

The House Committee on Appropriations offered the following substitute to SB 437:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia  
2 Annotated, relating to juvenile court administration, so as to provide for salary adjustments  
3 for full-time juvenile court judges who are paid with state funds; to provide for procedures  
4 for the evaluation of prospective appointees to the juvenile court bench; to change provisions  
5 relating to a clerk and other personnel of the juvenile court; to provide for related matters;  
6 to provide an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

8  
9 Part 2 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,  
10 relating to juvenile court administration, is amended by striking subsection (d) of Code  
11 Section 15-11-18, relating to creation of juvenile courts and provisions relative to juvenile  
12 court judges, in its entirety and inserting a new subsection to read as follows:

13 *"(d) Terms and compensation of judges.*

14 (1) Each juvenile court judge appointed under this Code section shall serve for a term of  
15 four years. Except as otherwise provided by law, the compensation of the full-time or  
16 part-time juvenile court judges shall be set by the superior court as provided in subsection  
17 (h) of this Code section with the approval of the governing authority or governing  
18 authorities of the county or counties for which the juvenile court judge is appointed.

19 (2) The state, out of funds appropriated to the judicial branch of government, shall  
20 contribute toward the salary of the judges on a per circuit basis in the following amounts:

21 (A) Each circuit with one or more juvenile court judges who are not superior court  
22 judges assuming the duties of juvenile court judges shall receive a state grant of  
23 \$85,000.00, plus any annual salary adjustments provided to elected state officials in the  
24 future by subsection (b) of Code Section 45-7-4 without regard to the number of  
25 superior court judges in the circuit. Such state funds shall be spent solely on salaries for  
26 juvenile court judges and shall not be used for any other purposes.

1 (B) In addition to the base amount set out in subparagraph (A) of this paragraph, each  
 2 circuit which on or after October 1, ~~2000~~ 2002, has more than four superior court  
 3 judges is eligible for additional state grants. For each superior court judge who exceeds  
 4 the base of four judges, the circuit shall be eligible for an additional grant in an amount  
 5 equal to one-fourth of the base amount of the state grant set out in subparagraph (A) of  
 6 this paragraph. Such additional state grants shall be spent solely on salaries for juvenile  
 7 court judges and shall not be used for any other purposes.

8 (C) In those circuits where the judge or judges of the superior court elect to use the  
 9 state grant provided in this Code section for one or more part-time judges, the amount  
 10 of the state grant shall be as follows:

- 11 (i) For each part-time judge who works one day weekly . . . . . \$ 17,000.00
- 12 (ii) For each part-time judge who works two days weekly . . . . . 34,000.00
- 13 (iii) For each part-time judge who works three days weekly . . . . . 51,000.00
- 14 (iv) For each part-time judge who works four days weekly . . . . . 68,000.00;

15 provided, however, that a grant for one or more part-time judges shall not exceed the  
 16 amount the circuit is eligible for in accordance with subparagraphs (A) and (B) of this  
 17 paragraph.

18 (3) After the initial appointments and prior to any subsequent appointment or  
 19 reappointment of any part-time or full-time juvenile court judge under this Code section,  
 20 the judge or judges responsible for making the appointment shall publish notice of the  
 21 opening on the juvenile court once a month for three months prior to such appointment  
 22 or reappointment in the official legal organs of each of the counties in the circuit where  
 23 the juvenile court judge has venue. The expense of such publication shall be paid by the  
 24 county governing authority in the county where such notice or notices are published.

25 (4) Minimum salaries for full-time juvenile court judges shall be as provided in  
 26 subparagraph (A) of paragraph (2) of this subsection, plus any annual salary adjustment  
 27 provided to elected state officials in the future by subsection (b) of Code Section 45-7-4  
 28 without regard to the number of superior court judges in the circuit."

29 **SECTION 2.**

30 Said part is further amended by adding a new Code Section 15-11-18.2 to read as follows:  
 31 "15-11-18.2.

32 The Council of Superior Court Judges, after consultation with the Council of Juvenile  
 33 Court Judges, shall establish procedures for superior court judges to follow in evaluating  
 34 and reviewing the qualifications of prospective appointees to the juvenile court bench.  
 35 Such procedures shall include the participation of the Judicial Nominating Commission."

**SECTION 3.**

Said part is further amended by striking Code Section 15-11-24, relating to court personnel, in its entirety and inserting in lieu thereof the following:

"15-11-24.

~~The judge of the juvenile court shall have the authority to appoint clerks and any other personnel necessary for the execution of the purposes of this chapter. The compensation of the employees shall be fixed by the judge, with the approval of the governing authority of the county. The salaries of the employees shall be paid out of county funds. All appointments shall be made from eligible lists secured from the local merit boards in those counties where such boards exist or from lists established by competitive examinations conducted by the court. The appointment, salary, tenure, and all other conditions of employment of the employees shall be in accordance with the laws and regulations governing the merit system in operation or such rules and regulations as are established by the court. Any employee of the court may be removed for cause by the judge of the court, the reasons therefor to be assigned in writing.~~

(a) Except as otherwise provided in this Code section, the clerk of superior court shall serve as the clerk of juvenile court; and no new separate position of clerk of juvenile court shall be created for any county on or after July 1, 2002.

(b) In any county where the separate position of clerk of juvenile court has been created prior to July 1, 2002, the clerk in office on July 1, 2002, shall continue to serve as clerk of the juvenile court subject to the following provisions:

(1) The clerk of the juvenile court shall serve at the pleasure of the chief judge of the superior court;

(2) In the event of a vacancy in the office of clerk of juvenile court, the clerk of superior court shall thereafter serve as clerk of juvenile court in such county unless the county governing authority adopts or has adopted a resolution or ordinance continuing the separate office of clerk of the juvenile court, in which case the chief judge of superior court shall appoint a person to fill the vacancy and serve at the pleasure of the chief judge.

(c) Where there is a separate office of clerk of the juvenile court, the compensation for such office shall be fixed by the chief judge of the superior court with the approval of the county governing authority.

(d) The clerk of the juvenile court, whether this is a separate office or is filled by the clerk of superior court, shall be authorized to appoint deputy clerks and other personnel to assist the clerk, but the compensation of such deputy clerks and personnel shall be subject to approval by the county governing authority.

1 (e) Personnel necessary for the execution of the purposes of this chapter, other than  
2 personnel to assist the clerk, may be appointed by the chief judge of the superior court, but  
3 the compensation of such personnel shall be subject to approval by the county governing  
4 authority.

5 (f) All compensation provided for in this Code section shall be paid from county funds.

6 (g) Any person serving as clerk of a juvenile court of this state, as a qualification for  
7 holding office, shall execute a bond in the sum of \$25,000.00 for the faithful performance  
8 of his or her duties as clerk, which amount may be increased by local Act. A clerk of the  
9 superior court who also serves as clerk of the juvenile court shall not be required to post  
10 a bond pursuant to the provisions of this Code section, provided that the bond given by the  
11 clerk for the faithful performance of his or her duties as clerk of the superior court shall  
12 also be conditioned upon the faithful performance of his or her duties as clerk of the  
13 juvenile court."

14 **SECTION 4.**

15 This Act shall become effective upon its approval by the Governor or upon its becoming law  
16 without such approval.

17 **SECTION 5.**

18 All laws and parts of laws in conflict with this Act are repealed.