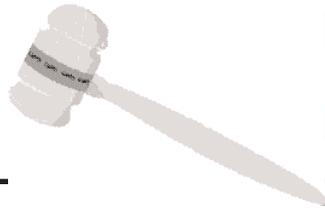


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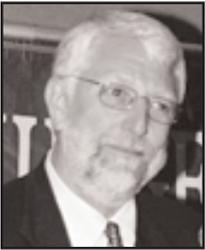
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*The Official Newsletter
of the Georgia Council of Probate Court Judges*

Volume 12, Number 3

July 2005

MESSAGE FROM THE PRESIDENT



I am honored to be serving as the new President of the Council of Probate Court Judges. It will be difficult to live up to the record of my predecessor, Judge Susan Tate, who served us so well this past year. This will be a unique year for Georgia's Probate Court Judges, as we begin on July 1 to implement significant changes in some of our major job responsibilities.

The revised Guardianship Code becomes effective July 1. All probate judges have received the new forms, and they will soon be available on the probate court web site. Training will continue to be provided to help with adjustment to new terminology, forms, etc. Firearms license applications have been changed to comply with federal requirements, as well as state requirements. The license application is now much longer and more involved. The process of applying for a license will now take significantly more time for both the applicant and the probate court.

Marriage license fees were changed in the 2005 General Assembly to encourage pre-marital

counseling. Couples who have completed the required pre-marital counseling will pay less for a marriage license than those couples who have not completed the required counseling. There is currently some confusion about the required certificate of counseling, and who is qualified to sign it. Needless to say, it will be more cumbersome and time-consuming for the probate court to issue marriage licenses after July 1.

For those Probate Judges who also handle traffic court, a new 5% surcharge (Joshua's Law) will be added to all traffic offenses effective for citations written on or after May 11, 2005. This is another new law passed by the 2005 General Assembly. There is considerable confusion as to which code sections accrue this surcharge, and we are working to determine the intent of the law and to ensure that all counties are applying the surcharge properly.

The Council of Probate Court Judges will continue to pursue Non-partisan status for all probate court judges. This may prove more difficult in the current political climate. At the recent State Republican Convention, a resolution was passed to encourage the

legislature to convert all current non-partisan elected offices to partisan positions. Under these circumstances, it will be even harder to bring probate court judges in line with the other courts which are already non-partisan. We will also continue to shine the light on mental health issues, which so urgently need attention. All probate judges are aware of the many cases of individuals who have special needs which are not being met under the present system.

During the challenges of the coming year, the Council of Probate Court Judges is ready to assist you in any way possible. One of our greatest resources is the probate court listserv. I urge all of you to take advantage of this means of communicating and seeking assistance from your peers. Committee lists are being formed and volunteers are still welcome to contact me. Your participation is vital to our success. I look forward to working with you this year.

Mike

Outgoing President's Letter



As I think back over the last year, I find it very difficult to try to capture in a few words all the emotions and memories of the camaraderie, hard work and corps de esprit which filled our calendars and buzzed around in our brains. It was quite a year--new laws, new procedures, new headaches, but always there was major support from one another, always there were people stepping up to meet the challenges which came our way, and always there

were more shoulders to the wheel and more voices asking and answering the questions which arose. What a wonderful group of people you are!

Thank you for your hard work and for your faith in me. I also want to especially thank Marla, LaShawn and Bernie for their patience, guidance and unflagging support, and the past and future council presidents without whom the accomplishments of the past year would not have been possible. In facing the new challenges ahead, I offer my assistance in whatever way it may be needed, but want to express my utmost

confidence in our new President and the current slate of officers. We can all be proud of the work they are already doing.

Finally, let me say that I am deeply grateful for the prayers and good wishes of those of you who helped hold up my personal visions. I believe that together, with God's help, we'll make this world a better place.

With warm regards,

Susan Tate

Council of Probate Court Judges Officers 2005-2006



From left to right: Judges Mary Cranford -Treasurer, Lillis Brown - 1st Vice President, Betty Cason - President Elect, Michael Bracewell - President

Probate Judge Executive Committee Minutes

GA Center for Continuing Education • Athens, GA • April 19, 2005

Judge Tate called the meeting to order at 5:45 p.m. and welcomed members and guest to the meeting. Ms. Moore introduced Mr. Steve Nevels to the Council and announced that he will be the new Assistant Director for the Judicial Liaison Division. Mr. Nevels will be working closely with the Council. Next, the membership introduced themselves to Mr. Nevels.

Approval of Minutes

There was a motion to approve the Executive Committee minutes from the meetings held on November 9, 2004 and January 25, 2005, by Judge Brown, with a second from Judge Cason. The motion passed with no dissent.

Budget Report

Ms. Smith reported on the Council's state funding as of March 31, 2005. In the budgeted funds of \$76,571.00, year-to-date \$37,538.02 was expended leaving a balance including anticipated revenue of \$43,771.33. Ms. Smith also reported that the actual state funds of \$61,571.00 plus \$4,738.35 totaled \$66,309.36 of funds available and after expenditures the remaining balance was \$28,771.33. A brief discussion took place in regards to the actual state funds versus budgeted funds. Judge Cason moved that the Council pass a resolution to adjust anticipated revenue from \$15,000.00 to a figure that better reflects the average revenue received. Judge Bracewell seconded and the motion passed with all in favor. The resolution will be forwarded to Mr. Vince Harris of the AOC.

A discussion took place in regards to encumbered funds and items that should be considered. Suggestions were made to encumber funds for the next Strategic Planning session, Guardianship Codes, the Traffic Benchbook, and

Rules of Criminal Procedures. Judge Cason also suggested applying for grants for some of the items mentioned. Ms. Moore noted all suggestions and also agreed to include encumbered funds in future budget reports.

Judge Cranford reported that 150 counties have paid their dues, in which April is the biggest month for payments. She informed the Council of their account balance as of April 1, 2005.

Certificates of Deposits totaled \$66,253.84 and including assets, the balance ends with an overall total of \$88,019.66. The Council's cash flow involved an inflow of \$13,823.09 from dues and interest and outflows totaled \$11,627.85 leaving an overall total of \$2,195.24. Before concluding the report, Judge Cranford informed the Council that Judge Self had audited the report and cross-checked each deposit against each deposit receipt. The Council commended him on a great job.

Before the committee reports, Judge Tate directed the Council to a memo from Judge Guess. Judge Guess was unable to attend the last executive committee meeting as immediate past-president and wanted to thank the membership for the courtesy and friendship extended to him as a member.

Committee Reports

- Judge Tate reported on the Automation Committee on behalf of Judge Van Horn. The committee determined that it did not need to set up a separate authority in order to carry out Council business. Their proposal is for the Council to authorize them to look into developing software to sell smart forms. They can be sold for a one time fee or for a subscription if a lawyer's office prefers an annual subscription. The Committee is considering whether to hire a contractor or obtaining assistance

from the Administrative Office of the Courts. Judge Van Horn plans on discussing this with Ms. Moore of the AOC. A brief discussion took place in regards to the cost of developing this software; Judge Tate will ask Judge Van Horn to look at the numbers and make a report to the committee at a later date.

- Judge Self gave a brief report on the Court Rules and Forms Committee. The committee is close to completing the forms and Judge Clarke will bring a final draft to the business meeting on the following day. Upon the approval of the full Council, the forms will go to the Supreme Court to get on the calendar by next Wednesday. Judge Self reminded the committee that everything in regards to processing the forms, including getting them mailed out by the AOC, must be accomplished by June 1st. Judge Bracewell added that Judge Clarke has agreed to Chair the committee for another year.

- Judge Bracewell with the assistance of Council Lobbyist Mark Middleton provided a brief overview of the 2005 legislative session. A more detailed report will be provided at the business meeting. Judge Bracewell spoke on the non-partisan legislation that did not pass during this session. He informed the committee that the legislation needs to be reassessed and the committee needs to determine if this will continue to be a priority. Judge Bracewell stated that the Guardian of Last Resort Bill passed and that Judge Self played a major role with this legislation.

Mr. Middleton stated that although the leadership in the legislature has changed, the politics continues to be the same. He

Probate Judge Executive Committee Minutes cont.

wants the committee to think about the terms of priorities. He has spent 80% of his time on the non-partisan issue and he does not see the legislation passing by a two-thirds vote; especially with many judges taking advantage of local non-partisan legislation. He asked the Council to think of how much of a priority the non-partisan issue should be. Next, he brought up the Role of the Judiciary at the State level and encouraged the Council to develop relationships with new legislators. A written report will be provided at the business meeting. Judge Bracewell inform the Council that language in the Indigent Defense Bill had been worked out; however issues occurred at the end of the session and did not go anywhere. Because this is the first year of a two year session the bill is still alive and will be recommitted in a committee next year.

- Judge Ogletree reported on the Traffic Supplement by Representative Micky Channell. The COAG bill was not introduced; therefore, the traffic and election supplement was not introduced. Representative Channell is ready to go forth with the Bill; however he wants to make sure the Council is supportive. Judge Cason informed the committee that due to the opposition and issues with Representative Tommy Smith, COAG's bill was not introduced. The Association will go forth with the bill and find someone to introduce it next year.

Judge Bracewell announced that HB 244 did pass and this legislation will change the time of the non-partisan elections. They will all be held in November, which will prove challenging for those running elections for various reasons. Next, he stated the Retirement Bill on beneficiaries will be taken up next year and that concluded the legislative report.

- Judge Martin reported on the Firearms Committee and stated there will be a CD with the new firearms application. She announced that Judge Brown and Tate provided firearms training at the March Clerk's seminar and will do the same in August. In conclusion she added that Ms. Terry Long at the Department of Safety will be the person to contact for any suggestions on the new forms.

- Judge Self reported on Information and Technology. He represents the Council on the Supreme Court's Committee on Court Technology that is composed of representatives from various classes of courts including clerks and administrators. The committee was put together to study the infrastructure of information technology governance in Georgia courts and to make recommendations. The committee studied E-filing guidelines and recommendations were made on how to handle filings. The guidelines were approved at their last meeting. On May 17th a formal presentation will be made to the Supreme Court in regards to recommendations.

Judge Self briefly discussed the proposed role of the JTCC and member representation of the committee. (A full summary of the report has been attached) Judge Self encouraged Council participation in becoming active with the JTCC.

- Judge Hardaway reported on the Membership Committee and announced that the hospitality set up is in room 200. She also stated that the committee has received great support from the Council in donating items for the hospitality room.

- Judge Tate reported on Mental Health and stated that the survey scheduled to go out earlier in the year, needed to be revised. She also stated that her meetings with Gwen Skinner, DHR, have been productive and that other individuals she has been in contact with resulted in the Governor creating a Mental Health Transformation Group. This Group will be a working task force focused on tackling mental health issues. The Group will be headed by Abel Quarteez of the Governor's Office.

continued page 5

Thanks

Dear Judges,

I must thank each and every one of you for the many prayers and words of encouragement during my recent illness. I am back at work full time now, feeling better than I have in years.

I did not realize that my fantastic chief clerk, Claudette Perry, was providing the clerks with my day-to-day progress. I find that I was on prayer lists in all parts of Georgia, this country and various parts of other countries. Honestly, folks, I; my beloved wife, Judy; my doctors; and my attending nurses are amazed that I even pulled through this ordeal. I am 100% convinced that the power of prayer and God's guidance is the source of the doctors' skills and my recovery.

Never underestimate the power of prayer!

Thank you again.

Greg Adams, Walton County

Probate Judge Executive Committee Minutes cont.

- In the newsletter report, Ms. Smith encouraged everyone to submit articles and information to either herself or Judge McCoy.
- Judge Ogletree reported on the Traffic/ Criminal Jurisdiction Committee and announced that Representative Micky Channell will introduce the Traffic and Election Bill next year. Judge Karen Pitman has drafted proposed traffic rules and former Clayton County Magistrate Judge, Keith Scott, will review the proposed rules. After the rules have been reviewed they will be presented to the Council. Judge Carl Rodgers drafted a Traffic Benchbook which was presented at the meeting. A brief discussion in regards to the sources used to compile the book and cost estimates took place. Judge Ogletree informed the committee that the publication may not be available until November and by that time all questions should be addressed.

Probate Judges Training Council

Judge Brown reported on behalf of the Training Council, which met earlier that day. She provided

the schedule for the summer Probate Judges Seminar scheduled for June 21-23rd in Valdosta. The training will be on appeals, traffic and wills. Six hours will be devoted to traffic. She also reviewed the fall training schedule for the November 15-18th meeting in Savannah in conjunction with COAG. The Council approved the following training on Administration; Guardianship Roundtable Q & A; Vital Records; Procedural Guidelines; Recusal; Monthly Reporting, and a two hour traffic session. Judge Brown also informed the committee that the next Spring meeting is March 22-24, 2006 in Athens. Judge Brown stated that the Spring meetings for the following years of 2007-2010 will be held in April.

Next, Judge Brown reported that the Spring Clerks Training that took place in March went well and received good evaluations. Judge Brown was pleased to report that all judges were certified for 2004. Registration for this training included all judges except four. She also noted the Council approved 2 _ hours for the 12th district for taking a Security and Integrity course for GCIC. Judge

Brown informed the committee that for all Probate Judges that serve in the Municipal Courts, the Municipal Court Judges Training Council is allowing 6 hours for those Judges who attend the traffic session at the June meeting in Valdosta.

Per the Traffic and Criminal Jurisdiction Committee's request, the Training Council discussed providing 12 hours of training on traffic in addition to other training. There were questions in regards to if the statute should be amended, or if local rules or policy should be written. After consulting with Mr. Reaves of ICJE the Council recommended the traffic committee conduct more research on the training and agreed that 6 hours would be more manageable. Lastly, Judge Brown discussed senior judges sitting on the bench and required training. She informed the committee that ICJE required 12 hours of training and wanted to know how the Council would make this training mandatory as well as the cost factor. At present there is nothing in the Training Council statute or legislation that makes training for senior judges mandatory. After a brief discussion the committee agreed that the AOC research department should look into this matter for the Training Council.

In conclusion to her report Judge Brown informed the committee that Judge Mary Jo Buxton has agreed to serve as member-at-large which was previously held by Judge Edward Hulsey. She also announced that Judge Dwain Brackett replaced retired judge, Joyce Hawkins as representative for District 9.

Report from the President

Judge Tate reported that the Judicial Council has created a Standing Review Committee whose purpose is to poll the membership

Thanks

May 25, 2005

Council of Probate Court Judges,

Thank you for the beautiful basket of pink, lavender, white and yellow flowers sent to my mother's funeral. Ruth and I are still enjoying the spring bouquet here at home.

It is very gratifying to have the support of one's friends and peers in a time of sorrow.

Sincerely, Mike

May 25, 2005

Dear Marla, Bernie and LaShawn,

Thank you for the beautiful basket of white roses, daisies and fuji mums you sent to my mother's funeral. Although the roses have faded and been removed, Ruth and I are still enjoying the remainder of the arrangement.

I also appreciate Bernie's stopping by the funeral home during visitation.

You all are the greatest.

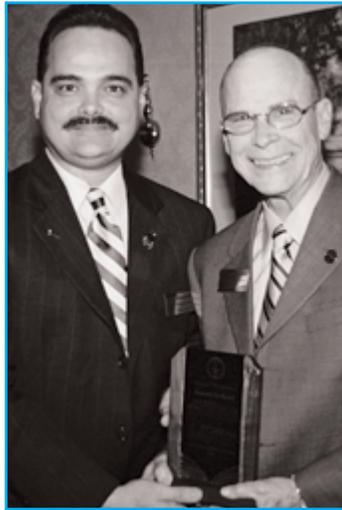
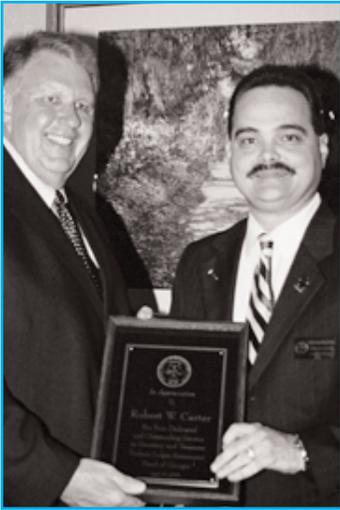
Sincerely, Mike

Photo Gallery

April 20 -22, 2005



Photo Gallery



Legislation Affecting the Probate Courts Passed 2005 Session

Prepared by: Legislative & Governmental Affairs Div., AOC

HB 48 - ETHICS IN GOVERNMENT; AMEND PROVISIONS

This bill provides for a comprehensive change to ethics policy in relation to state government, local government, and public officers (which includes all judicial officers). Specifically, the bill affects ethics and conflicts of interest; changes certain definitions; changes certain provisions relative to declaration of policy; and changes several provisions relating to the Ethics Commission. With respect to the judiciary in particular, a person would not be eligible to fill a vacancy on the Supreme Court, Court of Appeals, superior court, or state court in the case that the person had contributed to the Governor's campaign committee in the 30 days prior to the vacancy or any time after the vacancy. Any person aggrieved by a finding in violation of the provisions of the bill by the Commission shall be entitled to "judicial review."

Effective Date: January 9, 2006 -
Signed by Governor on May 5, 2005

HB 172 - CRIME VICTIMS RESTITUTION ACT OF 2005; ENACT

The major provisions of HB172 include:

- Allows victims of crime in many cases to delay bringing a civil action against the perpetrator of a crime until the prosecution of the criminal case is complete.
- Requires the court to consider victim impact statements prior to sentencing or determining restitution.
- Makes restitution easier to collect by codifying a procedure that will allow the enforcement of restitution orders after the criminal sentence is complete.
- Restitution will be ordered even if a defendant is sentenced to prison for a period of straight time, life imprisonment, life without parole or even death penalty cases.
- Clarifies that individuals, businesses and other organizations are entitled to restitution.
- Whenever possible, juveniles that commit a crime must make restitution

to their victims.

- The court is authorized, but not required, to make the parent or parents who have supervisory responsibility over the child to pay restitution to the victim where the court finds that the parent or parents knew or should have known of the juvenile's propensity to commit such acts and the acts are due to the parent's negligence or the parents' reckless disregard for the juvenile's propensity to commit such acts.
 - In any case where the state, county or city is due restitution, the victim shall receive any restitution first.
 - Makes restitution a priority by requiring that at least 50 percent of all payments by criminals be used to satisfy restitution to victims before any such payment can be used to satisfy other fines and/or fees.
 - Requires that restitution be disbursed to victims in a timely manner.
 - Allows the court to require an offender to assign his or her wages to pay restitution.
 - Requires the clerk of court, probation or parole officers to review all restitution orders at least twice a year to ensure that restitution is being paid.
 - Allows the Department of Juvenile Justice or the Board of Pardons and Parole to intercept tax refunds when there is an outstanding amount of restitution owed a crime victim. The Department of Corrections already has this authority.
 - **Also listed under Fines & fees
- Effective Date: July 1, 2005 - signed by Governor on April 11, 2005

HB 180 - HUMAN RESOURCES; CRIMINAL HISTORY INFORMATION; PROVISIONS

This bill permits DHR to obtain criminal history information from all adults who reside in a home where a child in the custody of the department has been or may be placed or who provide care to a child.

Effective Date: May 4, 2005 (Date signed by Governor)

HB 186 - COUNTIES AND MUNICIPALITIES; EXPAND PURPOSES FOR USING FEDERAL FUNDS

This bill amends the OCGA relating to the authority of counties and municipal corporations to participate in federal programs, so as to expand the purposes for which federal funds may be used by a county or municipal corporation by adding the phrase "such purposes included but not limited to" before a list of programs federal funding can be used for.

Effective Date: May 10, 2005 (Date signed by Governor)

HB 195 - PARENTAL RIGHTS; PETITIONS TO TERMINATE; CHANGE PROVISIONS

The bill is an effort to cut the time between a DFACS ruling and the termination of parental rights for children in foster care. The bill provides for a 90-day time instead of the current time period of one year.

Effective Date: May 3, 2005 (Date signed by Governor)

HB 244 - ELECTIONS AND VOTING; AMEND PROVISIONS

This bill is generally known for its provision requiring a state-issued photo ID in order to vote, but it also contains vast changes to many code sections in Title 21. The provisions of this bill are completely dependent upon federal approval by the Department of Justice for compliance with the Voting Rights Act of 1965 and the Help America Vote Act (HAVA). Some of the other provisions include acceptable identification when registering to vote for the first time, ballot form and procedures in nonpartisan elections (such elections will be held in conjunction with the November general election), qualification procedures for candidates, and many changes to the provisions governing the use of absentee ballots (i.e. application for absentee ballots not more than 180 days prior to the election, etc.). There are also specific pro-

Legislation cont.

visions governing the filing of notice of candidacy for the office of judge of the superior court, Judge of the Court of Appeals, Justice of the Supreme Court, and other county and municipal judicial offices (see Sections 14 & 17 in particular). The penalties for violations of the provisions of this Act range from misdemeanor to felony. The Attorney General shall bring an action against the violator in the superior court of the county of residence of the violator upon complaint by the State Election Board.

Effective Date: July 1, 2005 -Signed by Governor on April 22, 2005 - except Section 13 relating to filing notice of candidacy which is effective on January 1, 2006

HB 378 - MARRIAGE; PREMARITAL EDUCATION; PROVIDE FOR

The bill provides that there will be no fee for a marriage license if the marrying couple has had the approved amount of certified premarital counseling; a \$35 fee will still be charged if the couple has not had premarital counseling. The application for marriage license will ask whether the couple has had counseling.

Effective Date: May 10, 2005 (Date signed by Governor)

HB 521 - SHERIFFS; QUALIFICATIONS; CERTIFIED PEACE OFFICERS

"Office of sheriff shall by operation of law be deemed vacant upon certification by the Georgia Peace Officers Standards and Training Council to the judge of the probate court of the county that the certification required to be a peace officer has been revoked for the sheriff of said county."

Effective Date: May 3, 2005 (Date signed by Governor)

HB 665 - PUBLIC EMPLOYEES; FRAUD, WASTE, AND ABUSE; COMPLAINTS OR INFORMATION

This is the whistleblower bill of the Governor's ethics package. Any public employee who exposes fraud, waste, or abuse will be protected from retaliation under this bill. Public employees under this provision are also provided with civil remedy if they are fired or negatively affected by exposing fraud, waste, or abuse. The definition of pub-

lic employee is expanded to include the judicial and legislative branches as well as the Governor's office.

Effective Date: May 5, 2005 (Date signed by Governor)

SB 6 - CRIMINAL BACKGROUND CHECKS; AUTHORIZE NATIONAL EXCHANGE OF INFORMATION

The bill authorizes (but does not mandate) the national exchange of information relating to background checks for those individuals who provide care for small children, the elderly, and persons with disabilities, including volunteers with youth sports organizations and other youth activities.

Effective Date: May 10, 2005 (Date signed by Governor)

SB 89 - CONTROLLED SUBSTANCES, SCHEDULE I; DEFINITIONS, EXCEPTIONS

This bill is an annual supplement to the drugs characterized as Schedule I controlled substances. The bill adds a number of new chemicals/compounds to be considered controlled substances for law enforcement purposes.

Effective Date: May 9, 2005 (Date signed by Governor)

SR 431 - SECURITY FOR STATE/ COUNTY BUILDINGS; CREATE SENATE STUDY COMMITTEE

This bill creates a Senate study committee to look at security in state and county buildings as a result of the Atlanta Fulton County Courthouse shootings on March 11, 2005.

Effective Date: March 22, 2005 (Date passed by the Senate); report to be made by December 31, 2005

TRAFFIC LAW

HB 20 - MOTOR VEHICLES; WINDOW TINT RESTRICTIONS; PROVISIONS

This bill modifies current law regarding window tinting on personal automobiles. Current law will be changed to allow for no more than a 32 percent light transmission, plus or minus 3 percent, or increase light reflectance to more than 20 percent. The bill exempts law enforcement vehicles and limousines.

Effective Date: May 2, 2005 (Date signed by Governor)

HB 279 - HIGHWAYS; VEHICLES HAULING CERTAIN PRODUCTS; WEIGHT LIMITATION VARIANCE

Vehicles hauling certain raw materials are allowed a 5% variance on the weight limitations when hauling from the farm to the first point of marketing or processing. Anything over the newly allowable 5% variance will be subject to a fine of 5 cents per pound.

Effective Date: May 5, 2005 (Date signed by Governor)

HB 501 - DEPARTMENT OF DRIVER SERVICES; CREATE AS SUCCESSOR TO DMVS

This bill dissolves the Department of Motor Vehicles, and replaces it with the Department of Driver Services. The new department will be responsible for issuing driver's licenses, which have been modified to create five- and ten-year licenses. Previous functions handled by the DMVS will be divided between the Departments of Public Safety and Revenue and the Public Service Commission. The bill will also remove the requirement that a driver take an eye examination; only first-time drivers and those over the age of 65 will be required to take such an examination. An amendment was incorporated into the bill which will modify the DUI license reinstatement fee from \$200 to \$500.

Effective Date: July 1, 2005 - Signed by Governor on May 2, 2005

SB 226 - JOSHUA'S LAW; CREATE GEORGIA DRIVER'S EDUCATION COMMISSION

This bill would require 16 year olds who wish to obtain a driver's license to complete a driver's education course (either through public school or at a private driving school). Those teenagers who do not complete a driver's education course will have to wait until they are 17 to obtain a driver's license. The bill also restricted the number of non-family members a teenage driver may have in the car. Additionally, a 5 percent fee will be assessed in the issuance of every traffic ticket issued in the state. The fee will be assessed and collected by the clerk or other court officer in charge of collecting moneys from fines. The fees

Legislation cont.

will be paid to the Georgia Superior Court Clerk's Cooperative Authority for remittance to the Office of Treasury and Fiscal Services to be deposited into the general fund of the state treasury.

Effective Date: The section applying to fees becomes effective on May 10, 2005 (Date signed by Governor), and will be repealed on June 30, 2008; the rest of the bill becomes effective January 1, 2007

SB 273 - DRIVER'S LICENSES; CLASS C; CHANGE DEFINITION

This bill changes the definition of a class C license as follows: Any single vehicle with a gross vehicle weight rating of less than 26,001 pounds, or any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of 10,000 pounds, or any such vehicle towing a vehicle with a gross vehicle weight rating in excess of 10,000 pounds, provided that the combination of vehicles has a gross combined vehicle weight rating less than 26,001 pounds.

Effective Date: July 1, 2005 - Signed by Governor on May 5, 2005

LOCAL BILLS

HB 259 - EVANS COUNTY; PROBATE JUDGE, NONPARTISAN ELECTION

This bill provides nonpartisan elections for probate judges in Evans County.

Effective Date: May 5, 2005 (Date signed by Governor)

HB 332 - STEPHENS COUNTY; PROBATE JUDGE; NONPARTISAN ELECTIONS

This bill provides nonpartisan elections for probate judges in Stephens County.

Effective Date: May 5, 2005 (Date signed by Governor)

HB 411 - LUMPKIN COUNTY; CLERK OF SUPERIOR COURT; PROBATE JUDGE; COMPENSATION

The bill repeals the provision that previously required salary increases for the superior court clerks and the probate judge in the case where any other county officer received a salary increase in any calendar year in Lumpkin County.

Effective Date: May 5, 2005 (Date signed by Governor)

HB 413 - LUMPKIN COUNTY; PROBATE COURT; CHARGE TECHNOLOGY FEE

The bill authorizes the Probate Court of Lumpkin County to charge a technology fee not to exceed \$8.00 for each civil case filed and criminal fine imposed. It also provides guidelines for how this fee can be used. **Also listed under Fines and Fees

Effective Date: July 1, 2005 - Signed by Governor on May 10

HB 415 - CRISP COUNTY; BOARD OF ELECTIONS AND REGISTRATION; CREATE

The bill creates the Crisp County Board of Elections and Registration, which will have the duties, powers, and responsibility previously held by the judge of the probate court and the board of registrars.

Effective Date: July 1, 2005 (this is the full effective date, the bill becomes effective on May 5, 2005 - date signed by Governor, but on July 1, the superintendent of elections and the board of registrars are relieved of power)

HB 585 - BERRIEN COUNTY; BOARD OF ELECTIONS AND REGISTRATION; CREATE

The bill creates the Berrien County Board of Elections and Registration, which will have the duties, powers, and responsibility previously held by the judge of the probate court and the board of registrars.

Effective Date: July 1, 2005 (this is the full effective date, the bill becomes effective on May 5, 2005 - date signed by Governor, but on July 1, the superintendent of elections and the board of registrars are relieved of power)

HB 587 - IRWIN COUNTY; NONPARTISAN ELECTIONS; CHIEF MAGISTRATE

This bill provides nonpartisan elections for the chief magistrate in Irwin County.

Effective Date: May 5, 2005 (Date signed by Governor); for elections after January 1, 2006

HB 588 - IRWIN COUNTY; NONPARTISAN ELECTIONS; PROBATE JUDGE

This bill provides nonpartisan elections for probate judges in Irwin County.

Effective Date: May 5, 2005 (Date signed by Governor); for elections after January 1, 2006

HB 598 - PEACH COUNTY; NONPARTISAN ELECTIONS; PROBATE JUDGE

This bill provides nonpartisan elections for probate judges in Peach County.

Effective Date: May 5, 2005 (Date signed by Governor); for elections after January 1, 2006

HB 599 - PEACH COUNTY; NONPARTISAN ELECTIONS; CHIEF MAGISTRATE

This bill provides nonpartisan elections for the chief magistrate in Peach County.

Effective Date: May 5, 2005 (Date signed by Governor); for elections after January 1, 2006

HB 612 - WARREN COUNTY; NONPARTISAN ELECTIONS; PROBATE JUDGE

Elections for judge of the probate court in Warren County are hereafter nonpartisan and will be held in conjunction with the general primary election. Effective Date: May 5, 2005 (Date signed by Governor)

HB 616 - ECHOLS COUNTY; NONPARTISAN ELECTIONS; PROBATE JUDGE

Elections for judge of the probate court in Echols County are hereafter nonpartisan and will be held in conjunction with the November general election.

Effective Date: May 5, 2005 (Date signed by Governor); for elections after January 1, 2006

HB 650 - COBB COUNTY PROBATE COURT; COMPENSATION OF JUDGE AND CLERK

The judge of the Probate Court of Cobb County shall receive an annual salary of \$104,098.54; the clerk of the

Legislation cont.

probate court shall receive a salary of \$71,986.91.

Effective Date: May 6, 2005 (Date signed by Governor)

HB 673 - COFFEE COUNTY; BOARD OF ELECTIONS AND REGISTRATION

The bill creates the Coffee County Board of Elections and Registration, which will have the duties, powers, and responsibility previously held by the judge of the probate court and the board of registrars.

Effective Date: July 1, 2005 (this is the full effective date, the bill becomes effective May 6, 2005 - Date signed by Governor, but on July 1, the superintendent of elections and the board of registrars are relieved of power)

HB 712 - JONES COUNTY; NONPARTISAN ELECTIONS; PROBATE JUDGE

This bill provides nonpartisan elections for probate judges in Jones County.

Effective Date: May 6, 2005 (Date signed by Governor); for elections after January 1, 2006

HB 787 - DEKALB COUNTY; SHERIFF; COMPENSATION

The annual salary of each of the officials of DeKalb County listed below shall be the following percentages of the gross salary of the Superior Court Judge of DeKalb County:

Judge of the Probate Court - 85%

Clerk of the Superior Court - 75%

Judge of the Juvenile Court - 90%

Effective Date: May 6, 2005 (Date signed by Governor)

HB 830 - CRAWFORD COUNTY; BOARD OF ELECTIONS AND REGISTRATION; CREATE

This bill creates the Crawford County Board of Elections which will have the duties, powers, and responsibility previously held by the judge of the probate court and the board of registrars.

Effective Date: May 6, 2005 (Date signed by Governor)

SB 297 - PROBATE COURT JUDGE; BALDWIN COUNTY; NONPARTISAN ELECTIONS

This bill provides nonpartisan elections for probate judges in Baldwin County.

Effective Date: May 6, 2005 (Date signed by Governor); for elections after January 1, 2006

SB 343 - CLAYTON COUNTY PROBATE COURT; JUDGES; CHANGE COMPENSATION

This bill establishes the salary for judges on the Clayton County Probate Court at \$104,120.83.

Effective Date: July 1, 2005 - Vetoed by Governor on May 10, 2005

Governor Perdue's Press Release:

VETO NUMBER 13 - SB 343

SB 343 is local legislation applicable to Clayton County. The Clayton County Board of Commissioners has requested that it be vetoed. Local legislation should be a partnership between local officials and their legislative delegation. This bill will have a significant budgetary impact on the county for which the county commission is unprepared to bear the financial burden. I therefore VETO SB 343.

District Meeting Minutes

Southwest Georgia Probate Judges Association

Thursday, May 19, 2005

Riverfront Resource Center,
Albany, Georgia

The Southwest Georgia Probate Judges met Thursday, May 19, 2005, at the Riverfront Resource Center in Albany, Georgia. Greg Fullerton taught a class on the new guardianship code. Several non-member judges and local attorneys attended the class. After Mr. Fuller's presentation, Judge Sadie Voyles called the business meeting to order. The minutes and treasurer's report were distributed. Judge Susan Taylor made a motion to accept the minutes of the previous

meeting, seconded by Judge Virginia Andrews, motion carried. Judge Virginia Andrews made a motion to accept the treasurer's report, seconded by Judge Nancy Stephenson, motion carried. There was some discussion about the new marriage license law and the cost of marriage certificates. We also discussed where to record guardianships. Judge Virginia Andrews suggested we have a presentation from a vendor on scanning documents for one of our meetings. Judge Vickie Burnette made a motion to reimburse Greg Fullerton for copies and purchase a gift certificate for lunch; also, to reimburse Judge Nancy Stephenson for snacks provided at

the meeting. Judge Susan Taylor seconded and motion was carried. Since some judges were going to C.O.A.G. in Valdosta, we decided not to have a regular monthly meeting in June. Judge Sadie Voyles reported she has a program for this year's Christmas party. Judge Angel Hendricks made a motion we adjourn, seconded by Judge Brenda McNease.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Vickie Burnette
Secretary-Treasurer



B. J. Walker, Commissioner

Georgia Department of Human Resources • Division of Public Health • Stewart T. Bowen, M.D., Director
State Office of Vital Records • 2600 Skyward Drive, NE • Atlanta, Georgia 30319-3640
404-679-4700 • FAX: 404-679-4750

June 29, 2005

Dear County Vital Records Registrar/Vital Records Custodian or Probate Judge:

I would like to take this opportunity to personally inform you that I will be retiring from active service with the State of Georgia and Vital Records effective July 1, 2005. Through the years I have directly worked with you and your staff and I have attempted to foster a friendly relationship with each and everyone in County offices. I trust that I have at least been partly successful in this endeavor.

Through the years I enjoyed traveling to your County, conducting regional training seminars and meeting with County staff, as this is where the public many times first interacts with Vital Records. As a result of these face-to-face sessions, I have formed close personal and professional relationships with County Vital Records Registrars, Custodians and Probate Judges. I will fondly remember these friends and associations in the coming years.

As I depart new systems are being developed at the State Office that, in the next few years, will greatly enhance the registration of Vital Records, the distribution of information, and the production of certified copies of records. These innovations will provide more capacity for county Vital Records staff to serve the public more rapidly with more accurate records.

Lastly, enclosed is a copy of a new certification statement which County Vital Records ~~registrars and custodians are using today.~~

In closing, I will say that the more enjoyable Vital Records experiences I have had occurred when I was in the field meeting with County staff. I will miss seeing and speaking to each of you.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Bidy", written in a cursive style.

Mike Bidy
State Office of Vital Records

Probate Judge Executive Committee Minutes cont.

in regards to certain legislation that impacts the Council. The committee is still working on alternative ways of contacting the membership and Judge Tate welcomed suggestions from everyone.

Phil Linkus has forwarded suggested language for consideration by the legislative committee in regards to Custodial Accounts. Judge Tate will give this information to Judge Bracewell for review. The Council was asked to appoint two representatives to serve on the Georgia Alliance for Drug Endangered Children, which is a task force to address the growing problems of Methamphetamine in the state. Judges Mary Jo Buxton and Donald Boyd will serve on the task force whose first meeting is Friday. In closing Judge Tate informed the committee that she attended the Westlaw Training and encouraged everyone to attend future classes. Ms. Moore reminded the committee that Westlaw is available to everyone and to please utilize the service.

Report from the AOC

Ms. Moore informed the committee that Ms. LaShawn Murphy has filled in the blank press releases for the group to distribute to the press. She stated that an advertisement went into the State Bar Journal to increase Probate Handbook orders and CD's will be distributed on the following day.

Ms. Moore also announced that the Judicial Council is creating a workload assessment committee to look at the work on limited jurisdiction courts and how it affects what happens in Superior Court. There are representatives for all classes of courts and Judge Tammy Brown will serve as the representative for the Probate Judges. Judge Jeryl Rosh will serve as the representative on the Records Retention Committee.

In addition to Steve Nevels joining the Judicial Liaison division, Ms. Moore announced that Skye

Scarborough, Research Division, is no longer with the agency. Ms. Scarborough has relocated to Florida where she will teach and pursue her graduate degree. Wade Herrin has returned to the office after having health issues and Kesheia Floyd will be out on maternity leave for four months, both being from the Research Division. Ms. Moore also announced that due to budget cuts there will be some restructuring within the agency.

The National Center for State Courts is sponsoring a National Summit on Court Security. This will be a one day event and the goal is to try to get the President's attention on receiving funds from Homeland Security. Ms. Moore reminded the committee of the Personal Security Summit scheduled for June 2, 2005 in Macon. At present, slots for the summit have been completely filled; however, there has been discussion on providing another summit in the fall.

In a brief report, Mr. Nevels who has been working with the Traffic Information Processing System (TIPS) gave the committee members a general overview on how the system works. The system is web-based, free to the users, and all the data submitted is backed up on two different servers at the AOC. He informed the committee that the system is different from Sustain as it is designed solely to process traffic citations to meet the electronic filing requirements to DMVS.

Old Business

In old business Judge Self reported on the membership status for those in the National College of Probate Judges. Dues were paid for 86 judges; the list is in the agenda packet. Dues paid out of personal or county funds were reimbursed to those members.

New Business

In new business, Ms. Moore reported that Guardian Ad Litem training has been left to the discretion of the Council. She closed by stating the Guardians do need training, but the Council must develop the curriculum. There was no other discussion.

In other new business, Judge Self reported that there have been some issues with Superior Court Clerks and the use of PT61 forms, which replaced the real estate transfer tax declaration form. The PT61 is used to record the certificate for an order awarding years support in real property. This form must be completed online and requires court staff to gather information in regards to the file. Judge Self has requested an alternative method from the Department of Revenue, such as modifying the certificate form to exempt real estate taxes from inside code sections. A response to his inquiry was not offered in time for this meeting from the Department of Revenue. There was no other discussion.

Next Meeting Date

The next meeting is scheduled for June 21, 2005, in Valdosta, Georgia in conjunction with COAG.

Adjournment

Before the adjournment, Judge Tate reminded the committee that as Cross Jurisdictional Chair, it is important to notify other courts when the Council plans events. The meeting adjourned at 7.45 p.m.

Respectfully Submitted By
Bernadette Smith for
Judge Mary Cranford

Computing Correct Marriage as of July 1, 2005

WITHOUT PREMARITAL COUNSELING

Application Fee	\$35.00
Recording Fee (§ 31-10-21(f))	\$1.00
Children's Trust Fund (§15-9-60.1)	\$15.00
TOTAL	\$51.00

ADDITIONAL ADD ONS:

CERTIFIED COPY OF LICENSE FEE (§15-9-60)	\$5.00
CERTIFIED APPLICATION FEE (§15-9-60)	\$5.00
PARENT NOTIFICATION LETTER (§19-3-38)	\$1.00

WITH PREMARITAL COUNSELING

Application Fee	\$0.00
Recording Fee (§ 31-10-21(f))	\$1.00
Children's Trust Fund (§15-9-60.1)	\$15.00
TOTAL	\$16.00

SOME COUNTIES INCLUDE COST OF CERTIFIED COPIES IN THEIR MARRIAGE LICENSE FEES. ACCORDING TO AN ATTORNEY GENERAL'S OPINION, NO LAW LIBRARY FEES SHOULD BE ADDED TO THE COST OF A MARRIAGE OR FIREARMS LICENSE.

The Gavel

Georgia Council of Probate Court Judges
Administrative Office of the Courts
244 Washington Street, SW, Suite 300
Atlanta, GA 30334

JUDGE DARIN McCOY
Editor

DAVID L. RATLEY
Director

MARLA MOORE
*Associate Director for
Court Services*

ASHLEY G. STOLLAR
Graphic Design