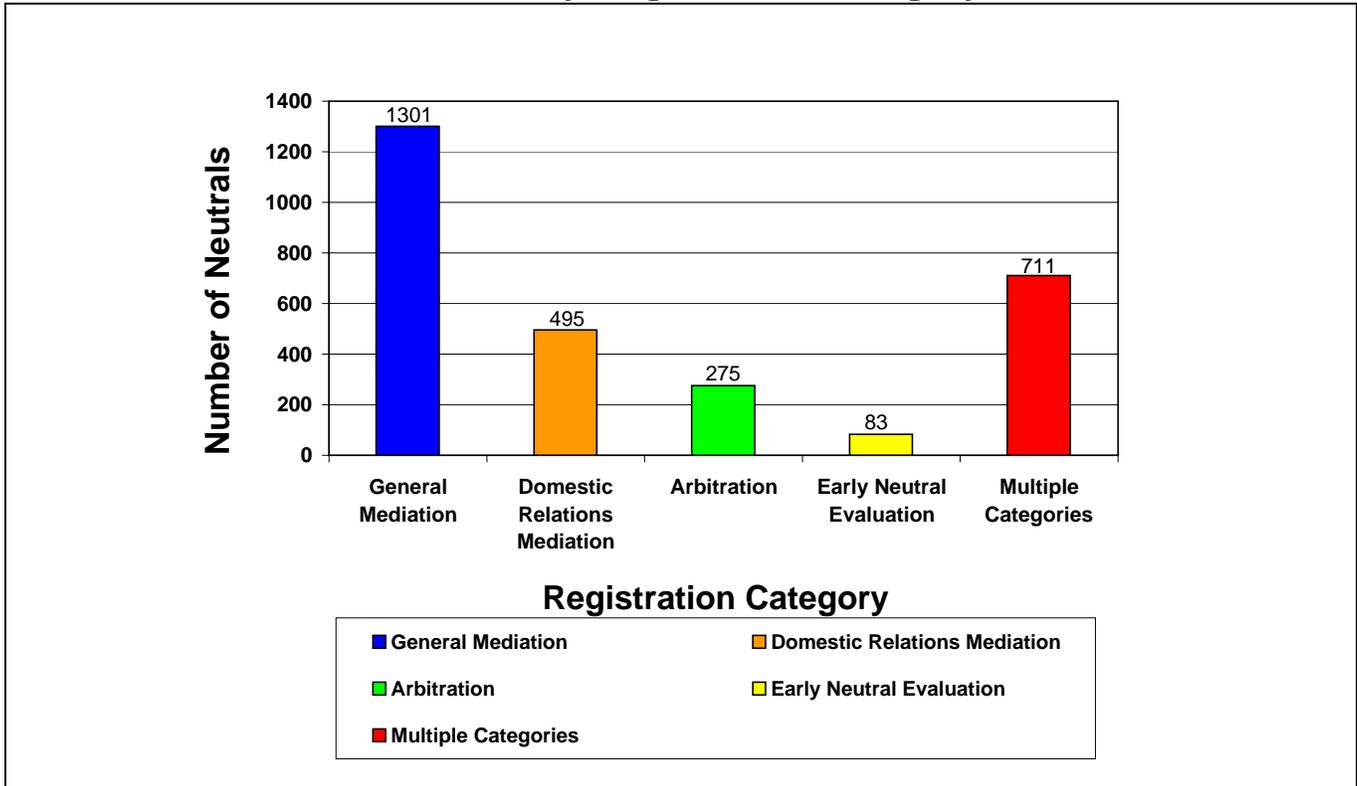


Table 1.2 **Education - Highest Degree Attained**

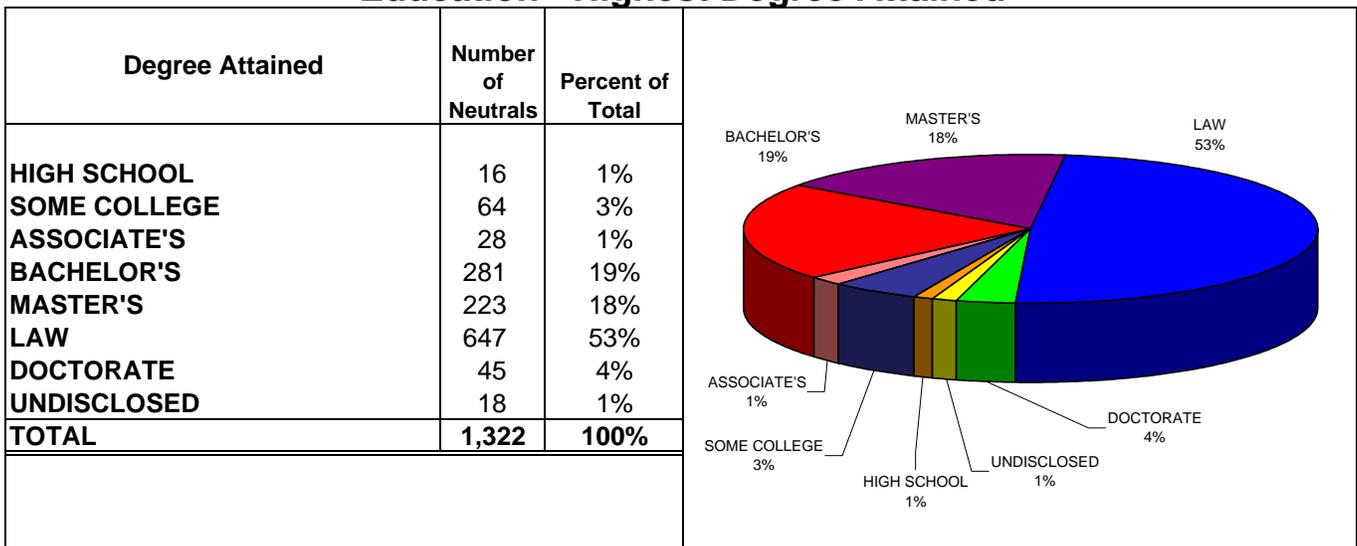


Table 1.3 Gender

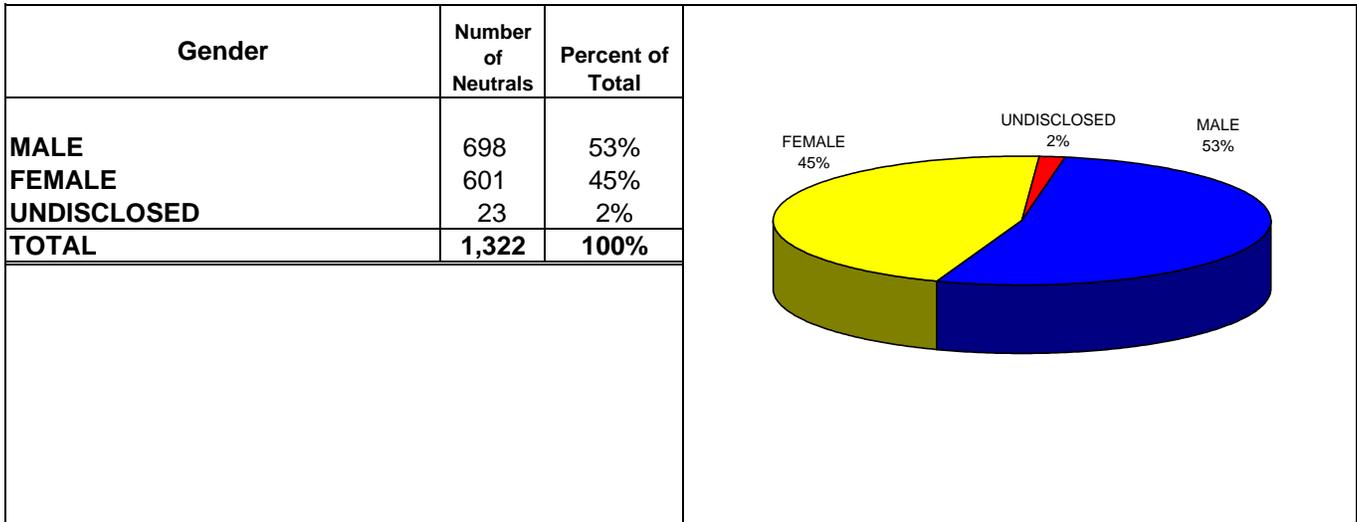


Table 1.4 Ethnicity

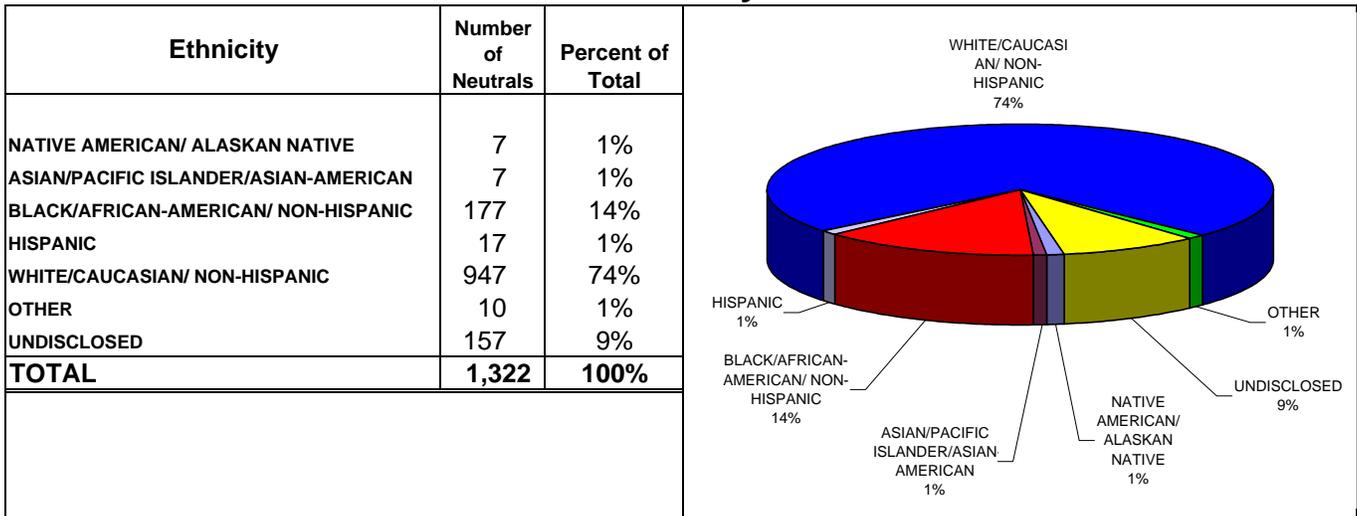
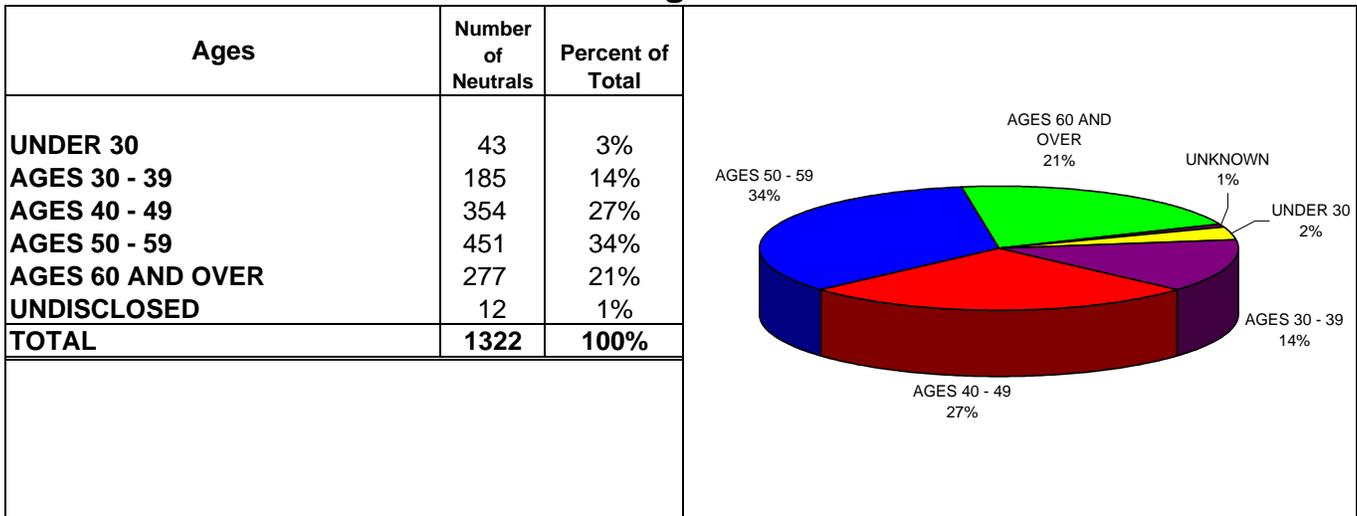
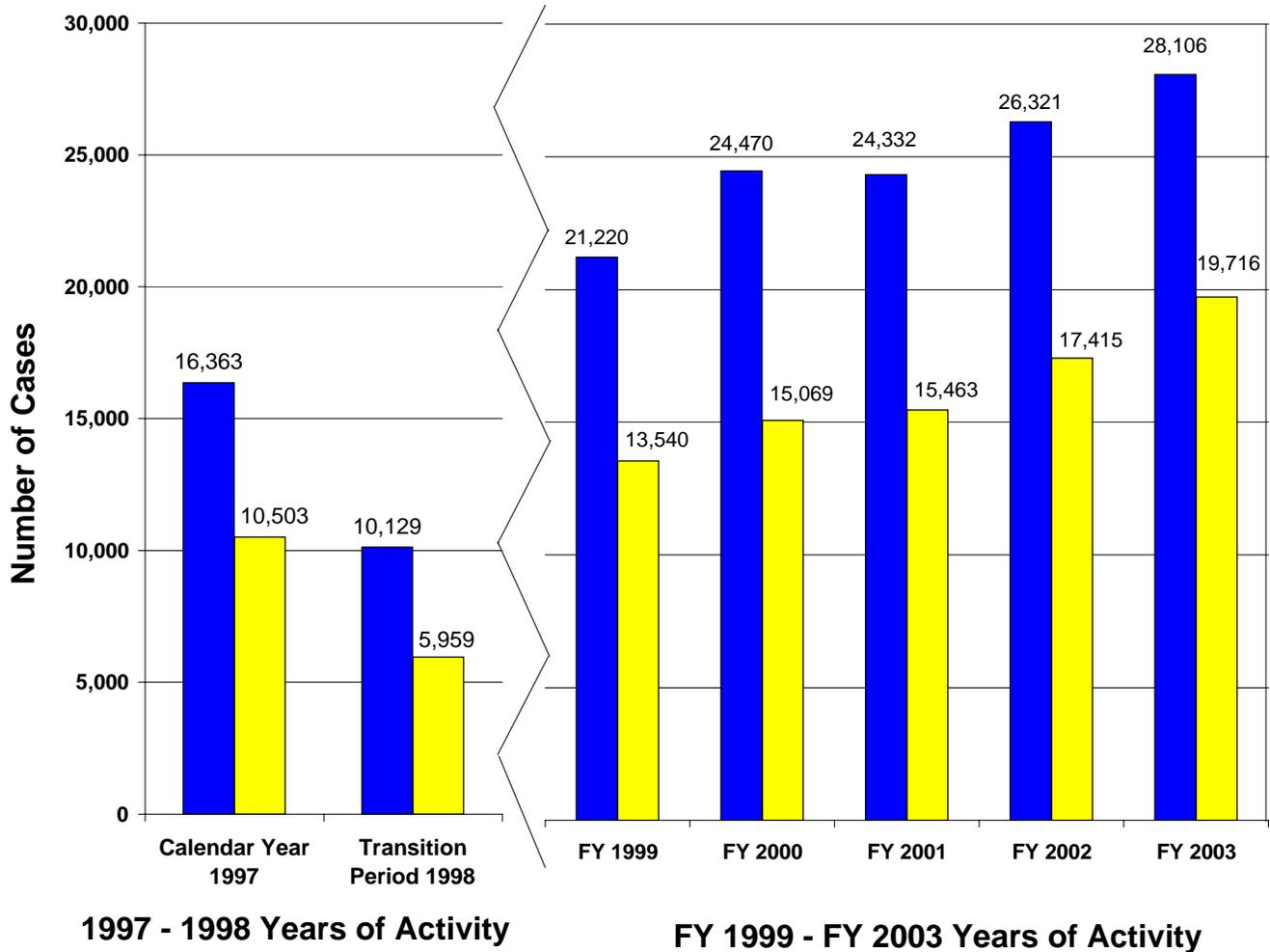


Table 1.5 Ages



ADR Activity Summary Graph

Total ADR Activity Summary by Year



- Cases Referred to an ADR Process
- Cases Completing an ADR Process

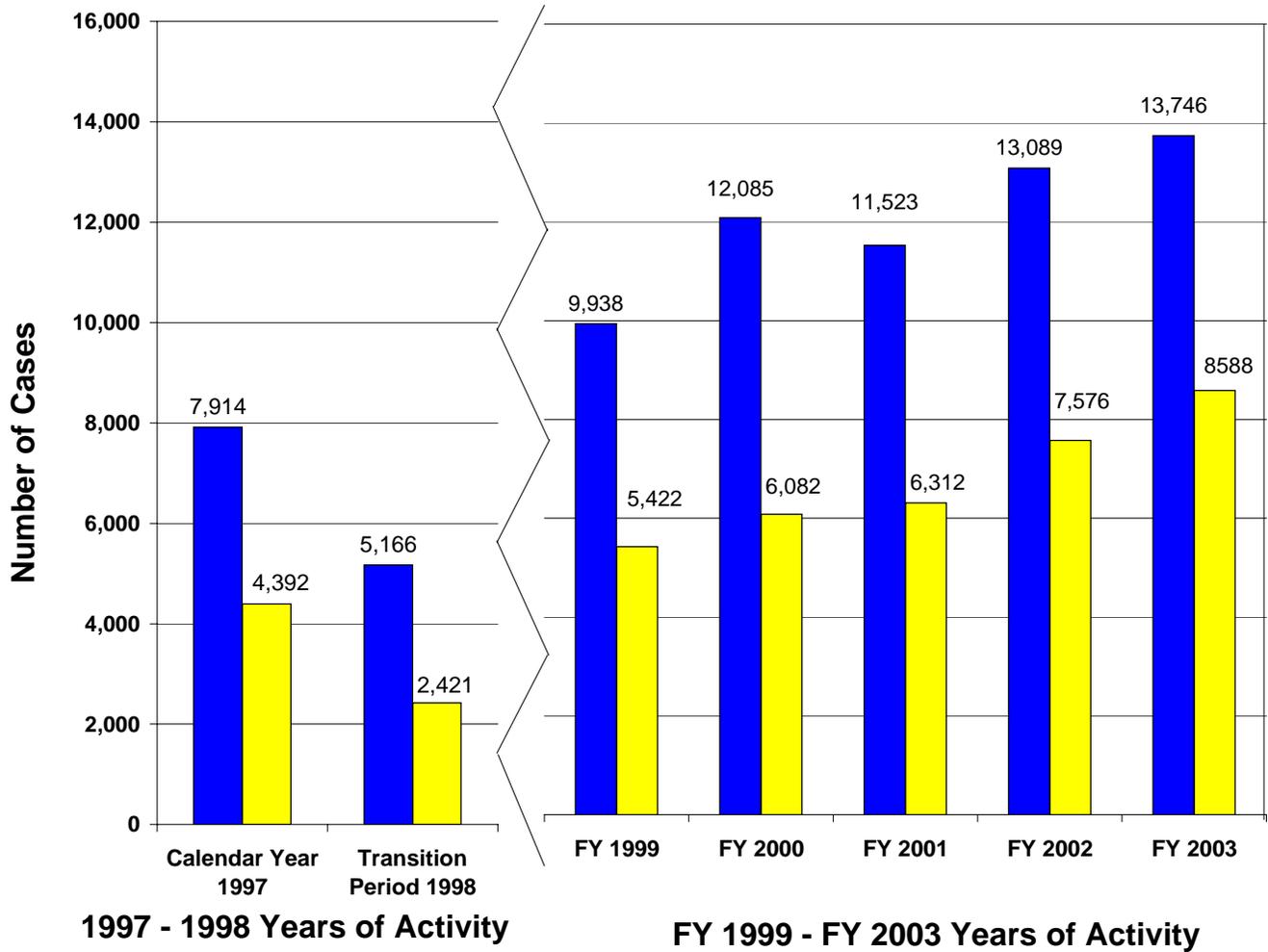
The data displayed in this section of the graph was gathered during the formative years of data collection. 1997 data was collected on a calendar year basis. The 1998 graph shows data gathered for the first six months of the calendar year only. This enabled GODR to standardize future data collection by fiscal year. Data from the last six months of 1998 is captured in the FY '99 statistics.

- Cases Referred to an ADR Process
- Cases Completing an ADR Process

FY refers to the twelve month period from July 1st through the following June 30th.

ADR Activity Summary Graph Superior Court

Superior Court ADR Activity Summary by Year



- Cases Referred to an ADR Process
- Cases Completing an ADR Process

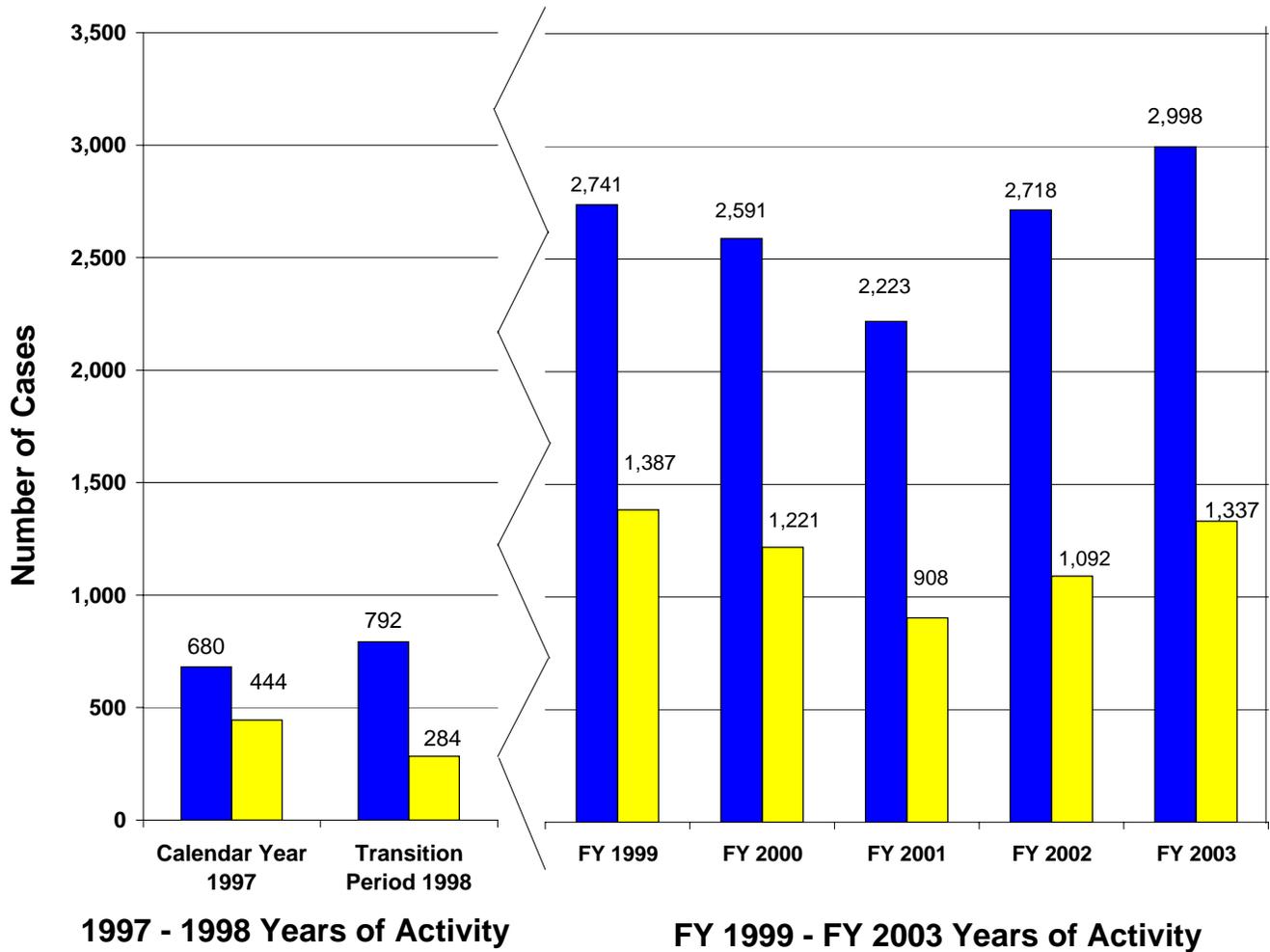
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- Cases Referred to an ADR Process
- Cases Completing an ADR Process

FY refers to the twelve month period from July 1st through the following June 30th.

ADR Activity Summary Graph State Court

State Court ADR Activity Summary by Year



■ Cases Referred to an ADR Process
■ Cases Completing an ADR Process

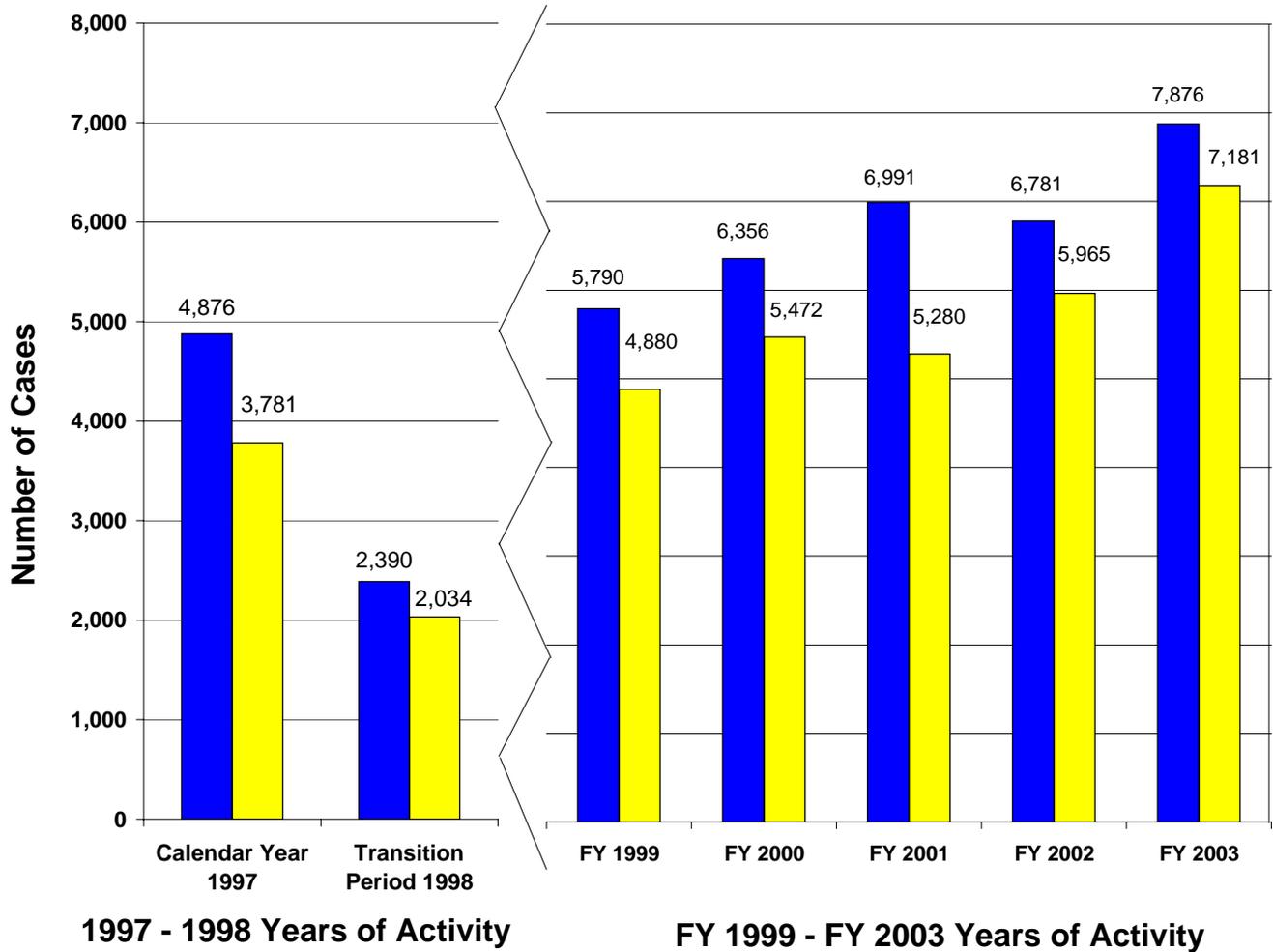
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■ Cases Referred to an ADR Process
■ Cases Completing an ADR Process

FY refers to the twelve month period from July 1st through the following June 30th.

ADR Activity Summary Graph Magistrate Court

Magistrate Court ADR Activity Summary by Year



- Cases Referred to an ADR Process
- Cases Completing an ADR Process

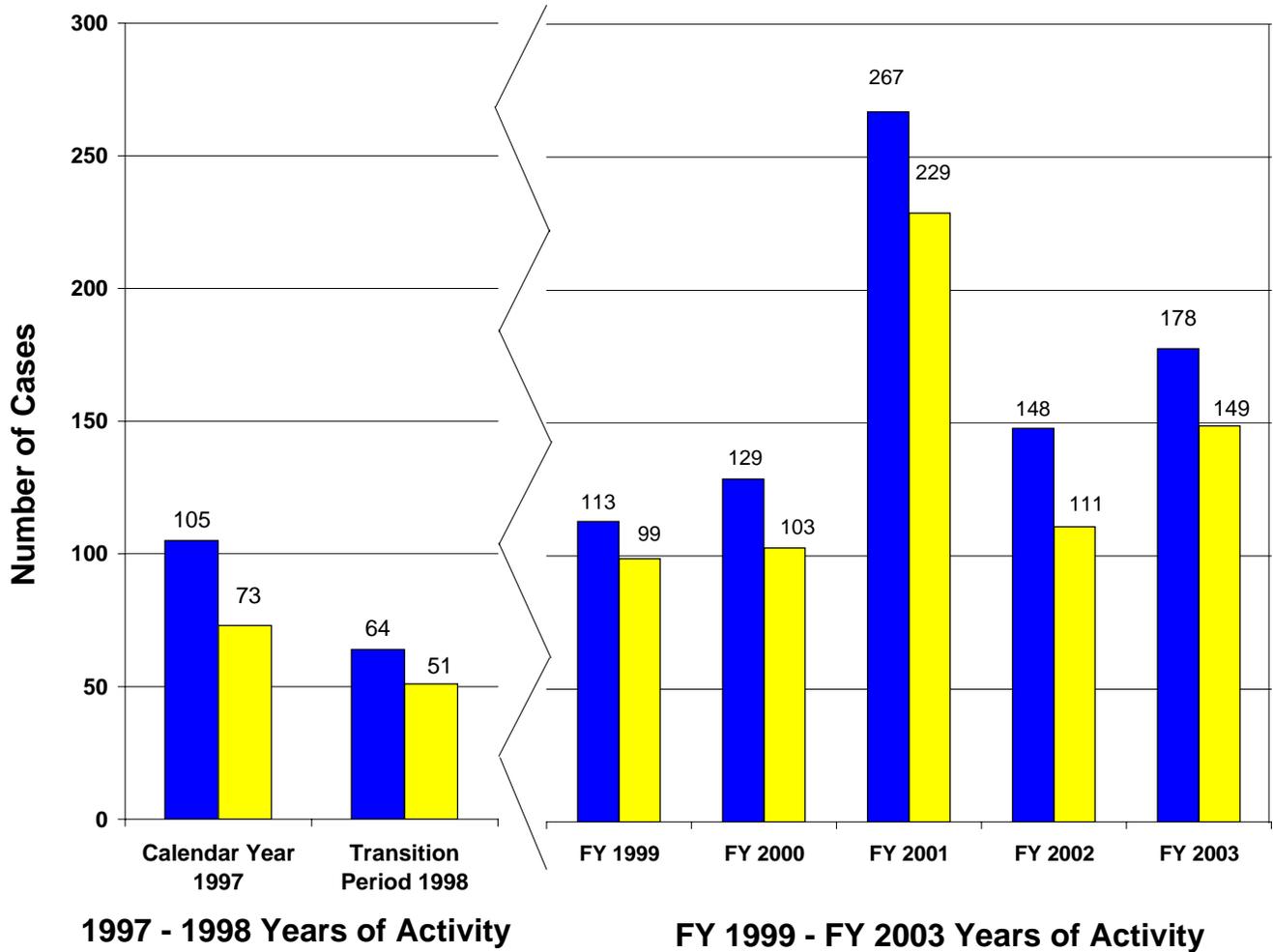
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- Cases Referred to an ADR Process
- Cases Completing an ADR Process

FY refers to the twelve month period from July 1st through the following June 30th.

ADR Activity Summary Graph Probate Court

Probate Court ADR Activity Summary by Year



■ Cases Referred to an ADR Process
■ Cases Completing an ADR Process

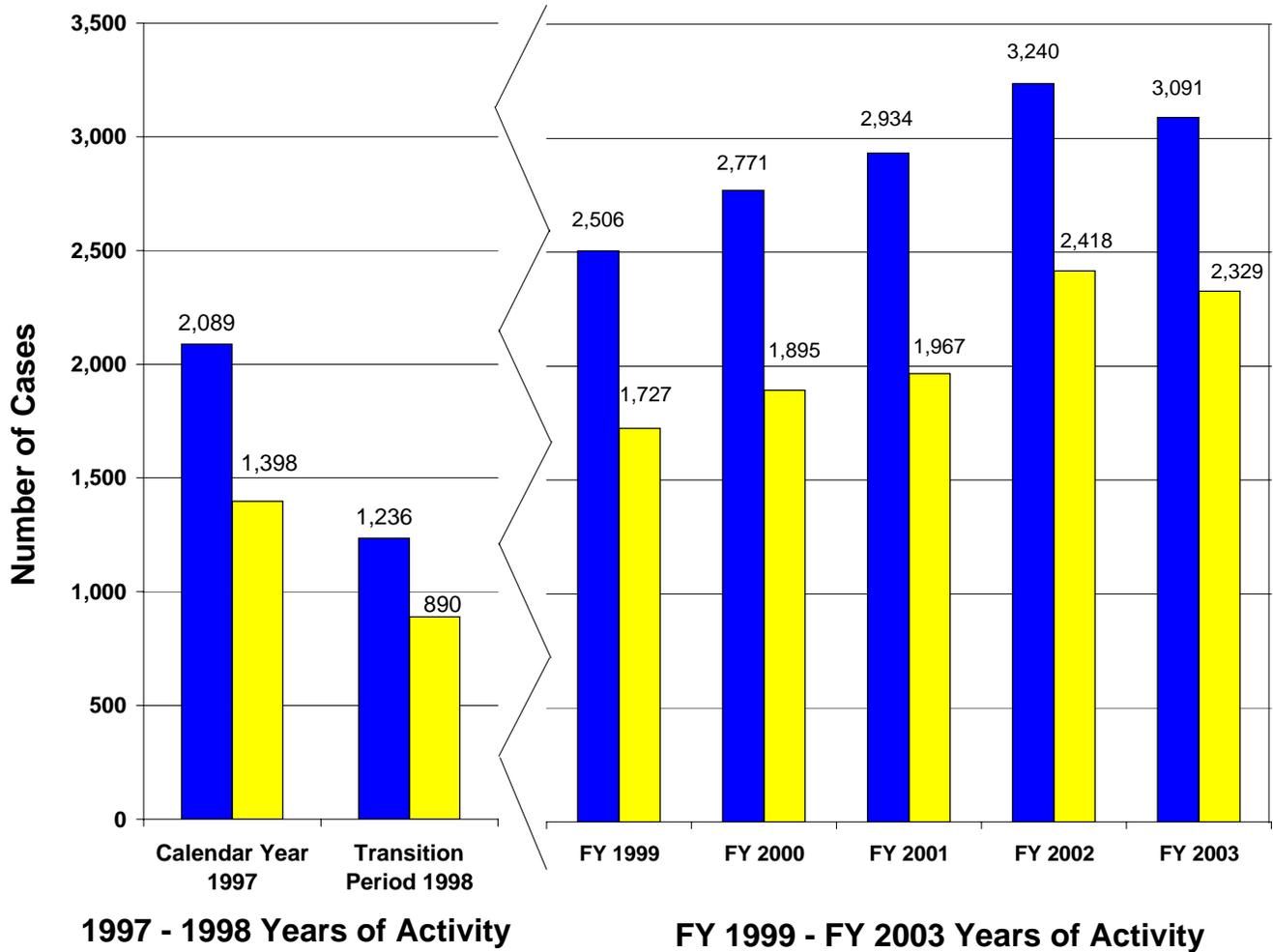
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■ Cases Referred to an ADR Process
■ Cases Completing an ADR Process

FY refers to the twelve month period from July 1st through the following June 30th.

ADR Activity Summary Graph Juvenile Court

Juvenile Court ADR Activity Summary by Year



■ Cases Referred to an ADR Process
■ Cases Completing an ADR Process

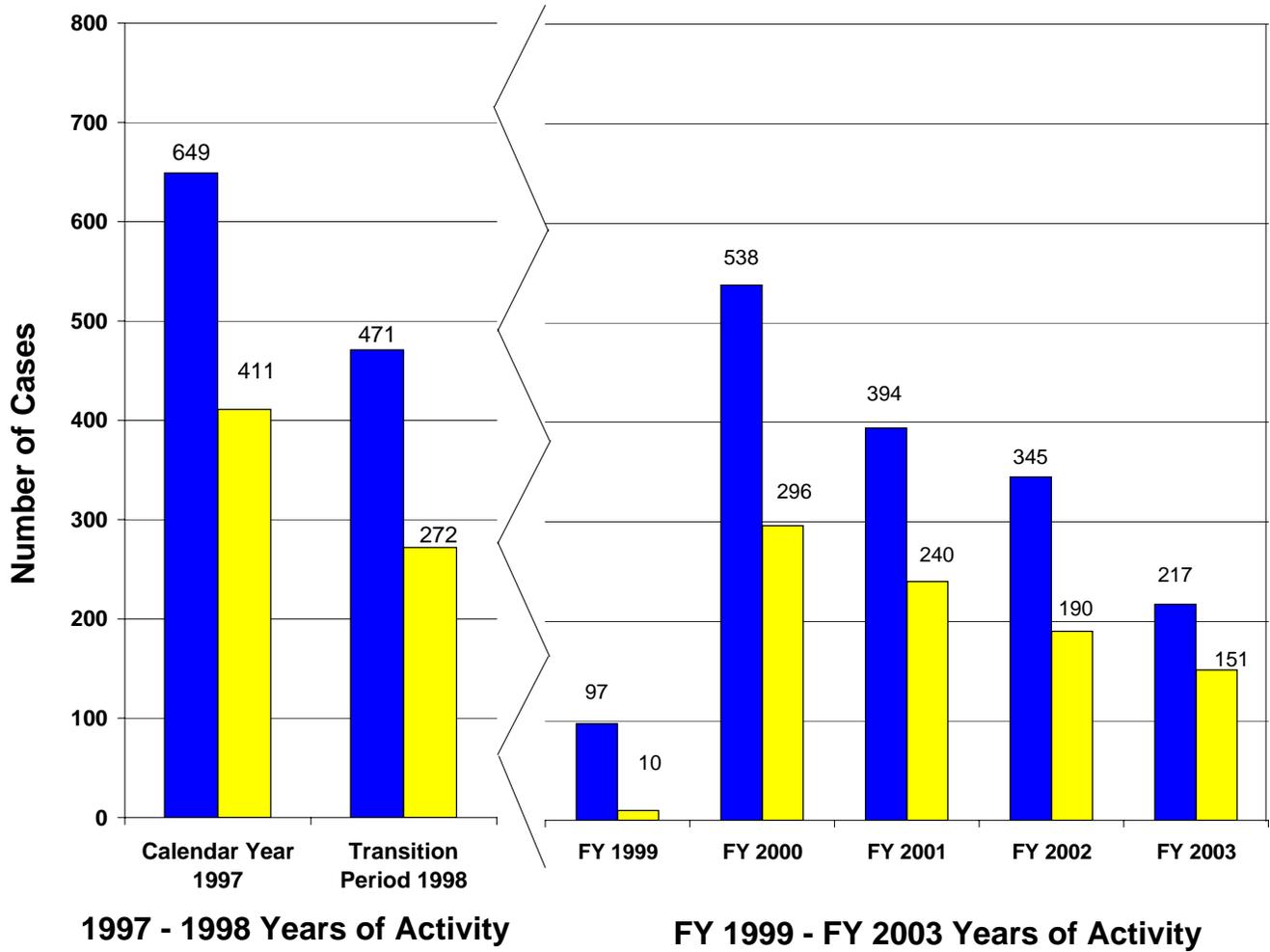
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■ Cases Referred to an ADR Process
■ Cases Completing an ADR Process

FY refers to the twelve month period from July 1st through the following June 30th.

ADR Activity Summary Graph Other

Other ADR Activity Summary by Year



■ Cases Referred to an ADR Process
■ Cases Completing an ADR Process

The data displayed in this section of the graph was gathered during the formative years of data collection. 1997 data was collected on a calendar year basis. The 1998 graph shows data gathered for the first six months of the calendar year only. This enabled GODR to standardize future data collection by fiscal year. Data from the last six months of 1998 is captured in the FY '99 statistics.

■ Cases Referred to an ADR Process
■ Cases Completing an ADR Process

FY refers to the twelve month period from July 1st through the following June 30th.

JUVENILE COURT OF BARTOW COUNTY

SUITE 333
135 WEST CHEROKEE AVENUE
CARTERSVILLE, GEORGIA 30120
Phone: 770-387-5039 Fax: 770-387-5044

VELMA COWEN TILLEY
Judge

SANDRA L. MOSS
Court Administrator/Clerk

November 23, 2004

Judicial Council of Georgia
c/o Terry Cobb
Assistant to the Director
Administrative Office of the Courts
244 Washington Street, S.W. Suite 300
Atlanta, GA 30334

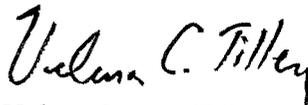
Re: Child Fatality Review Panel

Dear Judicial Council Members:

I am the new Juvenile Court representative on the Child Fatality Review Panel attempting to follow in the large footsteps of Judge Sharon Hill. I have been a member of the panel since May 2004 and have attended the two meetings scheduled since that time. As I get perspective on my tasks with the Panel, it seems appropriate that the report I give this year be taken from the annual report about to be published by the Panel. Eva Pattillo and her staff have done an outstanding job with that quite comprehensive report and it contains an excellent summary of the accomplishments of the Panel for the year as well as legislative recommendations, agency recommendations and goals. I enclose that two page summary for your review.

I am honored to be a member of this Panel and strive to be as an effective representative of the Juvenile Courts as Judge Hill was before me.

Very truly yours,


Velma Cowen Tilley, Judge
Bartow County Juvenile Court

Enclosures

GEORGIA CHILD FATALITY REVIEW PANEL ACCOMPLISHMENTS & RECOMMENDATIONS

Accomplishments:

1. Achieved a 95% compliance rate for county committees reviewing 2003 child deaths eligible for review. This is the highest compliance rate in Georgia Child Fatality Review history (88% for 2002 deaths, 75% for 2001 and 67% for 2000)
2. Advocated for, and supported the passing of the Child Protection Bill (SB467) making recklessly and negligently placing a child in danger or harm a felony
3. Published and distributed a Statewide Model Child Abuse Protocol Manual to all county protocol committee members, which was developed through a partnership with the Office of the Child Advocate, Department of Family and Children Services (DFCS), and the Georgia Bureau of Investigations (GBI)
4. Instituted an online coroner/medical examiner reporting system to assist in filing the Coroner/Medical Examiner's Report electronically
5. Implemented a policy adding a Prevention Advocate to each county's child fatality review committee. Provided statewide training for designated prevention advocates
6. Collaborated with the National Center for Child Death Review on creating a "National Child Death Review Reporting Tool"
7. Created five (5) additional child fatality investigation teams. Because of the highly specialized skills required to thoroughly investigate child deaths, a multi-disciplinary approach was created and has continued to be implemented statewide
8. Co-sponsored an annual conference with DFCS and the Office of Child Advocate on serious injury and child fatality

Legislative Recommendations:

1. Fully implement recommendations of the Child Protective Service Task Force to improve the state's ability to protect children from child abuse and neglect
2. Fund expansion of home-based family support models that promote and enable appropriate parenting skills for prevention of child abuse and neglect
3. Require fences and gates in public and private swimming pools statewide
4. Require an autopsy, including toxicology studies, for every death of a child under the age of seven with the exception of children who are known to have died of a disease process while attended by a physician. Further, require complete skeletal x-ray (following established pediatric and radiological protocol), of the bodies of children who died before their second birthday
5. Provide sufficient funding to the Georgia Child Fatality Review Panel to fulfill statutory requirements
6. Expand funding for mental health services for children, especially those identified as "at risk"

Agency Recommendations:

1. **DFCS:** The Panel recommends that when a child dies due to parent(s) or caretaker(s) neglect or aggression, efforts be made to visit the surviving children in the home on an on-going basis to assess their safety and well-being, and enable referrals to appropriate services
2. **DFCS:** Further strengthening of the risk assessment and safety tools to more accurately assess risk to children
3. **Public Health:** Expand efforts of the public awareness campaign regarding safe sleeping environments to include risk factors associated with co-sleeping
4. **Coroner and Medical Examiner's Offices:** The Panel recommends that a death scene investigation be conducted for any child death that is suspicious, unexpected, and/or unexplained. No case should be classified as SIDS unless a death scene investigation and review of the clinical circumstances are completed

Goals:

1. Collaborate with relevant organizations to develop a statewide child abuse/child injury prevention plan
2. Increase child fatality review committees reporting compliance to 97%
3. Develop five (5) additional child fatality investigation teams in the state