

The Senate Committee on Special Judiciary offered the following substitute to HB 1073:

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 change provisions relating to procedure in juvenile courts; to provide  
3 that adoption proceedings be stayed while an appeal of an order to terminate rights is  
4 pending; to clarify the court's duties to a case while an appeal is pending; to clarify  
5 provisions relating to the waiver of the right to counsel; to provide for related matters; to  
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

8 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile  
9 Code, is amended by revising Code Section 15-11-35, relating to appeals, as follows:

10 "15-11-35.

11 In all cases of final judgments of the juvenile court, appeals shall be taken to the Court of  
12 Appeals or the Supreme Court in the same manner as appeals from the superior court.  
13 However, no such judgment or order shall be superseded or modified except in the  
14 discretion of the trial court; rather, the judgment or order of the court shall stand until  
15 reversed or modified by the reviewing court. The appeal of an order granting a petition to  
16 terminate parental rights shall stay an adoption proceeding related to the child who is the  
17 subject of such order until such order becomes final by the conclusion of appellate  
18 proceedings or the expiration of the time for seeking such review. Except for proceedings  
19 in connection with adoption and termination, the court shall continue to conduct hearings  
20 and issue orders in accordance with this chapter while an appeal in a case is pending."  
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**SECTION 2.**

22 Said chapter is further amended by revising subsection (g) of Code Section 15-11-103,  
23 relating to the right to an attorney, as follows:

24 "(g) A party other than a child shall be informed of his or her right to an attorney prior to  
25 any hearing. A party other than a child shall be given an opportunity to:  
26

- 27 (1) Obtain and employ an attorney of such party's own choice;
- 28 (2) Obtain a court appointed attorney if the court determines that such party is an
- 29 indigent person; or
- 30 (3) Waive the right to an attorney, provided that such waiver is made knowingly,
- 31 voluntarily, and on the record."

32 **SECTION 3.**

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