



THE Gavel

Probate News

Message from the President

Dear Council members,

We had an aggressive agenda for the 2015-16 year. I believe we made great progress on all of it and accomplished most of our goals.

The following were my priorities as president, along with their outcomes:

- Secure funding for a full time executive director. We now have an executive director, and the legislature has committed to funding the position in the 2017 budget.
- Provide Council members with an updated Benchbook. The Benchbook is finished and posted on our website, and will be updated periodically.
- Provide Council members with an updated Handbook. The Handbook is scheduled to be completed before our Annual Meeting in April.
- Make progress on our CPCJ Strategic Plan. Thanks to last summer's strategic planning retreat and the work of Sarah Harris, several goals and action items have been completed. You can view the Strategic Plan Update powerpoint on our Council website.



- Strengthen the committee structure and involve more judges on committees. Changes to the committee structure include creation of a Fiduciary Committee, co-chaired by Jeryl Rosh and Chris Ballar, and a Communications Committee, chaired by Sherry Moore. The Technology Committee has been restructured to include subcommittees and new members. The Legislative Committee has been expanded to include representatives from the Fiduciary, Mental Health and Vital Records committees, which will increase our monitoring of legislation

affecting probate courts. Mike Greene is now a liaison to ACCG and will keep us informed of how we can better partner with our counties.

These accomplishments were a team effort, and I cannot thank the Officers and Executive Committee enough for their work this past year. Committees are essential to moving our Council forward. I hope each you will serve on a committee next year and attend your District meetings.

Finally, I appreciate the cooperation of each and every one of you as the CPCJ transitioned to issuing marriage licenses to same sex couples. We don't know what the next big change will be. It may not be a reaction to a U.S. Supreme Court ruling, but there will always be change. So I urge you support incoming President Alice Padgett the same way you have supported me.

Very truly yours,

Don E. Wilkes

Judge Don E. Wilkes President, CPCJ

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From the Archives

In March of 2001, Judge Laverne Ogletree, acting as Chair of the Automation Committee of the CPCJ, conducted a survey among probate judges to determine the level of automation and technology in use across the state. The questions posed serve to illustrate the tremendous changes in technology use since that time, just 15 years later.

Among the questions asked were:

1. Does your court have computers? If no, please go to part III after answering this question: What would your court do with computers if funding were available to purchase some?
2. Does your court have email access?
3. Does your court use SUSTAIN (or GAJIS) for case management?
4. Does your court use another case management system either in addition to or instead of SUSTAIN?
5. Does your court have a web page?

The purpose of the survey was to gather information on problems, successes and needs of the courts. And it was a precursor to vendors being invited to conferences. Many thanks to Judge Ogletree for her leadership in this area at time when computer software and hardware technology was just emerging as an indispensable tool of the courts.

Message from the Editor

Dear Judges,

I trust the New Year is treating you well. Those of you conducting elections are certainly busy I know.

It is my wish that those of you seeking reelection are rewarded for your hard work and those of you entering retirement enjoy the retirement you have earned. We will miss those of you who are retiring and hope you will continue to be a resource of experience and wisdom for your colleagues. I personally will miss my good neighbor and friend Judge Lee Deloach of Bulloch County as he enters a well-deserved retirement.

Many thanks again to those who contributed articles and pictures for this issue of *The Gavel*. Thanks also to Cath-

erine Fitch and the AOC's Ashley Stollar for their work in the production process. Thanks also to Judge Sherry Moore of Jackson County for her work and assistance. And once again, a big thanks to Council President Judge Don Wilkes of Emanuel County for his persistently good work as the face of the CPCJ. As we head into Spring Training, I also commend Judge T. J. Hudson of Treutlen County for his work on the Training Council.

I remain yours truly and truly grateful to be among such honorable colleagues.

Very respectfully yours,
Tony Thompson
Candler County Probate Court
The Gavel Editor

Communications Committee seeking volunteers

The Communications Committee is looking for a few good judges. This committee is tasked with developing press releases, promotional materials and assisting with The Gavel. If you have a background in journalism, colloquialism, pragmatism or even rheumatism, we have a place for you. Contact Sherry Moore at smoore@jacksoncountygov.com to volunteer your services.

Certificate Program Press Release

All judges who have completed the CVIORG's Georgia Probate Court Judges Certificate Program should have been sent a personalized press release announcing their achievement. If you did not receive a press release and believe that you completed the program, please contact Shannon Ferguson, Communications Director for the Institute of Government, at 706-542-6221 or smfergus@uga.edu.

Profile

Ben Hill County Probate Court Judge David Hobby

The Gavel: What are your favorite movies?

Judge David Hobby: Second Hand Lions, Saving Private Ryan; spy movies, especially those based on books by Robert Ludlum or Tom Clancy.

The Gavel: Who are some of your favorite authors?

Judge Hobby: Phillip Yancey, Tom Clancy, Robert Ludlum and C.S. Lewis.

The Gavel: What is your favorite food?

Judge Hobby: Ice Cream.

The Gavel: What are some of your favorite activities?

Judge Hobby: I enjoy triathlons and backpacking.

The Gavel: Is there something people may not know about you?

Judge Hobby: I was formerly a special agent with the F.B.I.

The Gavel: When and where were you born?

Judge Hobby: I was born in 1956 in Fitzgerald, Ga.

The Gavel: Did you have any pets as a child?

Judge Hobby: Dogs.

The Gavel: Did you have any nicknames growing up?

Judge Hobby: Yes, Ralph, from the Jackie Gleason character Ralph Cramden in The Honeymooners because I was so fat.

The Gavel: Is there something about your teen years people might not know?

Judge Hobby: As Col. Shultz of Hogan's Heroes said, "I know nothing."

The Gavel: What is your educational background?

Judge Hobby: I have a B.S. Ed. Political Science from the University of Georgia and a Juris Doctorate, University of Georgia School of Law.



The Gavel: What was your first job?

Judge Hobby: At age 11, I worked in the tobacco fields.

The Gavel: What other previous jobs have you had?

Judge Hobby: I've been a banker, teacher, and lawyer.

The Gavel: Are you married?

Judge Hobby: Yes, I am married to the former Judy Harper from Douglas, Ga. We have been married for 35 years now.

The Gavel: Where did you meet?

Judge Hobby: Mutual friends arranged a meeting at a high school football game.

The Gavel: Do you have any children?

Judge Hobby: We have five children: Traci, married to Maj. Jeff Dolbeer, one child, Harper, 6 months old. They live at West Point Academy, N.Y. Dan, who lives in Tifton and works for State Farm Insurance. Drew, who lives in Jacksonville, Fl. and works with Jacksonville Electric Authority. Cassi, married to Drew Culpepper and lives in Brunswick, Ga. They have two children: Brant, 2 years old, and Bryce, 8 months.

The Gavel: If you could meet any historical figure — past or present — who would it be?

Judge Hobby: George Washington and C.S. Lewis.

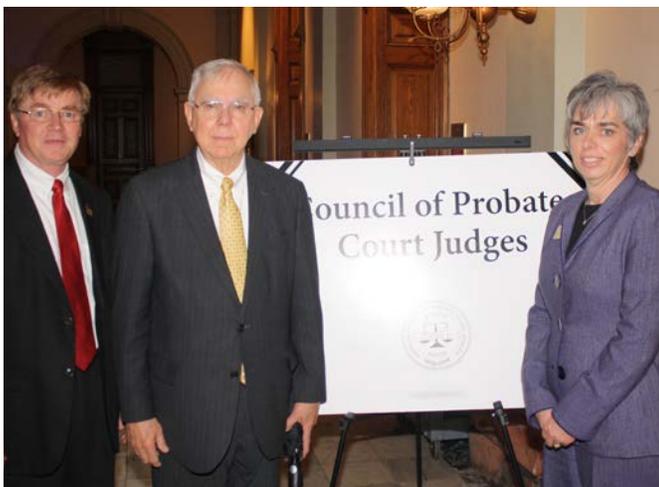
The Gavel: What do you like to do in your spare time?

Judge Hobby: Swimming, biking, and running.

CPCJ Legislative Day 2016



Thirty-eight judges visited the state capitol for the CPCJ's Legislative Day on Feb. 23. (Above) Gov. Deal joined the judges for a photo before the CPCJ luncheon. Chief Justice Hugh Thompson visited the luncheon (below left), where our judges served Varsity chili dogs and hamburgers to about 300 legislators and their staff members (below right).



Order Establishing the Judicial Council Strategic Plan Standing Committee



SUPREME COURT OF GEORGIA

Atlanta January 6, 2016

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

Upon consideration, the Court hereby establishes the Judicial Council Strategic Plan Standing Committee with the mission of accomplishing the ongoing and future strategic planning efforts of the Judicial Council for fiscal years 2017-2019. This Committee is created as a successor to the Judicial Council Strategic Plan Implementation Committee which shall sunset on June 30, 2016. The Administrative Office of the Courts shall provide staff support to the Committee.

In accordance with the Bylaws of the Judicial Council of Georgia, membership shall include at least one current Judicial Council member. Future membership terms shall run concurrent to Judicial Council strategic plans.

The following members are hereby appointed to the Judicial Council Strategic Plan Standing Committee for terms ending June 30, 2019:

Chief Judge W. Allen Wigington, Chairperson
Presiding Judge Stephen Dillard, Co-Chairperson
Judge Horace J. Johnson, Jr.
Chief Judge Greg Fowler
Judge James R. Whitfield
Judge Chase Daughtrey
Chief Judge Leslie Spornberger-Jones
Justice Keith Blackwell, Advisory Member

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from
the minutes of the Supreme Court of Georgia
Witness my signature and the seal of said court hereto
affixed the day and year last above written.

Theresa A. Bannet, Clerk

In Our Thoughts

Judge Susan W. Griner, Probate Judge of Berrien County, resigned effective Feb. 1, 2016.

Judge Griner retires after 30 years as Chief Clerk and the past 16 years as Probate Judge. She took office on April 1, 1999.

Judge Griner's associate judge, **Cristina Allen**, will assume her duties beginning Feb. 1, 2016. Congratulations to Judge Griner as she enjoys her well earned retirement.

Judge Rooney Bowen, Probate Judge of Dooly County, lost his father Rooney L. Bowen, Jr. (1933-2016) of Cordele, Ga. on Thursday, March 3, 2016 at his residence. Born in Dooly County,

he was the son of the late Jewell Joiner Bowen and Rooney L. Bowen Sr. He was a member of the Cordele First United Methodist Church. Survivors include son, Rooney Bowen III (Allison) of Vienna, and daughter, Judy B. Carter (Trav) of Atlanta; a sister, Frances B. Worrall of Perry; and five grandchildren, Neeley Harmon, Haydon Davis, Ben Carter, Chandler Bowen and Elizabeth Carter. Funeral Services were held Saturday, March 5 at Cordele First United Methodist Church. Interment was at Walnut Cemetery in Unadilla, Georgia.

Mr. Bowen was a long time businessman and President of Rooney Bowen Chevrolet of Vienna and Cordele

for 49 years. He was also a long-term member of the Georgia General Assembly, serving in the Georgia House of Representatives for 10 years and the Georgia State Senate for 22 years. He always considered his highest award in the Georgia State Senate as being honored with The Outstanding Legislator of the Year from the Association of Mentally Disabled Citizens. Because of his dedication and support of the Georgia Sheriff's Youth Home, in lieu of flowers, donations can be made to the Georgia Sheriff's Youth Home at P.O. Box 1000, Stockbridge, GA 30281 or online at georgiasheriffsyouth.org.

First District Report

On March 4, District 1 probate judges met at the Catoosa County courthouse. Judge Deborah Andersen provided updates on issues such as fingerprinting candidates for the office of sheriff, legislation affecting probate courts, and new rules promulgated by the State Office of

Vital Records. Judge Mitch Scoggins announced that he is retiring and will take senior judge status. Robert Aycock and Jeff Thorpe, of the Administrative Office of the Courts, provided training on the new workload reporting form. CPCJ Executive Director Catherine Fitch

provided updates about the Council website and upcoming annual meeting. Judge Hullender's office provided a wonderful breakfast and lunch, which included several homemade desserts by his wife.

Rep. Tom Weldon (R-Ringgold), Chairman of the House Juvenile Justice Committee, visited the District 1 judges at their district luncheon on March 4.

Pictured left to right: Judge Jeff Hullender, Catoosa Co.; Judge Sheri Blevins, Whitfield Co.; Rep. Tom Weldon; Judge Deborah Andersen, Paulding Co.; Judge Kerri Carter, Dade Co.; Judge John Richie Parker, Gordon Co.; and Judge Mitch Scoggins, Bartow Co.



Fifth District Report

The Fifth District Probate Judges Association hosted a lunch for area legislators at the Georgia Center for Continuing Education on Friday, Jan. 8, 2016. A good meal and opportunity for networking were enjoyed by all. We were also asked to brief the legislators on our legislative goals for the current legislative session, as well as any other items of common interest.

Several legislators asked questions about certain game and fish violations, and fines or other penalties related to those infractions. Others, particularly Rep. Alan Powell, Chairman of the House Public Safety and Homeland Security Committee, were very interested in gaps of information missing from the databases that are checked when weapons carry license applications are

processed. Chairman Powell expressed a desire to correct some of those problems this session.

Following the luncheon, the Fifth District judges had a regular quarterly meeting to discuss problem areas and miscellaneous questions arising from our day to day operations. The lunch and the meeting proved to be very productive.



Front Row, l-r: Rep. Spencer Frye, 118th District; Thomas Charping, Wilkes County; Rep. Tommy Benton, 31st District; Ralph Hudgins, Georgia Insurance Commissioner; Cody Cross, Madison County; LaVerne Ogletree, Oglethorpe Co.; Stephanie Hewell, Elbert County; Sherry Moore, Jackson Co.; Merry Kirk, Hart County; Susan Tate, Clarke County; Rep. Alan Powell, 32 District; Rep. Chuck Williams, 119th District

Back Row, l-r: Beverly Nation, Oglethorpe Co.; Rep. Trey Adams, 120th District; Sen. Frank Ginn, 47th District; Charles Merritt, Morgan County; Bruce Wright, Walton County; Henry Baker, Newton County; David Anglin, Oconee County.

Eighth District Judges Meeting

The Eighth District Probate Judges met for their monthly meeting at Forsyth Bar and Grill in Americus, Ga. on Dec. 8, 2015. It was their Christmas meeting and their Legislators were invited to join them for lunch. "Even though we know our legislators in our area, it is enjoyable to be able to sit down quietly and talk with them outside of the hustle and bustle of Atlanta," commented Judge Judy Reeves of Sumter County. Attend-

ees discussed possible legislative issues and actions that might arise during this session. Among those attending were Sen. Ed Harbison, Sen. Greg Kirk, Sen. Freddie Powell Sims, Rep. Gerald Greene, Rep. Mike Cheokas, Rep. Debbie Buckner and Rep. Ed Rynders.

New judges attending were Marc D' Antonio of Muscogee Co., Rooney Bowen of Dooly Co., Mitzi Way of Schley Co., Jimmy Bankston of Web-

ster Co., Dianne Renfroe of Taylor Co., John Terry of Talbot Co., Heather Stuart of Marion Co., Rusty Wright of Crisp Co., Linda Jackson of Randolph Co., Lisa Shivers of Clay Co., James McGlaun of Chattahoochee Co., Mack McCarty of Macon Co., and Judy Reeves of Sumter Co.

Eleventh District Report

- District 11 met on September 24, 2015 at Brown's Café in Sylvania. Probate Judge Debbie Brown was our hostess.
- The four attendees included our guest speaker Jennifer Poole. Jennifer is the business development representative for Saint Simons by the Sea.
- The discussion focused on OTA's and the differences between the courts.
- Saint Simons now offers a Return to Readiness VA Treatment program. They have Military Veterans on staff.
- Effingham County has had great success with Saint Simons by the Sea.
- Those in attendance were Susan Dobson, Chief Clerk of Effingham, Judge Debbie Brown, Judge Beth Rahn Mosley, and Jennifer Poole.



Georgia Department of Public Health Amends Rules

On March 2, our amendments to Vital Records Rule 511-1-3-.38 (Transmittal of Certificates and Reports) and Rule 511-1-3-.39 (Appeals and Hearings) went into effect. The Secretary of State's website will be updated at the end of the month to

reflect the amendments: [//rules.sos.state.ga.us/gac/511-1-3](http://rules.sos.state.ga.us/gac/511-1-3).

The CPCJ Executive Committee has worked very hard in getting the State Office of Vital Records to mandate the collection of information they require, as well as to

provide due process when it comes to removing probate judges as the local registrar or custodian of vital records. These two Rules, as amended, should accomplish these goals.

Rule 511-1-3-.38

Transmittal of Certificates and Reports.

- (1) When a completed certificate of live birth, death, or spontaneous fetal death is filed with a local registrar, these certificates shall be transmitted to the State Office of Vital Records within ten days of receipt by the local registrar.
- (2) Each official issuing marriage licenses shall forward to the State Office of Vital Records, before the tenth day of each month, the following information with respect to each completed marriage license returned to such official during the preceding month: gender, date of birth, number of marriage (e.g., first, second, third, etc.), and the first, middle, and last name of each party; city, county, and date of ceremony; name, title, and address of officiator; and name of probate judge or clerk.
- (3) The Clerk of Superior Court shall complete and forward to the State Office of Vital Records, before the tenth day of each month, the following information with respect to each divorce, dissolution of marriage, or annulment decree granted during the preceding calendar month: civil action number; date of divorce decree; county of issuance; gender, date of birth, county of residence, number of marriage (e.g., first, second, third, etc.), and the first, middle, and last name of each party; original date of marriage; and number of children under 18 years of age.
- (4) The Clerk of the Superior Court shall complete and forward to the State Office of Vital Records, before the 15th day of each month, all completed certificates of adoption, annulments of adoption, and amendments of decrees of adoption which were entered in the preceding calendar month.

Authority: O.C.G.A. Secs. 31-2A-6, 31-10-3, 31-10-5.

Rule 511-1-3-.39

Appeals and Hearings.

- (1) Persons seeking to obtain or amend a vital record may appeal the action or refusal to act of local custodians, registrars, or employees of the Office of Vital Records, by filing an appeal in writing with the State Registrar. The appeal must specifically identify the employee or official involved, the action or refusal to act, and must state the complainant's right or standing to complain of the action or inaction.
- (2) The State Registrar will make such investigation of the appeal as is necessary to resolve the matter. A written decision will be issued by the Registrar, except that the State Registrar may appoint a special assistant to investigate and decide the appeal in his or her name.
- (3) The appointment of a local registrar or local custodian may be revoked for cause in the discretion of the State Registrar. A decision by the State Registrar to revoke an appointment may be appealed by filing a request in writing with the Department's Office of General Counsel within 30 days from the date of the decision. The appeal must state the factual grounds in support of the claim that the State Registrar has abused his or her discretion in rescinding the appointment. The appeal shall be immediately referred to the Office of State Administrative Hearings for hearing in accordance with Code Section 50-13-41. Prior to hearing by OSAH, the appellant may request a conference with the State Registrar before a member of the Board of Public Health appointed to serve as mediator. The purpose of the conference is to discuss any issues in dispute, to present any additional matters relevant to the State Registrar's decision, and to seek settlement. As a result of the conference, the mediator may recommend that the State Registrar's decision be affirmed, modified, or rescinded. If the matter is not settled by agreement of the parties, then the matter shall proceed to hearing before OSAH.

Authority: O.C.G.A. Secs. 31-2A-6, 31-10-3, 31-10-5.