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## COURTS Juvenile Proceedings, Parental Rights: Improve Training and Provide Assistance to Certain Inferior Courts; Provide Training Requirements for Clerks of the Juvenile Courts; Allow for Clerks Pro Tempore; Provide for Certificates and Expenses

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## COURTS

*Juvenile Proceedings, Parental Rights:  
Improve Training and Provide Assistance to Certain Inferior  
Courts; Provide Training Requirements for Clerks of the  
Juvenile Courts; Allow for Clerks Pro Tempore;  
Provide for Certificates and Expenses*

CODE SECTIONS:	O.C.G.A. §§ 15-11-25, 36-74-1 to -13 (new) <sup>1</sup>
BILL NUMBER:	HB 1206
ACT NUMBER:	744
GEORGIA LAWS:	2000 Ga. Laws 1102
SUMMARY:	The Act, entitled the "Inferior Court Training and Assistance Act of 2000," adds a new section to the Georgia Code to improve training for juvenile court clerks and provide assistance to certain inferior courts. The Act introduces mandatory training requirements for juvenile court clerks and allows pro tempore clerks to act in the traditional clerk's place during training without having to meet the same training requirements.
EFFECTIVE DATE:	July 1, 2000

### *History*

Historically, juvenile court clerks in Georgia have had no formal training requirements.<sup>2</sup> According to Lynn Brewer of the Council of Juvenile Court Judges, juvenile court clerks were expected to just "hit the ground running" without any guidance or training.<sup>3</sup> Representative Stephanie Stuckey of the 67th

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1. Sections 36-74-1 to -13 are completely unrelated to the initial bill, as introduced, regarding juvenile court clerk training; thus, they are not discussed in this legislative review.

2. *See* Telephone Interview with Lynn Brewer, Council of Juvenile Court Judges (June 27, 2000) [hereinafter Brewer Interview].

3. *See id.*

House District, co-author of HB 1206, pointed out that other Georgia court clerks, such as the superior court clerks, must meet formal training requirements, and agreed that the time has come to require similar training for juvenile court clerks.<sup>4</sup>

In addition to HB 1206, the 2000 Georgia General Assembly passed HB 1112, which effectively reorganized the entire Georgia juvenile code.<sup>5</sup> According to Representative Mary Hodges Squires of the 78th House District, who co-sponsored HB 1206, members of the General Assembly believed the reorganization would substantially improve the logical sequencing of the Code's various sections, making it much easier to use.<sup>6</sup> While reorganization and renumbering of the juvenile code via HB 1112 made no substantive changes, the new training requirements proposed in HB 1206 would further overall improvement of the Georgia juvenile justice system.<sup>7</sup> Additionally, Code section 15-11-25, created by HB 1206, reflects the new numbering system created by HB 1112.<sup>8</sup> As a result, the old section 15-11-25 was renumbered to 15-11-38.1 and is not related to the new section 15-11-25.<sup>9</sup>

### *HB 1206*

#### *Introduction*

Representative Chuck Scheid of the 17th House District introduced HB 1206.<sup>10</sup> Representative Stuckey of the 67th District co-authored the bill.<sup>11</sup> In addition, Representatives Squires and Mark Crawford of the 78th and 129th Districts, respectively, also sponsored the bill.<sup>12</sup>

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4. See Telephone Interview with Rep. Stephanie Stuckey, House District No. 67 (June 29, 2000) [hereinafter Stuckey Interview]. The main author of the bill was Representative Chuck Scheid of the 17th House District. See HB 1206, as introduced, 2000 Ga. Gen. Assem.

5. See Telephone Interview with Rep. Mary Hodges Squires, House District No. 78 (June 27, 2000) [hereinafter Squires Interview]; Brewer Interview, *supra* note 2; Stuckey Interview, *supra* note 4.

6. See Squires Interview, *supra* note 5.

7. See *id.*

8. See *id.*

9. See *id.*

10. See HB 1206, as introduced, 2000 Ga. Gen. Assem.

11. See *id.*

12. See *id.*

*Consideration by the House*

Upon introduction, the House assigned the bill to its Judiciary Committee, which favorably reported the bill, as substituted, on February 3, 2000.<sup>13</sup> In the substitute, the House Committee made no substantial changes to the bill as originally introduced.<sup>14</sup> The House adopted the Committee substitute and unanimously passed the bill on February 9, 2000.<sup>15</sup>

*Consideration by the Senate*

The Senate assigned the bill to its Judiciary Committee.<sup>16</sup> The Committee amended HB 1206 by renumbering the proposed Code sections affected from 15-11-9 to 15-11-25.<sup>17</sup> On March 16, 2000, the Judiciary Committee favorably reported the bill, as amended, to the Senate.<sup>18</sup> The Senate adopted the Committee amendment and a floor amendment and passed the bill on March 20, 2000.<sup>19</sup> The Senate floor amendment added a new section relating to the creation of the Local Government Code Enforcement Boards to oversee local ordinance violations.<sup>20</sup>

*From the Senate Version to the Conference Committee*

The Conference Committee recommended that both the Senate amendments and the House substitute be abandoned and the Conference Committee substitute be adopted.<sup>21</sup> Both

13. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000; see also HB 1206 (HCS), 2000 Ga. Gen. Assem.

14. Compare HB 1206, as introduced, 2000 Ga. Gen. Assem., with HB 1206 (HCS), 2000 Ga. Gen. Assem.

15. See Georgia House of Representatives Voting Record, HB 1206 (Feb. 9, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

16. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

17. Compare HB 1206 (HCS), 2000 Ga. Gen. Assem., with HB 1206 (SCA), 2000 Ga. Gen. Assem. The entire juvenile code was reorganized and renumbered by Act 467 (from HB 1112). See 2000 Ga. Laws 20, § 1, at 21. HB 1206 would create a new section, 15-11-25, in accordance with the renumbering system and was not an amendment to the former section 15-11-25. See Brewer Interview, *supra* note 2.

18. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

19. See Georgia Senate Voting Record, HB 1206 (Mar. 20, 2000).

20. Compare HB 1206 (SCA), 2000 Ga. Gen. Assem., with HB 1206 (SCAFA), 2000 Ga. Gen. Assem. The section of the Act dealing with enforcement boards is not discussed in this legislative review. The new Code sections added were 36-74-1 to -13. See 2000 Ga. Laws 1102, § 3, at 1103-11.

21. See HB 1206 (CCS), 2000 Ga. Gen. Assem. All changes in the Conference

the House and the Senate agreed to the Conference Committee substitute on March 22, 2000.<sup>22</sup> No changes were made to the portion of HB 1206 relating to juvenile court clerks.<sup>23</sup> In fact, the wording in the bill, as passed, was substantially identical to the wording as passed by the House.<sup>24</sup> The final version of this bill reflected the new numbering system of the Georgia juvenile code created by HB 1112 and added new Code section 15-11-25.<sup>25</sup> Governor Roy Barnes signed HB 1206 into law on April 28, 2000.<sup>26</sup>

### *The Act*

Section 1 states that the Act shall be known as the "Inferior Court Training and Assistance Act of 2000."<sup>27</sup>

Section 2 of the Act creates a new Code section, 15-11-25, which applies to any person who is appointed or is performing the duties of a juvenile court clerk after July 1, 2000.<sup>28</sup> This section mandates that each juvenile court clerk complete twenty hours of training provided by the Institute of Continuing Judicial Education of Georgia (ICJEG) within the first twelve months following either appointment or first performance of the clerk's duties.<sup>29</sup> Once a clerk has completed the requisite training, the ICJEG will issue a certificate, which must be placed into the minutes of the juvenile court record in the county where the clerk is employed.<sup>30</sup> All reasonable expenses for training and certification will be provided by county funds unless provided through another source.<sup>31</sup>

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Committee substitute dealt with the portion of the bill regarding local enforcement boards.

22. See HB 1206 (CCS), 2000 Ga. Gen. Assem.; State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

23. Compare HB 1206 (SCAFA), 2000 Ga. Gen. Assem., with HB 1200 (CCS), 2000 Ga. Gen. Assem.

24. Compare HB 1206 (HCS), 2000 Ga. Gen. Assem., with HB 1200, as passed, 2000 Ga. Gen. Assem.

25. See HB 1206, as passed, 2000 Ga. Gen. Assem.

26. See 2000 Ga. Laws 1102, § 4, at 1111; State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

27. See 2000 Ga. Laws 1102, § 1, at 1102.

28. See O.C.G.A. § 15-11-25(a) (Supp. 2000).

29. See *id.* § 15-11-25(a)-(c).

30. See *id.* § 15-11-25(c).

31. See *id.*

The Act also provides for the appointment of a pro tempore clerk who will serve as the clerk while the full-time clerk is training.<sup>32</sup> The Act excludes the pro tempore clerk from having to meet the training requirements prior to appointment.<sup>33</sup> Finally, clerks who have already met the training requirements for a superior court clerk are excluded from the reach of this Act.<sup>34</sup>

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32. *See id.* § 15-11-25(d).

33. *See id.*

34. *See id.* § 15-11-25(e).