

THE GAVEL

*The Official Newsletter
of the Georgia Council of Probate Court Judges*

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MESSAGE FROM THE PRESIDENT



It was a hot August day. The sun was blinding and when the rookie went into the game tension hung in the air like the smell of ozone after a thunderstorm. The good guys were down three runs, it was the top of the ninth, and the bases were loaded with two outs. Most probate judge rookies never expect to get into a game when the Judicial Council plays. Even the probate judge veterans don't expect much playing time. So when the rookie stepped into the game there was some surprise at her temerity. After all there were players from all the other courts and the super stars from the Supreme Court and the Court of Appeals.

As she stepped into the batters box a dust devil arose somewhere beyond second base and the crowd murmured in a low roar. The first pitch was a strike. The second pitch was a ball. Then before she knew it there was a full count. She squared her shoulders and looked ahead. She had prepared for this moment. The next pitch was a fastball. She took her swing. The crack when wood met leather was heard throughout the sta-

dium. The crowd watched. It was going, going, gone. The good guys win! The good guys win!

The game was the Judicial Council meeting to approve a budget for the coming year. The good guys were down by three runs and this was their last chance because at an earlier budget meeting the rookie has been the only member of the committee to vote to leave in the budget funding for disadvantaged law students. The good guys were good because the program has been greatly successful in allowing a large number of deserving students to attend law school when they would not have been able to without the program. The rookie is our own president elect, Judge Susan Tate who made the heartfelt and impassioned argument that the program be put back in the Judicial Council budget and she hit a home run with a unanimous vote of the full council to continue the program.

The status of all Georgia probate judges was raised by her actions that day and the way the other judges look at our court was improved.

I hope all of you had a good summer and I look forward to seeing you in Savannah in November. Marion

Georgia Probate Court Information System

The Administrative Office of the Courts offers the Georgia Probate Court Information System software. PCIS combines the traffic citation maintenance functions of Georgia Uniform Traffic Citation System, (GAUTC), with the receipting and accounting functions of Georgia Traffic Fee & Fine System, (GATRAF). It goes further to include licenses, wills, guardianships and other responsibilities of the Probate Court.

The accounting function of PCIS consists of receipting all monies that pass through the court, (including fees, fines, and restitution), automatic distribution of funds in accordance with state law and local options, printing of checks, and production of a variety of

accounting and management reports, (including the Quarterly Case Load report required by the AOC).

The docketing function includes access to case information by case number, case type or party name, automatic case numbering, electronic docketing with prompts, the capability to produce orders, warrants, licenses, certificates, and the production of court calendars, and date critical reports. Traffic citations are formatted and sent electronically to the Department of Motor Vehicle Safety.

The software is available at no charge by contacting the AOC Information Technology Services Group at 800-298-8203 or 404-657-4217.

Summarized Minutes • Probate Judge Training Council

Georgia Center for Continuing Education • Athens, GA • April 15, 2003

Judge Hulsey called the meeting to order at 6:10 p.m.

Approval of Minutes

Judge Hulsey called for the approval of the minutes of the meeting held on October 2, 2002, and the Conference Call held on February 13, 2003. Judge Baker questioned the section on Winter Training on page three of the October minutes. He informed the council that the word "not" should be inserted between "does" and "participate" located in the last sentence. Judge Stephenson with Judge Hawkins seconding, moved to approve the minutes as amended by Judge Baker and the motion passed with no opposition.

Judges Not Meeting Mandatory Training Hours for 2002

Ms. Carson updated the committee on judges who have not met the mandatory training hours for 2002. A brief discussion took place and confirmation was made on those who were registered to attend the spring training seminar.

Summer COAG Training

Judge Hulsey informed the council that the County Officers Association of Georgia (COAG) training would take place at the Brasstown Valley Resort on June 17-19, 2003.

The Council agreed to have legislative training by Lobbyist Mark Middleton, motivational training by Ms. Janice Sailors, marriage license training by Judge McCoy and technology training by Judge Van Horn w/ the AOC. Judge Baker motioned for the Training Council to plan for six hours

depending on whether or not COAG is having a joint training session and if so, the council cut three training hours. Judge Scoggins seconded with no opposition.

Proposed Agenda for Training at the Fall 2003 Conference in Savannah

The discussion began with Ms. Carson distributing a memo of eight tentative topics for the Fall 2003 conference in Savannah. Mr. Reaves informed the council it could develop a minimum of 12 hours, allotting two hours to six topics. He provided a synopsis of each topic and information about the instructors. He advised the council to prioritize the topics of interest and informed them that the first four topics were referred to him by Judge Guess. A brief discussion took place concerning the topics and Mr. Reaves added Vital Records and Involuntary Outpatient Commitment to the agenda.

Based on discussion from the committee, he concluded that the following topics would be placed on the agenda: Environmental Issues for Trusts, Estates, Fiduciaries & Beneficiaries; Ethical Issues with Capacity; Health Care Directives; Significant Non-Tax Drafting Issues; and General & Judicial Election Permissible Political Conduct. Surcharges on Fines & Fees and Vital Records would be placed on a dual track meaning that participants would have to choose a topic. Judge Toomer's topic and Involuntary Outpatient Commitment will be held for spring 2004. Judge Griffin moved

to adopt the training topics and hours that were presented leaving the finalization to Mr. Reaves and Ms. Carson, with a second from Judge Mullis. The motion passed with no dissent.

Certification programs for Judges and Clerks

Judge Cason reported that she has reviewed other certification programs and there will be more information to report at the next meeting.

New Business

Ms. Carson reported on a credit request from a judge that attended GCIC training. A brief discussion took place as to whether credit should be given for this training and the committee agreed to table the request until the end of the year. This will allow them to determine how many credits are needed and at that time the council will reconsider the application.

Next Meeting Date

A brief discussion took place and Judge McCoy tentatively suggested meeting at the same time as the planning meeting in the fall. Judge Baker advised making this suggestion to Judge Guess. Judge Hulsey agreed to consult with Judge Guess about this.

Adjournment

As there was no other business, Judge Scoggins moved to adjourn with a second from Judge Hulsey at 7:30 p.m. The motion passed with no dissent.

Sixth District Probate Judges Meeting

Coweta County Probate Court • August 26, 2003

The Sixth District Probate Judges met on August 26, 2003, the meeting was hosted by Judge Mary Cranford Probate Judge of Coweta County and was held in the Probate Court of Coweta County.

After a brief district meeting and lunch those present attended a meeting at the Pathways Center in Newnan to discuss the new Preadmission Referral Form that is being used by West Central Georgia Regional Hospital. Representatives from Pathways, WCGR Hospital, the Sheriff's Departments and Tanner Medical Center were also present.

The meeting began with a brief overview of the purpose of using the Preadmission Referral Form (PARF. Ms. Lisa Wilcox, LCSW, of

West Central Georgia Regional Hospital explained that the form creates uniformity in the admission process among hospitals statewide. Before PARF, each hospital had different criteria and forms used to assess clients for admission.

An information packet was distributed to each attendee and Ms. Wilcox opened up the discussion on the responsibilities of the hospital. She informed the guest, that the hospital does not provide long-term permanent placement. Its role is to focus on acute stabilization and work with community providers such as Pathways Center CBS in terms of identifying resources and support that client's need in the community. She

briefly reviewed some of the services, West Central does not provide to certain clients, such as those who are mentally retarded, suffering from brain Trauma, Alzheimer's or dementia.

Ms. Wilcox addressed a few questions and concerns, regarding Admissions, the referral process, Second Season being the single point of entry (SPOE), probate judges and 1013's or affidavits, dealing with "flagrantly psychotic" clients', high risk forms, and guardianship.

After addressing these questions and concerns, a discussion was held confirming that a "court order" is not a "referral," but an order that should be carried out, not to inconvenience the Sheriff's Department. In reference to the Judge's status on PARF – Judges should fill out as much information as possible. It is ok to staple a 1013/affidavit to this form. Include any additional information that you may have that is not in the court order that you think might be helpful. Whenever possible, send client to the local CSB for screening. If bed is available, the client should go to Second Season.

Mr. Grey Hoyt, Regional Coordinator, from West Central Georgia Regional Hospital agreed to meet with the Judges in February to determine what changes should be made to improve the work process of the courts. A meeting date has not been determined.

Important Contact Information

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Note: Please remember to use your Georgia Courts Directory as a source for contact information.

Calendar of Events

November 18-20, 2003

Judges Fall Seminar
Hyatt-Savannah

January 27-28, 2004

Winter COAG
Sheraton-Atlanta

March 16-19, 2004

Probate Clerks Seminar
Country Inn & Suites-Helen

April 14-16, 2004

Judges Spring Seminar
Georgia Center-Athens

June 24-25, 2004

Judges Traffic Seminar
Renaissance Pineisle
Lake Lanier

August 1-4, 2004

Summer COAG
Clarion-Jekyll

September 14-16, 2004

Probate Clerks Seminar
Comfort Inn-Jekyll Island

November 9-12, 2004

Judges Fall Seminar
Savannah



November 15-19, 2004

Newly Elected Judges
Orientation
Georgia Center-Athens

Notes of Thanks

To the Council of Probate Judges:

Thank you so much for your card of sympathy. Please know it meant a lot.

You are so kind to think of me during this time sorry in the loss of my mother.

Bill Martin

Clerk of the Court of Appeals

To all of the Probate Judges of Georgia

I want to thank all of you so very much for the Rich's Gift Certificate that I received from you all this spring. I apologize for taking as long, but I truly do appreciate it. I so enjoy working for all of you. Again, thanks.

Sherry
5-30-03

Wishing You The Best on Your Retirement

Decatur County Probate Judge, Tripp Barwick has resigned effective October 10, 2003. Judge Barwick will be taking a new position in the Atlanta area. We wish him the best in his new career.

Gilmer County Probate Judge, Margaret E. Huff resigned from office effective September 27, 2003. Judge Huff retires with over 22 years of service as a Probate Judge. Chief Clerk Anita Mullins has assumed the duties of the office for the rest of the term and plans to run in next year's election. We wish the best for Judge Huff in her retirement and to Chief Clerk Anita Mullins as she assumes her new duties.

Get Well Wishes:

Judge Slade Johnson of Talbot County who had hip surgery in June.

Judge Isaac Jolles of Richmond County who is recovering from a broken shoulder & knee suffered in a fall in June.

Judge Kenneth Powell of Bleckley County who is recovering from heart complications.



Couple Weds Despite Deployment

OPERATION IRAQI FREEDOM — Dressed to the nines in his best desert camouflage uniform and surrounded by his security forces family, a nervous but composed senior airman stood at attention in the command section at a desert air base.

“James Earl Evans, will you have Andrea to be your wedded wife, to live together in the holy state of matrimony, will you love her, comfort her, honor and keep her in sickness and in health and forsaking all others, keeping all only unto her so long as you both shall live?”

a woman’s voice echoed from a speakerphone.

“I do,” he said without hesitation.

Moments later, after the same words, a young lady sitting in an area defense counsel office at a base half a world away quickly said, “I do.”

Even though the world separated them physically, Senior Airman James Evans and his fiancée Andrea reunited via fax and phone briefly to exchange their wedding vows. Evans, a member of the Moody Air Force Base, Ga., 823rd Combat Security Forces Squadron, and his new bride moved up their wedding date and decided to marry by proxy after learning he would soon deploy to an undisclosed location. “We were engaged just before I left

to come here and were supposed to be married July 14,” he said. “But with the uncertainty of how much longer we’ll be deployed and the fact that I want Andrea taken care of should anything happen, we decided to do it now.”

The Evanses met while serving as designated drivers for their friends at a function and dated for more than two years. They’ve endured four deployments — James is constantly on alert to deploy worldwide at a moment’s notice.

“I love James more than anything on this earth

and knew he was the man I wanted to spend the rest of my life with the moment we met,” Andrea said. “He’s an intelligent, thoughtful, creative person who has a lot of initiative.

“Arranging for us to be married so I’d be taken care of is a perfect example of what James does all the time. He takes it upon himself to do things for people without the person asking him, or even knowing about it.”

With the unit on tap to move forward within a matter of hours, an Air Force team of

commanders, attorneys, personnel specialists, contracting professionals and medical technicians, plus a Lanier County, Ga., probate judge, made several things come together in a short time.

Capt. Graham Todd, 444th Air Expeditionary Group staff judge advocate, managed affairs from the deployed location. “My first phone call was to Capt. John Hicks at Moody. He’s the area defense counsel at the base and a veteran of a previous Georgia marriage by proxy. He made everything happen on the stateside end, including helping Andrea with the marriage license application, arranging for a judge and bringing Andrea onto the base for the ceremony.”

Todd notarized the application and provided an affidavit after James signed it.

“Georgia also requires a blood test for both members,” Todd said. “My home office [the 347th Rescue Wing staff judge advocate office] assisted with research in this area for Andrea while our contracting and medical teams here drew James’ blood and arranged for the host nation to conduct the test.”

Once the paperwork was finished and tests completed, Judge Judy Mullis, a probate judge from Lanier County, Ga., traveled to the base from Lakeland, Ga., to

preside over the ceremony.

continued on page 6



Senior Airman James Evans, deployed to the 444th Air Expeditionary Group for Operation Iraqi Freedom, walks through an “arch of sabers” after his marriage by proxy ceremony via speakerphone in the command section at a desert air base in Southwest Asia.



Lanier County, Ga., Probate Court Judge Judy Mullis (left) officiates a marriage by proxy ceremony between Andrea Evans (right) and Senior Airman James Evans, an 820th Security Forces Group airman deployed to Southwest Asia for Operation Iraqi Freedom from the Moody Air Force Base, Ga., area defense counsel office.

Introducing Self-Help Resources on www.georgiacourts.org

Georgians who are thinking about representing themselves in court can now find help on www.georgiacourts.org, the website of the Administrative Office of the Courts. The website will also be useful for anyone involved in a civil case or divorce who would like to know more about court procedures.

In simple, layman's English, this new section on Self-Help Resources on www.georgiacourts.org describes the pros and cons of representing yourself in court. In legal terms, this is called acting "pro se." People who decide acting pro se is not right for them will find links to lawyer referral services, including lawyers willing to provide their services at a lower cost or for free.

An informational brochure, available through the AOC, points out what can be found on the Self-Help Resources website including:

- **Descriptions** of the different courts in Georgia and the kinds of cases they hear;
- **Direct links** to many courts or information about them;



- **Downloadable forms** for use in magistrate, juvenile and probate courts, and information on where to find other forms;
- **Resources** for learning more about specific legal issues;
- **Tips** on working with clerks of court;

- **What to do** to file a civil complaint – or defend yourself against one;
- **Information** about getting a divorce or separation;
- **A link** to LegalAid-GA.org, a guide to free legal information.

Self-Help Resources was developed by the Administrative Office of the Courts in collaboration with the Atlanta Legal Aid Society, Georgia Legal Services Program and the Pro Bono Project of the State Bar of Georgia.

For more information, contact the AOC at 404-656-5171.

Couple Weds *cont.*

After the ceremony, Andrea received a military ID card and was entered into a worldwide database of military families, retirees and others who are eligible for health care benefits. Todd also assisted James with a will and power of attorney for Andrea.

"I don't know what the future holds for us," Andrea said, "but I know it will always include James, and I will love him all my life. I just hope he and every other husband, wife and parent make it home as quickly as possible."
— Master Sgt. Charles Ramey
444th Expeditionary Wing Public Affairs

Condolences

Judge Debbie Hunnicutt of Peach County who lost her father in June.

Judge Henry Baker of Newton County who lost his brother in July.

The family of retired Probate Judge Myrna B. Cheek of Macon County, who passed away earlier this year.

Judge Louise Taylor, former Decatur County Probate Judge on the death of her husband W.W. Taylor who passed on September 11th.

The family of former Dougherty County Probate Judge, Helen Rohrs, who passed away in September.



Lula Woman Helps Find Heirs

By Shar Porier

Thanks to the hard work of Lula resident Betty Jo Evans, the descendants of Hilda Camp McCurdy are \$26,000 richer.

Jim and Jean Ramsey, Virginia, were very happy with their trip to Banks County last week as they met with Evans and probate judge Betty Thomas to collect an inheritance and go over the family tree. After McCurdy passed away in 1992, she left her home to one of her dearest friends and the money to her family. Unfortunately, said Thomas, no one could track her family and the home and the money was held in escrow.

Thomas took up the search some months ago, but kept running into dead-ends. So, she called on Evans to help. She knew of Evans' work in genealogy and felt if anyone could find this family, Evans could.

"She just took the ball and ran with it," said Thomas. "She found Miss McCurdy's family."

According to Evans, it was a tough case. Upon getting a copy of the death certificate, she contacted Marthalla Hagen who had been listed on it. Hagen gave her the

names of some of McCurdy's friends and associates.

"She had taught French and Spanish at Young Harris College," she said. "That was where she met Olga Montagudo, one of the names Ms. Hagen gave to me. Olga was one of her students and they had become good friends. Turns out Ms. McCurdy left the house to Olga."

When Montagudo heard the news, she moved into the home. She also turned out to be a storehouse of names and places for McCurdy's friends and associates that included Clara Lewis McMikin, McCurdy's oldest and dearest friend, according to Montagudo.

Through information gathered from McMikin, Evans got the name of Jule Ramsey. Though Evans found a Julius Ramsey in Atlanta, he would not return her calls. Reaching a dead-end, Evans set the project aside.

"Then two months ago, I came across a name that was a woman's name. It was 'Jule.' So that got me going again," she said.

In the midnight hours, night after night, she searched genealogical websites and finally came across the name Kathryn Jule Ramsey, who turned out to be one of McCurdy's cousins.

Through census records, she was able to track Ramsey down and found her and her brother Robert in Cincinnati, Ohio. Since she and her brother were unable to travel, they put Evans in touch with another brother, Jim, living in Virginia.

Mrs. Ramsey said: "We were just

thrilled. I really get into genealogy and to find a relative we didn't know about is just such a surprise.

"A few years ago, we had received a call from someone, but at the time we just thought it was a scheme," she said. "There was something fishy about it. But, after talking with Betty Jo and Judge Thomas, we knew this was the real thing."

Thomas, smiling as she presented them with two old family albums and a family Bible belonging to McCurdy, was surprised when Mrs. Ramsey also pulled out some old photos and found they were of the same people.

"That clinches it for me," said Thomas. As the foursome sat in the judge's office, they looked through the albums and the old Bible, piecing together the bits of information Evans and Mrs. Ramsey had.

Evans said: "This is what it's all about to me. helping people find their family. This is so wonderful."

Mr. Ramsey presented Evans with a \$2,000 check for all her hard work, despite her objections. "You've earned this. It's the least we can do," he said to her. Evans had spent untold hours solving a mystery, that for her, was all the reward she expected.

"This is such a surprise. I'm glad I was able to help," said Evans.

It wasn't the first time Evans had helped Thomas find family members. Just a few weeks ago, she had located a man who had inherited \$6,600 from a family member.

Thomas said: "From now on, I'm just going to turn these things over to Betty Jo."



*Please
Recycle*

Attention All District Directors

Judge Betty Cason, Chair
Awards and Recognition/ Public Awareness Committee

Special Recognition:

Each District should select a person to receive the "Special Recognition Award" based upon their efforts in the District that has enhanced the Council of Probate Court Judges on a District Level as well as the entire Council. The recipient would receive a plaque from the District and then be automatically nominated to receive the Council Award. This would give more opportunities for Judges' to be recognized for their efforts, possibly give incentive for more people to get involved, and we would all reap the rewards of the positive influence in our professions as Judges.

Please submit your recipient's information to Judge Betty Cason of Carroll County by contacting her at (770) 830-5840 (Ofc), (770) 830-5995 (fax) or via e-mail at bcason@carrollcountyga.com

Please look for a follow-up letter at a later date.

Marriage License Fees

There has been some discussion on the cost of a marriage license varying from county to county. Below is a breakdown of the amounts to be charged according to current Georgia laws.

| | |
|--|----------------|
| OCGA § 15-9-60 Application for Marriage License | \$10.00 |
| OCGA § 15-9-60.1 State Children's Trust Fund | \$15.00 |
| OCGA § 31-10-21(f) Filing Fee* | \$ 1.00 |
| Total for License | \$26.00 |
| **Certified Copy Fee | \$ 5.00 |
| Total | \$31.00 |

* This code section calls for a \$1.00 filing fee to be charged to the applicant. Some courts do not collect this fee.

**If court automatically sends certified copy to applicants

***OCGA § 19-3-38 requires an additional \$1.00 fee for notifying parents via first class mail of applicants 17 years and younger applying for marriage licenses that do not require parental consent. This amount would be added to the total cost of the marriage license.

The Gavel

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