

## House Bill 361 (COMMITTEE SUBSTITUTE)

By: Representatives Welch of the 110<sup>th</sup>, Coomer of the 14<sup>th</sup>, Weldon of the 3<sup>rd</sup>, Rogers of the 10<sup>th</sup>, Dickey of the 140<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the  
2 Juvenile Code, so as to enact reforms as recommended by the Georgia Council on Criminal  
3 Justice Reform with respect to juveniles; to revise defined terms; to clarify and harmonize  
4 statutory language; to restrict jurisdiction of the Juvenile Court for the prosecution of  
5 juvenile traffic offenses to children under 17 years of age; to clarify transfer criteria; to  
6 amend Code Section 17-10-14 of the Official Code of Georgia Annotated, relating to  
7 committal of person under 17 convicted of felony, so as to correct a cross-reference; to  
8 amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide  
9 for prosecuting attorneys to be involved in and prosecute cases wherein a child is alleged to  
10 be in need of services; to provide for related matters; to provide for an effective date; to  
11 repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **PART I**  
14 **SECTION 1-1.**

15 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile  
16 Code, is amended by revising paragraphs (45) and (49) of Code Section 15-11-2, relating to  
17 definitions, as follows:

18 "(45) 'Mediation' means the ~~procedure~~ proceeding in which a mediator facilitates  
19 communication between the parties concerning the matters in dispute and explores  
20 possible solutions to promote ~~reconciliation~~ collaboration, understanding, and settlement."

21 "(49) 'Nonsecure residential facility' means community residential ~~locations operated by~~  
22 ~~or on behalf of DJJ and may include group homes, emergency shelters, wilderness or~~  
23 ~~outdoor therapeutic programs, or other~~ facilities that provide 24 hour care in a residential  
24 setting that are not hardware secured."

25 **SECTION 1-2.**

26 Said chapter is further amended by revising Code Section 15-11-10, relating to exclusive  
 27 original jurisdiction, as follows:

28 "15-11-10.

29 Except as provided in Code Section 15-11-560, the juvenile court shall have exclusive  
 30 original jurisdiction over juvenile matters and shall be the sole court for initiating action:

31 (1) Concerning any child who:

32 (A) Is alleged to be a delinquent child;

33 (B) Is alleged to be a child in need of services;

34 (C) Is alleged to be a dependent child;

35 (D) Is alleged to be in need of treatment or commitment as a mentally ill or  
 36 developmentally disabled child;

37 ~~(E) Is alleged to have committed a juvenile traffic offense as defined in Code Section~~  
 38 ~~15-11-630;~~

39 ~~(F)~~(E) Has been placed under the supervision of the court or on probation to the court;  
 40 provided, however, that such jurisdiction shall be for the purpose of completing,  
 41 effectuating, and enforcing such supervision or a probation begun either prior to such  
 42 child's seventeenth birthday if the order is entered as a disposition for an adjudication  
 43 for delinquency or prior to such child's eighteenth birthday if the order is entered for an  
 44 adjudication for a child in need of services;

45 ~~(G)~~(E) Has remained in foster care after such child's eighteenth birthday or who is  
 46 receiving independent living services from DFCS after such child's eighteenth birthday;  
 47 provided, however, that such jurisdiction shall be for the purpose of reviewing the  
 48 status of such child and the services being provided to such child as a result of such  
 49 child's independent living plan or status as a child in foster care; or

50 ~~(H)~~(G) Requires a comprehensive services plan in accordance with Code Section  
 51 15-11-658; or

52 (2) Concerning any individual under the age of 17 years alleged to have committed a  
 53 juvenile traffic offense as defined in Code Section 15-11-630; or

54 ~~(2)~~(3) Involving any proceedings:

55 (A) For obtaining judicial consent to the marriage, employment, or enlistment in the  
 56 armed services of any child if such consent is required by law;

57 (B) For permanent guardianship brought pursuant to the provisions of Article 3 of this  
 58 chapter;

59 (C) Under Chapter 4B of Title 49, the Interstate Compact for Juveniles, or any  
 60 comparable law, enacted or adopted in this state;

61 (D) For the termination of the legal parent-child relationship and the rights of the  
 62 biological father who is not the legal father of the child in accordance with Article 4 of  
 63 this chapter; provided, however, that such jurisdiction shall not affect the superior  
 64 court's exclusive jurisdiction to terminate the legal parent-child relationship and the  
 65 rights of a biological father who is not the legal father of the child as set forth in  
 66 Chapters 6 through 9 of Title 19;

67 (E) For emancipation brought pursuant to the provisions of Article 10 of this chapter;

68 (F) Under Article 8 of this chapter, relating to prior notice to a parent, guardian, or  
 69 legal custodian relative to an unemancipated minor's decision to seek an abortion; or

70 (G) Brought by a local board of education pursuant to Code Section 20-2-766.1,  
 71 relating to court orders requiring that a parent, guardian, or legal custodian attend a  
 72 conference or participate in programs or treatment to improve a student's behavior."

73 **SECTION 1-3.**

74 Said chapter is further amended by revising subsection (b) of Code Section 15-11-12, relating  
 75 to dual designation of children and time limitations, as follows:

76 "(b) If a child alleged or adjudicated to be a delinquent child or a child in need of services  
 77 is also alleged or adjudicated to be a dependent child, dependency proceedings may be  
 78 consolidated with delinquency or child in need of services proceedings to the extent  
 79 consistent with due process of law as provided in Articles 3, 6, and 7 of this chapter."

80 **SECTION 1-4.**

81 Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section  
 82 15-11-16, relating to commencement of pleadings, as follows:

83 "(3) By the filing of a petition for legitimation under Code Section 15-11-11, or in other  
 84 cases by the filing of a complaint or a petition as provided in Articles 3, 4, 5, 6, 7, 8, and  
 85 10 of this chapter."

86 **SECTION 1-5.**

87 Said chapter is further amended by revising subsection (a) of Code Section 15-11-24, relating  
 88 to termination of mediation, as follows:

89 "(a) Any ~~Either~~ party in a mediation may withdraw from or terminate further participation  
 90 in mediation at any time."

91 **SECTION 1-6.**

92 Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section  
 93 15-11-146, relating to preliminary protective hearings and findings, as follows:

94 "(1) On finding that the complainant has ~~not proved either~~ proven neither of the required  
 95 elements prescribed in subsection (a) of this Code section, shall dismiss the case and shall  
 96 return the child before the court to his or her parent, guardian, or legal custodian;"

97 **SECTION 1-7.**

98 Said chapter is further amended by revising subparagraph (D) of paragraph (8) of Code  
 99 Section 15-11-231, relating to the permanency planning report, as follows:

100 "(D) In the case in which DFCS has documented a compelling reason that none of the  
 101 ~~foregoing~~ options identified in subparagraphs (A) through (C) of this paragraph would  
 102 be in the best interests of the child, whether, and if applicable, when such child shall be  
 103 placed in another planned permanent living arrangement;"

104 **SECTION 1-8.**

105 Said chapter is further amended by revising paragraph (4) of subsection (b) of Code Section  
 106 15-11-232, relating to permanency planning hearing and findings, as follows:

107 "(4) In the case in which DFCS has documented a compelling reason that none of the  
 108 options identified in paragraphs (1) through (3) of this subsection would be in the best  
 109 interests of the child, whether, and if applicable, when such child shall be placed in  
 110 another planned permanent living arrangement. ~~Whether there is a safe and appropriate~~  
 111 ~~placement with a fit and willing relative of a child adjudicated as a dependent child or~~  
 112 ~~other persons who have demonstrated an ongoing commitment to a child or a statement~~  
 113 ~~as to why placement with such relative or other person is not safe or appropriate."~~

114 **SECTION 1-9.**

115 Said chapter is further amended by revising subsection (a) of Code Section 15-11-243,  
 116 relating to notice and permanent guardianship hearing, as follows:

117 "(a) Notice of a guardianship petition pursuant to this part shall be given to a parent of the  
 118 child who was adjudicated as a dependent child and shall also be given in accordance with  
 119 subsection (c) of Code Section 29-2-17 except that, if the parents have consented to the  
 120 guardianship, notice of the petition shall not be required to be given to:

- 121 (1) The adult siblings of the child who was adjudicated as a dependent child;  
 122 (2) The grandparents of the child who was adjudicated as a dependent child; or  
 123 (3) The nearest adult relatives of the child who was adjudicated as a dependent child as  
 124 determined in accordance with Code Section 53-2-1."

125 **SECTION 1-10.**

126 Said chapter is further amended by revising subsection (b) of Code Section 15-11-441,  
127 relating to an adjudication hearing, as follows:

128 "(b) An adjudication hearing for a child alleged to be a child in need of services shall be  
129 conducted in accordance with Title 24.

130 (c) At the conclusion of the adjudication hearing, the court shall determine whether such  
131 child is a child in need of services."

132 **SECTION 1-11.**

133 Said chapter is further amended by revising subsections (b) and (c) of Code Section  
134 15-11-506, relating to a detention hearing, as follows:

135 "(b) If an alleged delinquent child is detained and is not released from preadjudication  
136 custody, a detention hearing shall be held promptly and not later than:

137 (1) Two ~~business~~ days after such child is placed in preadjudication custody if such child  
138 is taken into custody without an arrest warrant; or

139 (2) Five ~~business~~ days after such child is placed in preadjudication custody if such child  
140 is taken into custody pursuant to an arrest warrant.

141 (c) Notwithstanding Code Section 15-11-5, ~~if~~ the detention hearing cannot be held  
142 within two ~~business~~ days in accordance with paragraph (1) of subsection (b) of this Code  
143 section because the date for the hearing falls on a weekend or legal holiday, the court shall  
144 review the decision to detain such child and make a finding based on probable cause within  
145 48 hours of such child being placed in preadjudication custody."

146 **SECTION 1-12.**

147 Said chapter is further amended by revising subsection (e) of Code Section 15-11-560,  
148 relating to concurrent and original jurisdiction of superior court, as follows:

149 "(e)(1) After indictment, the superior court may after investigation ~~and for extraordinary~~  
150 ~~cause~~ transfer to the juvenile court any case involving a child 13 to 17 years of age  
151 alleged to have committed voluntary manslaughter, aggravated sodomy, aggravated child  
152 molestation, or aggravated sexual battery. In considering the transfer of such case, the  
153 court shall consider the criteria set forth in Code Section 15-11-562. Any such transfer  
154 shall be appealable by the State of Georgia pursuant to Code Section 5-7-1. Upon such  
155 a transfer by the superior court, jurisdiction shall vest in the juvenile court and  
156 jurisdiction of the superior court shall terminate.

157 (2) Except as provided in paragraph (8) of subsection (b) of Code Section 15-11-602, any  
158 case transferred by the superior court to the juvenile court pursuant to this subsection  
159 shall be subject to the class A designated felony act provisions of Code Section

160 15-11-602, and the transfer of the case from superior court to juvenile court shall  
 161 constitute notice to such child that such case is subject to the class A designated felony  
 162 act provisions of Code Section 15-11-602."

163 **SECTION 1-13.**

164 Said chapter is further amended by revising subsection (c) of Code Section 15-11-561,  
 165 relating to waiver of juvenile court jurisdiction and transfer to superior court, as follows:

166 "(c) After consideration of a probation report, risk assessment, and any other evidence the  
 167 court deems relevant, including any evidence offered by a child, the court may determine  
 168 that because of the seriousness of the offense or such child's prior record, the welfare of the  
 169 community requires that criminal proceedings against such child be instituted. The court  
 170 shall also consider the criteria listed in subsection (a) of Code Section 15-11-562."

171 **SECTION 1-14.**

172 Said chapter is further amended by revising subsection (a) of Code Section 15-11-562,  
 173 relating to transfer criteria, as follows:

174 "(a) The criteria ~~which~~ that the juvenile court shall consider in determining whether to  
 175 transfer an alleged delinquent child as set forth in subsection ~~(b)~~ (a) of Code Section  
 176 ~~15-11-560~~ 15-11-561 to superior court and the criteria that the superior court shall consider  
 177 in determining whether to transfer any case involving a child 13 to 17 years of age alleged  
 178 to have committed voluntary manslaughter, aggravated sodomy, aggravated child  
 179 molestation, or aggravated sexual battery to juvenile court as set forth in subsection (e) of  
 180 Code Section 15-11-560 includes, but shall not be limited to:

- 181 (1) The age of such child;
- 182 (2) The seriousness of the alleged offense, especially if personal injury resulted;
- 183 (3) Whether the protection of the community requires transfer of jurisdiction;
- 184 (4) Whether the alleged offense involved violence or was committed in an aggressive or  
 185 premeditated manner;
- 186 (5) The impact of the alleged offense on the alleged victim, including the permanence  
 187 of any physical or emotional injury sustained, health care expenses incurred, and lost  
 188 earnings suffered;
- 189 ~~(5)~~(6) The culpability of such child including such child's level of planning and  
 190 participation in the alleged offense;
- 191 ~~(6)~~(7) Whether the alleged offense is a part of a repetitive pattern of offenses which  
 192 indicates that such child may be beyond rehabilitation in the juvenile justice system;

193 ~~(7)~~(8) The record and history of such child, including experience with the juvenile justice  
 194 system, other courts, supervision, commitments to juvenile institutions, and other  
 195 placements;  
 196 ~~(8)~~(9) The sophistication and maturity of such child as determined by consideration of  
 197 his or her home and environmental situation, emotional condition, and pattern of living;  
 198 ~~(9)~~(10) The program and facilities available to the juvenile court in considering  
 199 disposition; and  
 200 ~~(10)~~(11) Whether or not a child can benefit from the treatment or rehabilitative programs  
 201 available to the juvenile court."

### 202 SECTION 1-15.

203 Said chapter is further amended by revising Code Section 15-11-630, relating to juvenile  
 204 traffic offenses, as follows:

205 "15-11-630.

206 (a) As used in this Code section, the term 'child' means an individual under 17 years of  
 207 age.

208 ~~(a)~~(b) A juvenile traffic offense consists of a violation by a child of:

- 209 (1) A law or local ordinance governing the operation of a moving motor vehicle upon the  
 210 streets or highways of this state or upon the waterways within or adjoining this state; or  
 211 (2) Any other motor vehicle traffic law or local ordinance if a child is taken into custody  
 212 and detained for its violation or is transferred to the juvenile court by the court hearing  
 213 the charge.

214 ~~(b)~~(c) The following offenses shall be acts of delinquency and shall not be handled as  
 215 juvenile traffic offenses: aggressive driving, reckless driving, a ~~four-point~~ speeding offense  
 216 punishable by four or more points, homicide by vehicle, manslaughter resulting from the  
 217 operation of a vehicle, any felony in the commission of which a motor vehicle is used,  
 218 racing on highways and streets, using a motor vehicle in fleeing or attempting to elude an  
 219 officer, fraudulent or fictitious use of a driver's license, hit and run or leaving the scene of  
 220 an accident, driving under the influence of alcohol or drugs, and any offense committed by  
 221 an unlicensed driver under 16 years of age.

222 ~~(c)~~(d) A juvenile traffic offense shall not be an act of delinquency unless the case is  
 223 transferred to the delinquency calendar.

224 ~~(d)~~(e) The summons, notice to appear, or other designation of a citation accusing a child  
 225 of committing a juvenile traffic offense constitutes the commencement of the proceedings  
 226 in the court of the county in which the alleged violation occurred and serves in place of a  
 227 summons and petition under this article. These cases shall be filed and heard separately  
 228 from other proceedings of the court. If a child is taken into custody on the charge, Code

229 Sections 15-11-503 and 15-11-505 shall apply. If a child is, or after commencement of the  
 230 proceedings becomes, a resident of another county of this state, the court in the county  
 231 where the alleged traffic offense occurred may retain jurisdiction over the entire case.

232 ~~(e)~~(f) The court shall fix a time for a hearing and shall give reasonable notice thereof to  
 233 the child accused of committing a juvenile traffic offense and, if his or her address is  
 234 known, to his or her parent, guardian, or legal custodian. If the accusation made in the  
 235 summons, notice to appear, or other designation of a citation is denied, a hearing shall be  
 236 held at which the parties shall have the right to subpoena witnesses, present evidence,  
 237 cross-examine witnesses, and appear with their attorney. The hearing shall be open to the  
 238 public.

239 ~~(f)~~(g) If the court finds on the admission of a child or upon the evidence that a child  
 240 committed the offense charged, it may make one or more of the following orders:

241 (1) Reprimand, counsel, or warn such child and his or her parent, guardian, or legal  
 242 custodian; provided, however, that this disposition order shall not be available for any act  
 243 of delinquency;

244 (2) As a matter of supervised or unsupervised probation, order the Department of Driver  
 245 Services to suspend such child's privilege to drive under stated conditions and limitations  
 246 for a period not to exceed 12 months;

247 (3) Require such child to attend a traffic school approved by the Department of Driver  
 248 Services or a substance abuse clinic or program approved by either DBHDD or the  
 249 Council of Juvenile Court Judges for a reasonable period of time;

250 (4) Assess a fine and order such child to remit to the general fund of the county a sum  
 251 not exceeding the maximum applicable to an adult for a like offense. The fine shall be  
 252 subject to all additions and penalties as specified under this title and Title 47;

253 (5) Require such child to participate in a program of community service as specified by  
 254 the court;

255 (6) Impose any sanction authorized by Code Section 15-11-442 or 15-11-601; or

256 (7) Place such child on probation subject to the conditions and limitations imposed by  
 257 Title 40 governing probation granted to adults for like offenses, provided that such  
 258 probation shall be supervised by the court or shall be unsupervised probation.

259 ~~(g)~~(h) In lieu of the orders provided by subsection ~~(f)~~ (g) of this Code section, if the  
 260 evidence warrants, the court may transfer the case to the delinquency calendar of the court  
 261 and direct the filing and service of a summons and delinquency petition.

262 ~~(h)~~(i) Upon finding that a child has committed a juvenile traffic offense or an act of  
 263 delinquency which would be a violation of Title 40 if committed by an adult, the court shall  
 264 forward, within ten days, a report of the final adjudication and disposition of the charge to  
 265 the Department of Driver Services; provided, however, that this procedure shall not be

266 applicable to those cases which have been dismissed or in which a child and his or her  
 267 parent, guardian, or legal custodian have been reprimanded, counseled, or warned by the  
 268 court. The Department of Driver Services shall record the adjudication and disposition of  
 269 the offense on such child's permanent record, and such adjudication and disposition shall  
 270 be deemed a conviction for the purpose of suspending or revoking such child's driver's  
 271 license. Such record shall also be available to law enforcement agencies and courts as are  
 272 the permanent traffic records of adults."

273 **SECTION 1-16.**

274 Code Section 17-10-14 of the Official Code of Georgia Annotated, relating to committal of  
 275 person under 17 convicted of felony, is amended by revising subsection (b) as follows:

276 "(b) If a child is transferred to superior court ~~according to subsection (b) of~~ pursuant to  
 277 Code Section 15-11-561 and convicted of aggravated assault as defined in Chapter 5 of  
 278 Title 16, the court may sentence such child to the Department of Corrections. Such child  
 279 shall be housed in a designated youth confinement unit until such person is 17 years of age,  
 280 at which time such person may be housed in any other unit designated by the Department  
 281 of Corrections."

282 **PART II**

283 **SECTION 2-1.**

284 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
 285 subsection (a) of Code Section 15-11-390, relating to filing a complaint for a child in need  
 286 of services, as follows:

287 "(a) A complaint alleging a child is a child in need of services may be made by any person,  
 288 including a law enforcement officer, who has knowledge of the facts alleged or is informed  
 289 and believes that such facts are true. A prosecuting attorney may file a complaint alleging  
 290 a child is in need of services or intervene in such matter to represent the interest of the state  
 291 as parens patriae."

292 **SECTION 2-2.**

293 Said title is further amended by revising Code Section 15-11-405, relating to termination of  
 294 proceedings relating to a runaway child, as follows:

295 "15-11-405.

296 Any proceeding or other processes or actions alleging for the first time that a child is a  
 297 runaway shall be terminated or dismissed upon the request of such child's parent, guardian,  
 298 or legal custodian or a prosecuting attorney."

299 **SECTION 2-3.**

300 Said title is further amended by revising Code Section 15-11-420, relating to the authority  
301 to file a petition, as follows:

302 "15-11-420.

303 A petition alleging that a child is a child in need of services may be filed by a parent, a  
304 guardian, a legal custodian, a law enforcement officer, a guardian ad litem, or an attorney  
305 who has knowledge of the facts alleged or is informed and believes that such facts are true:  
306 Such petition, or a prosecuting attorney. Except when such petition has been filed by a  
307 prosecuting attorney, it shall not be accepted for filing unless the court or a person  
308 authorized by the court has determined and endorsed on the petition that the filing of the  
309 petition is in the best interests of the public and such child. When such petition is filed by  
310 a prosecuting attorney, the prosecuting attorney shall be authorized to conduct the  
311 proceedings on behalf of the state as parens patriae."

312 **SECTION 2-4.**

313 Said title is further amended by revising Code Section 15-11-440, relating to the standard of  
314 proof, as follows:

315 "15-11-440.

316 The petitioner, or prosecuting attorney when representing the state, has the burden of  
317 proving the allegations of a child in need of services petition by clear and convincing  
318 evidence."

319 **SECTION 2-5.**

320 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section  
321 15-11-443, relating to the duration of disposition orders, as follows:

322 "(1) A hearing is held prior to the expiration of the order upon motion of DFCS, DJJ, the  
323 petitioner, the prosecuting attorney, or on the court's own motion;"

324 **SECTION 2-6.**

325 Said title is further amended by revising subsection (c) of Code Section 15-11-450, relating  
326 to comprehensive services plan for child found unrestorably incompetent to proceed, as  
327 follows:

328 "(c) A plan manager may request that other relevant persons attend a comprehensive  
329 services plan meeting, including but not limited to the following:

- 330 (1) A representative from the Department of Public Health;  
331 (2) A DFCS caseworker;  
332 (3) A prosecuting attorney;

333 ~~(3)~~(4) Representatives of the public and private resources to be utilized in the plan; and  
 334 ~~(4)~~(5) Other persons who have demonstrated an ongoing commitment to the child."

335 **SECTION 2-7.**

336 Said title is further amended by revising subsection (e) of Code Section 15-11-451, relating  
 337 to hearing on mental health plan, as follows:

338 "(e) At any time, in the event of a change in circumstances regarding such child, the court  
 339 on its own motion or on the motion of the attorney representing such child, any guardian  
 340 ad litem for such child, the person who filed the petition alleging that a child is in need of  
 341 services or committed a delinquent act, the prosecuting attorney, or the plan manager may  
 342 set a hearing for review of the comprehensive services plan and any proposed amendments  
 343 to such plan. The court may issue an appropriate order incorporating an amended plan."

344 **SECTION 2-8.**

345 Said title is further amended by revising Code Section 15-18-6.1, relating to the  
 346 representation of the state in juvenile court cases, as follows:

347 "15-18-6.1.

348 (a) The district attorney shall be responsible for representing the state in any appeal from  
 349 the juvenile court. Except as provided in subsection (c) of this Code section, the district  
 350 attorney shall be responsible for representing the state in the prosecution of delinquency  
 351 cases in the juvenile court and may represent the state as parens patriae in cases involving  
 352 a child in need of services. The district attorney may designate assistant district attorneys,  
 353 investigators, victim and witness assistance personnel, and other employees to assist in  
 354 juvenile court.

355 (b) In counties with a solicitor-general for the state court, the solicitor-general may, with  
 356 the approval of the district attorney, represent the state in prosecution of juvenile traffic  
 357 offenses and in any delinquency case arising out of the operation of a motor vehicle or a  
 358 watercraft.

359 (c) If as a result of workload, lack of staff, or other cause the district attorney determines  
 360 that his or her office cannot provide representation for the state in a juvenile court of a  
 361 county, other than for an appeal, the district attorney shall notify in writing the chief judge  
 362 of superior court, the judge or judges of the juvenile court, and the chairperson of the  
 363 county governing authority of such county of such determination. A copy of such notice  
 364 shall be provided to the Prosecuting Attorneys' Council of the State of Georgia. If the  
 365 district attorney determines that his or her office may resume representation in juvenile  
 366 court, he or she shall notify the chief judge of the superior court, the judge or judges of the  
 367 juvenile court, and the chairperson of the county governing authority in writing.

368 (d) Upon receipt of the notice set forth in subsection (c) of this Code section, the  
369 governing authority of such county may appoint one or more attorneys to represent the  
370 state in prosecuting delinquency and child in need of services cases in juvenile court. Such  
371 attorney shall be compensated in an amount to be fixed by the governing authority of such  
372 county. The governing authority shall determine and state in writing whether an attorney  
373 shall serve on a full-time or part-time basis. An attorney appointed to serve on a full-time  
374 basis shall not engage in the private practice of law. An attorney appointed to serve on a  
375 part-time basis may engage in the private practice of law, but shall not represent a child  
376 charged with committing a delinquent act or being a child in need of services in the  
377 juvenile court of the county in which he or she serves as part-time prosecutor nor may he  
378 or she appear in any matter in which he or she has exercised jurisdiction.

379 (e) An attorney appointed pursuant to subsection (d) of this Code section shall have all of  
380 the powers, duties, and authority of the district attorney with regard to delinquency and  
381 child in need of services cases and shall be subject to all laws and rules governing the  
382 conduct of prosecuting attorneys in this state. If such attorney is disqualified from interest  
383 or relationship to engage in prosecution, the provisions of Code Section 15-18-5 shall  
384 apply."

385 **PART III**

386 **SECTION 3-1.**

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

389 **SECTION 3-2.**

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