JUDICIAL COUNCIL OF GEORGIA

General Session

Friday, December 9, 2016
10 a.m. – 12 p.m.

The Carter Center
Cyprus Room
453 Freedom Parkway
Atlanta, GA 30307

Judicial Council of Georgia

The Carter Center
Cyprus Room
453 Freedom Parkway
Atlanta, GA 30307

Friday, December 9, 2016
10 a.m. – 12 noon
Lunch will be served immediately following the Council meeting

1. **Preliminary Remarks and Introductions**
   (Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)

2. **Approval of Minutes, October 28, 2016** *(Action Item)* **TAB 1**
   (Chief Justice Hugh P. Thompson, Est. Time – 2 Min.)

3. **Preparing for the 2017 Legislative Session**
   (Rep. Chuck Efstration, Sen. John F. Kennedy, Ms. Christine Butcher, Mr. Tyler Mashburn, Est. Time – 25 min)

4. **Committee Reports**

   A. **Policy and Legislative Committee** *(Action Item)* **TAB 2**
   (Presiding Justice P. Harris Hines, Est. Time – 10 Min.)

   B. **Court Reporting Matters Committee** *(Action Item)* **TAB 3**
   (Judge Stephen Louis A. Dillard, Est. Time – 5 Min)

   C. **Ad Hoc Committee on Process Servers** **TAB 4**
   (Judge Shawn LaGrua, Est. Time – 5 Min.)

5. **Report from Judicial Council/AOC**
   (Ms. Cynthia H. Clanton, Est. Time – 10 Min.)

6. **Reports from Appellate Courts, Trial Court Councils & State Bar** **TAB 5**
   (Est. Time – 15 Min.)

   A. **Supreme Court**

   B. **Court of Appeals**

   C. **Council of Superior Court Judges**

   D. **Council of State Court Judges**

   E. **Council of Juvenile Court Judges**

F. **Council of Probate Court Judges**

G. **Council of Magistrate Court Judges**

H. **Council of Municipal Court Judges**

I. **State Bar of Georgia**

7. **Report from the Council of Accountability Court Judges** **TAB 6**

8. **Report from the Georgia Commission on Dispute Resolution** **TAB 6**

9. **Report from the Council of Superior Court Clerks**

10. **Report from the Georgia Council of Court Administrators**

11. **Old/New Business**
(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)

12. **Outgoing Members**
(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)

13. **Concluding Remarks and Adjournment**
(Chief Justice Hugh P. Thompson, Est. Time – 5 Min.)

Judicial Council Meeting Calendar – 2017

Friday, February 24, 2017	10 a.m. – 2 p.m.	Atlanta, GA (Sloppy Floyd Building)
Friday, April 28, 2017	12 p.m. – 5 p.m.	Savannah, GA (Hyatt Savannah)
Wednesday, August 9, 2017	10 a.m. – 2 p.m.	Atlanta, GA (The Georgian Club)
Friday, October 20, 2017	12 p.m. – 5 p.m.	Macon, GA (Anderson Conference Center)
Friday, December 8, 2017	10 a.m. – 2 p.m.	Atlanta, GA (The Carter Center)

Judicial Council Members
As of July, 2016

Supreme Court
Chief Justice Hugh P. Thompson
Chair, Judicial Council
507 State Judicial Building
Atlanta, GA 30334
404-656-3475/F 657-9586
thompsoh@gasupreme.us

Presiding Justice P. Harris Hines
Vice-Chair, Judicial Council
501 State Judicial Building
Atlanta, GA 30334
404-656-3472/F 651-8642
hinesph@gasupreme.us

Court of Appeals
Chief Judge Sara Doyle
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-656-3458/F 657-9764
doyles@gaappeals.us

Judge Stephen Louis A. Dillard
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-657-9405/ F 657-8893
dillards@gaappeals.us

Superior Court
Judge Horace J. Johnson, Jr.
President, CSCJ
Alcovy Judicial Circuit
1132 Usher Street, NW
Covington, GA 30014
770-784-2080/F 784-2130
hjohnson@co.newton.ga.us

Chief Judge Tilman Self III
President- Elect, CSCJ
314 Bibb County Courthouse
601 Mulberry Street, Suite 3310
Macon, GA 31201
478-621-6545/F 621-6618
tself@maconbibb.us

Judge Stephen Scarlett
Brunswick Judicial Circuit, 1st JAD
Glynn County Courthouse
701 H Street, Box 203
Brunswick, GA 31520
912-554-7356/F 554-7387
sscarlett@glynncounty-ga.gov

Judge Stephen Goss
Southern Judicial Circuit, 2nd JAD
P.O. Box 1827
Albany, GA 31702
229-424-2683/F 431-2174
judgestevegoss@bellsouth.net

Judge Arthur Lee Smith
Chattahoochee Judicial Circuit, 3rd JAD
PO Box 1340
Columbus, GA 31902
706-653-4273/F 653-4569
arthursmith@columbusga.org

Chief Judge Tangela M. Barrie
Stone Mountain Judicial Circuit, 4th JAD
5230 DeKalb County Courthouse
556 N. McDonough Street
Decatur, GA 30030
404-371-2338/F 371-3081
tbarrie@dekalbcountyga.gov

Chief Judge Gail S. Tusan
Atlanta Judicial Circuit, 5th JAD
T8955 Justice Center Tower
185 Central Avenue SW
Atlanta, GA 30303
404-612-8520/F 302-8524
gail.tusan@fultoncountyga.gov

Judge Brian Amero
Flint Judicial Circuit, 6th JAD
Henry County Courthouse
One Courthouse Square
McDonough, GA 30253
770-288-7901/F 288-7913
bamero@co.henry.ga.us

Judge Jack Partain
Conasauga Judicial Circuit, 7th JAD
PO Box 732
Dalton, GA 30722
770-278-6713/F 278-6714
jackpartain@gmail.com

Judge Donald W. Gillis
Dublin Judicial Circuit, 8th JAD
PO Box 2016
Dublin, GA 31040
478-275-7715/F 275-2984
gillisd@eighthdistrict.org

Chief Judge Melodie Snell Conner
Gwinnett Judicial Circuit, 9th JAD
75 Langley Drive
Lawrenceville, GA 30046
770-822-8660/F 822-8662
melodie.conner@gwinnettcounty.com

Judge Carl C. Brown
Augusta Judicial Circuit, 10th JAD
735 James Brown Blvd., Suite 4203
Augusta, GA 30901
706-821-2347/F 721-4476
gleverett@augustaga.gov

State Court
Chief Judge Richard A. Slaby
President, CStCJ
Richmond County
735 James Brown Boulevard
Suite 4105
Augusta, GA 30901-2974
706-821-2582/ F 821-1177
rslaby@augustaga.gov

Judge Gregory Fowler
President-Elect, CStCJ
Chatham County
133 Montgomery Street, Room 430
Savannah, GA 31401
912-652-7565/F 652-7566
hgfowler@chathamcounty.org

Juvenile Court
Chief Judge Benjamin P. Brinson
President, CJCJ
Atlantic Judicial Circuit
P.O. Box 667
Claxton, GA 30417
912-739-2533/F 739-2513
bpbrinson@aol.com

Judge James Whitfield
President-Elect, CJCJ
Cobb Circuit
32 Waddell Street
Marietta, GA 30090
770-528-2428/F 528-2576
james.whitfield@cobbcounty.org

Probate Court
Judge Alice Padgett
President, CPCJ
Columbia County
P.O. Box 1520
Evans, GA 30809
706-312-7254/F 312-7251
apadgett@columbiacountyga.gov

Judge Rooney Bowen III
President-Elect, CPCJ
Dooly County
P.O. Box 304
Vienna, GA 31092
229-268-4217/F 268-6142
rbowen@doolycountyprobate.com

Magistrate Court
Judge Kristina Hammer Blum
President, CMCJ
Gwinnett County
75 Langley Drive
Lawrenceville, GA 30045-6900
770-822-8081/F 822-8075
kristina.blum@gwinnettcounty.com

Judge James M. Griner, Jr.
First Vice-President, CMCJ
Screven County
PO Box 64
Sylvania, GA 30467
912-564-7375/F 564-5618
magcourt@planters.net

Municipal Courts
Judge Gary E. Jackson
President, CMuCJ
Municipal Court of Atlanta
150 Garnett Street, SW
Atlanta, GA 30303-6372
404-658-6930/F 658-7488
gejackson@atlantaga.gov

Judge John A. Roberts
President-Elect, CMuCJ
Municipal Court of Lithonia
462 E. Paces Ferry Road, NE
Atlanta, GA 30305
404-841-0661/F 841-0775
jroberts@robertslawfirmpc.com

State Bar of Georgia
Mr. Patrick T. O'Connor
President, State Bar of Georgia
218 West State Street
PO Box 10186
Savannah, GA 31412-0386
912-236-3311
pto@olivermaner.com

Directions to The Carter Center

453 Freedom Parkway
Atlanta, Georgia 30307

From North of Atlanta

1. Take I-75 or I-85 South to Exit 248C, which says "Freedom Parkway, The Carter Center."
2. Continue on Freedom Parkway about 1.8 miles, following the signs to The Carter Center.
3. As you loop around The Carter Center, follow the signs to entrance # 3 (Executive Offices).

From South of Atlanta & Hartsfield-Jackson Atlanta International Airport

1. Take I-75 or I-85 North to Exit 248C, which says "Freedom Parkway, The Carter Center."
2. Continue on Freedom Parkway about 1.8 miles, following the signs to The Carter Center.
3. As you loop around The Carter Center, follow the signs to entrance # 3 (Executive Offices).

From West of Atlanta

Follow the same directions as above or:

1. Begin on North Avenue.
2. Continue east (toward Decatur) on North Avenue until you come to N. Highland Avenue. You will see a neon art gallery, a gas station, and Manuel's Tavern at this intersection.
3. Turn right onto N. Highland Avenue.
4. Go to the next light at Freedom Parkway and turn right.
5. The Carter Center is on the left. Continue on Freedom Parkway to entrance # 3 (Executive Offices).

From East of Atlanta

1. Take Ponce de Leon towards downtown (west) to N. Highland.
2. Turn left on N. Highland.
3. Continue to the second traffic light at Freedom Parkway and turn right.
4. The Carter Center is on the left. Continue on Freedom Parkway to entrance # 3 (Executive Offices).

*Staff Parking: 9:00 a.m. - 6:00 p.m.

Entrances

Parking

Loading Docks

1. Ivan Allen Foyer
2. Cecil B. Day Chapel
3. Zaban Room
4. Lower Commons
5. Rotunda/Upper Commons
6. Cyprus Room
7. Executive Dining Room
8. Kitchen at Copenhill
9. Library Lobby
10. Jimmy Carter Library and Museum

Administrative Office of the Courts

244 Washington St. SW, Suite 300 Atlanta, GA 30334

Cynthia H. Clanton, Director
404-656-5171

As of December 1, 2016

Director's Office

Budget

Ashley Garner
404-656-6404

Governmental and Trial Court Liaison

Tracy Mason
404-463-0559

Robert Aycock
404-463-1023

LaShawn Murphy
404-651-6325

James Rodatus
404-656-5453

Human Resources

Stephanie Hines
404-657-7469

Jacqueline Booker
404-463-0638

General Counsel

Jessica Farah
404-463-3805

Zan Patorgis
404-463-3821

Linda Smith
404-657-4219

Legislative Liaison

Tyler Mashburn
404-651-7616

Judicial Services

Christopher Hansard
Division Director
404-463-1871

Research and Data Analysis

Carla Hardnett
404-232-1857

Jeffery Thorpe
404-656-6413

Court Professionals

Shinji Morokuma
404-463-3785

Bianca Bennett
404-463-6478

Herbert Gordon
404-232-1409

Tynesha Manuel
404-463-3785

Karlie Sahs
404-463-6478

Communications, Children, Families, & the Courts

Michelle Barclay
Division Director
404-657-9219

Patricia Buonodono
404-463-0044

Elaine Johnson
404-463-6383

Paula Myrick
404-463-6480

Bruce Shaw
404-463-6106

Ashley Stollar
404-656-6783

Financial Administration

Randy Dennis
Division Director
404-651-7613

Kim Burley
404-463-3816

Roxanne Harkcom
404-463-9016

Monte Harris
404-656-6691

Matthew Kloiber
404-463-5177

Nancy Nevels
404-463-1907

Tanya Osby
404-463-0237

All email addresses follow this format: firstname.lastname@georgiacourts.gov

Tax Intercept

Michael Cuccaro
404-656-7780

Information Technology

Jorge Basto
Division Director
404-657-9673

Willie Alcantara
404-519-9989

Bradley Allen
404-657-1770

John Botero
404-463-7340

Angela He
404-651-8169

Wendy Hosch
404-656-7788

Christina Liu
404-651-8180

Tony Mazza
404-657-4006

Michael Neuren
404-657-4218

Juawon Osby
470- 747-9785

Wanda Paul
404-538-0849

Kriste Pope
404-731-1358

Pete Tyo
404-731-1357

Georgia Judicial Exchange

Tajsha Dekine
404-656-3479

Arnold Schoenberg
404-463-6343

All email addresses follow this format: firstname.lastname@georgiacourts.gov

Judicial Council of Georgia
General Session
Macon Marriott City Center Macon, GA
October 28, 2016 • 10:00 a.m.

Members Present
Chief Justice Hugh P. Thompson, Chair
Presiding Justice P. Harris Hines
Judge Brian Amero
Judge Tangela Barrie
Judge Kristina Hammer Blum
Judge Rooney Bowen
Judge Benjamin P. Brinson
Judge Carl C. Brown
Judge Melodie Snell Conner
Judge Stephen Louis A. Dillard
Judge Gregory Fowler
Judge Kathy S. Palmer (for Judge Donald W. Gillis)
Judge Stephen Goss
Judge James M. Griner, Jr.
Judge Gary E. Jackson
Judge Horace J. Johnson, Jr.
Judge Mathew McCord (for Judge John A. Roberts)
Judge Christopher McFadden (for Chief Judge Sara L. Doyle)
Judge Alice Padgett
Judge Jack Partain
Mr. Brian Rogers (for Mr. Patrick T. O'Connor)
Judge Stephen Scarlett
Judge Tilman Self III
Judge Richard A. Slaby
Judge Arthur Lee Smith
Judge Gail S. Tusan
Judge James Whitfield

Staff Present
Ms. Cynthia H. Clanton, Director
Mr. Brad Allen
Ms. Michelle Barclay
Ms. Jessica Farah
Ms. Ashley Garner
Mr. Christopher Hansard
Ms. Roxanne Harkcom
Ms. Stephanie Hines
Mr. Tyler Mashburn
Ms. Tracy Mason
Mr. James Rodatus
Ms. Tara Smith

Guests (Appended)

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Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 1:00 p.m. by Chief Justice Thompson. Members and designees identified themselves for the purposes of roll call, followed by staff and guests. He recognized those representatives sitting in as designees for absent members, and indicated they would have voting privileges for the meeting.

Adoption of Minutes – August 31, 2016

Chief Justice Thompson directed the Council's attention to the minutes of the August 31, 2016, meeting. He noted an amendment to the Court Reporting Matters Committee report on page 5. A motion to approve the minutes as amended was offered by Judge Slaby, followed by a second from Judge Brinson. No discussion was offered, and the motion passed unanimously.

Council of Accountability Court Judges STAR Award

Judge Goss delivered a brief report of the recent Council of Accountability Court Judges Training Conference. He recognized Judge Gregory Fowler as the recipient of the Council's STAR Award for his presiding over the Chatham County DUI Court. Judge Fowler gave a few remarks and a video of the local news story on Judge Fowler's court was shown.

Fulton County Remote Interpretation Presentation

Ms. Yolanda Lewis delivered a presentation on the Fulton County Superior Court's Remote Interpretation Program, noting that Justice Keith Blackwell had attended a live demonstration of the tool in court earlier in the week. She spoke to federal and state statutes, rules and policies regarding language access, described the program's development and usage statistics, and concluded the presentation with a live demonstration of the tool with both a foreign language interpreter and a sign language interpreter. The Council and audience discussed the presentation at length. Judge Johnson requested the Administrative Office of the Courts (AOC) seek grant funds to duplicate the project in rural courts.

Committee Reports

Policy and Legislative Committee. Justice Hines reported that the Committee met on October 6, 2016, to continue preparing for the 2017 session.

Justice Hines summarized the recommendation to amend O.C.G.A. § 15-11-52, proposed by the Council of Juvenile Court Judges. Judge Brinson was recognized to speak to the item. By way of the Committee report, Justice Hines moved that the Council support legislation to amend

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O.C.G.A. § 15-11-52 to fund all current full and part-time juvenile court judgeships. No opposition was voiced and the recommendation was approved unanimously.

Justice Hines summarized the recommendation to amend Title 15 and Title 9 of the O.C.G.A. regarding data transmission from the Georgia Superior Court Clerks Cooperative Authority to the AOC and the civil and domestic relations filing and disposition forms. Judge Emerson was recognized to speak to the item and stated the intent of this proposal is to simplify the case count process and that the Committee is working with the superior court clerks. Mr. Mike Holiman was recognized and stated that the draft presented to the Council was acceptable to the Council of Superior Court Clerks. He expressed appreciation to Judge Emerson and Mr. Hansard for being receptive and including the Clerks in the process. By way of the Committee report, Justice Hines moved that the Council support legislation to amend Title 15 and Title 9 of the O.C.G.A. to eliminate the requirement that the Georgia Superior Court Clerks Cooperative Authority (GSCCCA) transmit certain data to the AOC; provide other means by which the AOC may receive the important civil and domestic relations court data; and, to provide that the civil and domestic filing and disposition forms required by statute are able to be created and maintained by the Judicial Council. No opposition was voiced and the recommendation was approved unanimously.

Justice Hines informed the Council that a subcommittee had been appointed to review the current certiorari procedure set forth in O.C.G.A. § 5-4-1 et seq., to streamline and economize the municipal, magistrate and non-Article 6 probate court appellate process in Georgia. Judge McFadden is serving as chair and he was recognized to speak to this item. He stated the subcommittee is planning to look at statutes and procedures currently in place, and recognized Judge Jackson as bringing this initiative to the Committee from the municipal courts.

Technology Committee. Justice Melton provided a report on items the Committee is working on and following. The project to replace the SUSTAIN case management system is moving forward in Floyd, Evans and Houston Counties; Journal Technologies is the vendor. The e-filing portal is moving forward and there is interest from the Governor's Office on criminal e-filing.

Court Reporting Matters Committee. Judge Dillard referred to the written report provided in the materials. The Committee will present an amendment to Rule 2.3(A) of *Judicial Council Policies and Fees for Court Reporting Services in Criminal Cases* at the December 9 meeting.

Judge Dillard indicated action was needed on the appointment of one member to the Board of Court Reporting; Mr. Kevin King was nominated to fill an open seat on the Board, effective July 1, 2017. The Council approved the appointment without opposition.

Strategic Plan Committee. Judge Allen Wigington referred to the written report provided in the materials. He presented the proposed Strategic Plan for Fiscal Years 2017-2019. Representatives from all classes of court worked collaboratively to develop the plan, which is organized under nine Key Initiatives. Following a short discussion, Judge Wigington moved that the Strategic Plan for Fiscal Years 2017-2019 be adopted as presented. The motion passed with no opposition.

The Chief Justice called for a ten-minute break. The meeting reconvened at 2:45 p.m.

Report from Judicial Council/AOC

Ms. Clanton reported on the recent work of the agency in support of the Judicial Council. She recognized Mr. Rich Reaves and Ms. Kathy Adams, who will be retiring from the Institute of Continuing Judicial Education on December 31, for their service to the judiciary. Ms. Clanton reported on AOC staff support to each class of court, including the expansion of the Tax Refund Intercept Program, new staff assignments to support the Magistrate Court Training Council, IT support for the probate courts' case counting portal and the Juvenile Data Exchange Project, the upcoming workload assessment with superior and state courts, and data collection for the appellate courts. She noted her continuing travels to visit judges and observe court, her attendance at various judicial conferences this fall, and closed her remarks by stating the agency's commitment to serving the judiciary.

Reports from Appellate Courts and Trial Court Councils

Supreme Court. Chief Justice Thompson referred members to the written report provided in the materials. He stated the Court would begin a new term on December 5, which was the result of legislation passed last session.

Court of Appeals. Judge Dillard reported that the Court is livestreaming oral arguments and will be implementing new Standard Operating Procedures over the next year.

Council of Superior Court Judges. Judge Johnson referred members to the written report provided in the materials.

Council of State Court Judges. Judge Slaby referred members to the written report provided in the materials. The Council held its Fall Conference the week before.

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Council of Juvenile Court Judges. Judge Brinson announced that the Council had presented awards to Judge Juanita Steadman and Commissioner Avery Niles at its Fall Conference earlier in the week.

Council of Probate Court Judges. Judge Padgett referred members to the written report provided in the materials.

Council of Magistrate Court Judges. Judge Blum reported that the Council had a very successful recertification training and Council meetings earlier in the month. New Chief Judge Boot Camp will be held in December.

Council of Municipal Court Judges. Judge Jackson referred members to the written report provided in the materials. He commended the work of the Institute of Continuing Judicial Education and recognized Mr. Reaves and Ms. Adams' retirements. The Council held its conference earlier in the month and is implementing the use of the AOC Intranet tool.

Chief Justice Thompson recognized Ms. Adams and thanked her for her service.

Council of Accountability Court Judges

Judge Goss referred members to the written report provided in the materials.

Georgia Commission on Dispute Resolution

Ms. Tracy Johnson referred members to the written report provided in the materials.

Report from the Council of Superior Court Clerks

Ms. Tina Blankenship reported that 35 new clerks will take office in January and a 40-hour training will be held in December. Electronic filing for civil cases is being used in 109 superior courts and 37 state courts.

Report from the Georgia Council of Court Administrators

A written report was provided in the materials.

State Bar of Georgia

Mr. Rogers was recognized.

Old Business

No old business was offered.

New Business

No new business was offered.

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Concluding Remarks

Chief Justice Thompson announced that the next meeting would take place on December 9, 2016.

Adjournment

Hearing no further business, Chief Justice Thompson adjourned the meeting at 3:19 p.m.

Respectfully submitted:

_____

Tracy Mason
Assistant Director, Judicial Council/AOC
For Cynthia H. Clanton, Director and Secretary

The above and foregoing minutes
were approved on the _____ day of
_____, 2016.

_____

Hugh P. Thompson
Chief Justice

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Judicial Council of Georgia
General Session
Macon Marriott City Center Macon, GA
October 28, 2016 ● 1:00 p.m.

Guests Present

Ms. Kathy Adams, Institute of Continuing Judicial Education
Mr. Todd Ashley, Prosecuting Attorneys' Council of Georgia
Mr. Joe Baden, Third Judicial Administrative District
Ms. Tee Barnes, Supreme Court of Georgia
Mr. Joseph Baden, Third Judicial Administrative District
Mr. Tracy J. BeMent, Tenth Judicial Administrative District
Judge Todd Blackwell, Baldwin County Probate Court
Mr. Bob Bray, Council of State Court Judges
Ms. Christine Butcher, State Bar of Georgia
Ms. Robin Coggswell, Fulton County Superior Court
Mr. Richard F. Denney, First Judicial Administrative District
Judge David Emerson, Superior Court, Douglas Judicial Circuit
Mr. Steven Ferrell, Ninth Judicial Administrative District
Mrs. Carol Fowler, spouse of Judge Gregory Fowler
Trooper Dexter Harden, Georgia State Patrol
Mr. Kevin Holder, Council of Probate Court Judges
Mr. Mike Holiman, Council of Superior Court Clerks
Mr. Eric John, Council of Juvenile Court Judges
Ms. Tracy Johnson, Georgia Commission on Dispute Resolution
Mr. Andy Lee, Fulton County Superior Court
Ms. Yolanda Lewis, Fifth Judicial Administrative District
Ms. Cathy McCumber, Fourth Judicial Administrative District
Justice Harold Melton, Supreme Court of Georgia
Ms. Tia Milton, Supreme Court of Georgia
Mr. Charles Miller, Council of Superior Court Judges
Mr. David Mixon, Second Judicial Administrative District
Mr. George Nikas, Media Services
Ms. Jody Overcash, Seventh Judicial Administrative District
Ms. Sharon Reiss, Council of Magistrate Court Judges
Mr. Christopher Scott, State Court, Fulton County
Mr. William Simmons, Sixth Judicial Administrative District
Ms. Missy Tolbert, Institute of Continuing Education
Ms. Kristen Wallace, Council of Juvenile Court Judges
Ms. Shannon Weathers, Council of Superior Court Judges
Judge W. Allen Wigington, Magistrate Court of Pickens County

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Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Presiding Justice P. Harris Hines
Chair, Policy and Legislative Committee

RE: Committee Report

DATE: December 1, 2016

On November 30, 2016, the Policy and Legislative Committee (the "Committee") met to discuss potential legislative items for the 2017 Session of the General Assembly. The Committee makes the following recommendations to the Judicial Council:

I. Council of Municipal Court Judges
Savings plan
O.C.G.A. Title 36

Proposal: To amend Chapter 32 of Title 36 of the O.C.G.A. to authorize the Council of Municipal Court Judges to create a tax deferred savings plan. *(Proposal attached)*

The Committee recommends the Judicial Council **support** legislation to amend Chapter 32 of Title 36 of the O.C.G.A. to authorize the Council of Municipal Court Judges to create a tax deferred savings plan.

II. Council of Municipal Court Judges
Commemorative Resolutions

Proposal: To request commemorative resolutions recognizing the service of Mr. Rich Reaves and Ms. Kathy Adams to the Institute of Continuing Judicial Education and the judicial branch of Georgia, on the occasion of their respective retirements effective December 31, 2016.

The Committee recommends the Judicial Council **request** commemorative resolutions be issued recognizing the service of Mr. Rich Reaves and Ms. Kathy Adams to the Institute of Continuing Judicial Education and the judicial branch of Georgia, on the occasion of their respective retirements effective December 31, 2016.

III. Georgia Commission on Child Support
O.C.G.A. § 19-6-15 and related sections

Proposal: To amend O.C.G.A. § 19-6-15 and related sections to give judges discretion to remove work related child support expenses from the child support worksheet and order it paid separate from child support; to make the parenting time deviation positive or negative; to allow the court to order two child support amounts, supported by worksheets, when circumstances will occur within two years that will cause the support amount to change, such as the emancipation of a child; to require that all relevant schedules be filed with the worksheet; and to update language, correct errors, and make consistent the name of the child support enforcement agency. *(Proposal attached)*

The Committee recommends that the Judicial Council **support** legislation to amend O.C.G.A. § 19-6-15 and related sections to give judges discretion to remove work related child support expenses from the child support worksheet and order it paid separate from child support; to make the parenting time deviation positive or negative; to allow the court to order two child support amounts, supported by worksheets, when circumstances will occur within two years that will cause the support amount to change, such as the emancipation of a child; to require that all relevant schedules be filed with the worksheet; and to update language, correct errors, and make consistent the name of the child support enforcement agency.

IV. Council of Magistrate Court Judges
Writ of possession
O.C.G.A. § 44-7-49

Proposal: To amend Chapter 7 of Title 44 of the O.C.G.A. to provide that a writ of possession shall be effective for a period of thirty days after its issuance, except as otherwise provided in O.C.G.A. § 44-7-56 or otherwise extended by court order. *(Proposal attached)*

The Committee recommends the Judicial Council **support** legislation to amend Chapter 7 of Title 44 of the O.C.G.A. to provide that a writ of possession shall be effective for a period of thirty days after its issuance, except as otherwise provided in O.C.G.A. § 44-7-56 or otherwise extended by court order.

The Committee will keep the Judicial Council informed of any pertinent information or additional positions taken on its behalf during the legislative session.

Council of Municipal Court Judges
Proposal
Savings Plan – Title 36

§ 36-32-41. Council of Municipal Court Judges; tax deferred savings plan

(a) The Council, through its officers may create and oversee a tax deferred savings plan.

(b) Such plan will be optional for all council members in good standing.

(c) The Council of Municipal Court Judges' tax deferred savings plan shall be funded solely by the individual contributions of the municipal court judges who wish to take part in the plan.

(d) No money collected through a city's municipal court shall be used to fund a judge's tax deferred savings plan.

(e) This plan shall not create a debt for the state or any local government.

(f) There shall be no fiduciary liability on the part of the Council.

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A BILL TO BE ENTITLED

AN ACT

To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, so as to enact provisions recommended by the Georgia Child Support Commission relating to child support and the enforcement of child support orders; to harmonize provisions relating to the information required to be in a final judgment involving the payment of child support; to clarify and correct definitions used with respect to the entity which collects child support and the collection of child support; to clarify provisions relating to child support; to provide for the use of separate worksheets and automatic changes to an order of child support under certain circumstances; to change provisions relating to work related child care costs; to change provisions relating to parenting time; to remove obsolete references; to change and clarify provisions relating to income deduction orders; to change provisions relating to the family support registry; to change provisions relating to the "Child Support Recovery Act"; to amend Code Sections 7-4-12.1, 10-1-393.10, and 31-10-9.1, Title 19, Article 5 of Chapter 3 of Title 42, and Article 2 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to interest on arrearage on child support, filing of contracts for collections, social security account information of parents, domestic relations diversion center and program for violation of alimony and child support orders, and setoff of debt collection against lottery prizes, respectively, so as to harmonize and correct cross-references and definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by revising Code Section 19-5-12, relating to the form of judgment and decree, as follows:

"19-5-12.

(a) A final judgment of divorce shall be prepared so as to conform to the pleadings and the evidence and may restore a maiden or prior name, if requested. It shall be prepared in form substantially as follows:

'FINAL JUDGMENT AND DECREE

Upon consideration of this case, upon evidence submitted as provided by law, it is the judgment of the court that a total divorce be granted, that is to say, a divorce a vinculo matrimonii, between the parties to the above stated case upon legal principles.

It is considered, ordered, and decreed by the court that the marriage contract heretofore entered into between the parties to this case, from and after this date, be and is set aside and dissolved as fully and effectually as if no such contract had ever been made or entered into.

Petitioner and Respondent in the future shall be held and considered as separate and distinct ~~persons~~ individuals altogether unconnected by any nuptial union or civil contract whatsoever and both shall have the right to remarry.

Decree and order entered this _____ day of _____, ____.

_____

Judge, Superior Court'

(b) When ~~Where~~ applicable, any one or more of the following clauses shall be included in the form of the judgment:

The court restores to (Petitioner/Respondent) his/her prior or maiden name, to wit:

_____.

The court awards custody of the children of the parties as follows:

_____.

The court fixes alimony as follows:

_____.

(c) In any case which involves the determination of child support, the form of the judgment shall also include ~~provisions indicating both parents' income, the number of children for which support is being provided, the presumptive amount of child support award calculation, and, if the presumptive amount of child support is rebutted, the award amount and the basis for the rebuttal award~~ all of the information set forth in paragraph (2) of subsection (c) of Code Section 19-6-15. The final judgment shall have attached to it the child support worksheet containing the calculation of the final award of child support and ~~Schedule E pertaining to deviations~~ any schedule that was prepared for the purpose of

calculating the amount of child support. The final judgment shall specify a sum certain amount of child support to be paid.

(d) When ~~Where~~ applicable, the court shall also include in the ~~order the provisions of Code Section 19-6-30 concerning continuing garnishment for support and language in compliance with Code Section 19-6-32 concerning income deduction orders~~ final judgment the ability to use income deduction orders as set forth in Code Sections 19-6-30 and 19-6-32."

SECTION 1-2.

Said title is further amended by revising Code Section 19-6-14, relating to child support and custody pending final divorce, as follows:

"19-6-14.

Pending a final judgment in an action for divorce, the judge presiding may grant as ~~alimony~~ temporary child support a sum sufficient for the support of the children of the parties in accordance with Code Section 19-6-15. The judge may also hear and determine who shall be entitled to the care and custody of the children until the final judgment in the case. If a sum is awarded for the support of the children, the party who is required to pay the support shall not be liable to third persons for necessaries furnished to the children."

SECTION 1-3.

Said title is further amended by revising paragraph (6.1) of subsection (a) of Code Section 19-6-15, relating to child support in final verdict or decree, as follows:

"(6.1) 'Child support services' means the ~~agency~~ entity within the Department of Human Services ~~which provides and administers child support services~~ and its contractors that are authorized to enforce a duty of support."

SECTION 1-4.

Said title is further amended in subsection (b) of Code Section 19-6-15, relating to child support in final verdict or decree, by deleting "and" at the end of paragraph (10), by replacing the period with "; and" at the end of paragraph (11), and by adding a new paragraph to read as follows:

"(12) When, within two years of the case being finalized, there is a likelihood of an event occurring that will result in causing a substantial change to the final child support order, the court may allow for the use of separate worksheets and provide for such future changed amount of support in its final child support order. Such order shall specify the date upon which the changed support payments shall begin and the worksheets shall be attached to

such order. An order entered pursuant to this paragraph shall not preclude a petition for modification."

SECTION 1-5.

Said title is further amended by revising subparagraphs (c)(2)(B) and (c)(2)(C) of Code Section 19-6-15, relating to child support in final verdict or decree, as follows:

"(B) Specify ~~as required by Code Section 19-5-12~~ in what manner, how often, to whom, and until when the support shall be paid;

(C) Include a written finding of each ~~the~~ parent's gross income as determined by the court or the jury;"

SECTION 1-6.

Said title is further amended by revising subparagraph (h)(1)(F) of Code Section 19-6-15, relating to child support in final verdict or decree, as follows:

"(F)(i) The total amount of work related child care costs shall be divided between the parents pro rata to determine the presumptive amount of child support and shall be included in the worksheet and ~~written order of the court~~ the final child support order.

(ii) In situations in which work related child care costs may be variable, the court or jury may, in its discretion, remove work related child care costs from the calculation of support, and divide the work related child care costs pro rata, to be paid within a time specified in the final child support order. If a parent or nonparent custodian fails to comply with the final child support order:

(I) The other parent or nonparent custodian may enforce payment of the work related child care costs by any means permitted by law; or

(II) Child support services shall pursue enforcement when such unpaid costs have been reduced to a judgment in a sum certain."

SECTION 1-7.

Said title is further amended by revising subparagraph (i)(2)(K) of Code Section 19-6-15, relating to child support in final verdict or decree, as follows:

"(K) **Parenting time.**

(i) The child support obligation table is based upon expenditures for a child in intact households. The court may order or the jury may find by special interrogatory a deviation from the presumptive amount of child support when special circumstances make the presumptive amount of child support excessive or inadequate due to extended parenting time as set forth in the order of visitation, ~~or when~~ the child ~~resides~~ residing with both parents equally, or visitation rights not being utilized.

(ii) If the court or the jury determines that a parenting time deviation is applicable, then such deviation shall be included with all other deviations ~~and be treated as a deduction~~.

(iii) In accordance with subsection (d) of Code Section 19-11-8, if any action or claim for parenting time or a parenting time deviation is brought under this subparagraph, it shall be an action or claim solely between the custodial parent and the noncustodial parent, and not any third parties, including child support services.″

SECTION 1-8.

Said title is further amended by revising subsection (l) of Code Section 19-6-15, relating to child support in final verdict or decree, as follows:

″(l) **Split parenting.** In cases of split parenting, a worksheet shall be prepared separately ~~for the~~ by each custodial parent for each child for whom ~~the father~~ such parent is the custodial parent ~~and for the child for whom the mother is the custodial parent~~, and that worksheet shall be filed with the clerk of court. For each split parenting custodial situation, the court shall determine:

(1) Which parent is the obligor;

(2) The presumptive amount of child support;

(3) The actual award of child support, if different from the presumptive amount of child support;

(4) How and when the sum certain amount of child support owed shall be paid; and

(5) Any other child support responsibilities for each parent.″

SECTION 1-9.

Said title is further amended by revising paragraph (1) of subsection (m) of Code Section 19-6-15, relating to child support in the final verdict or decree, as follows:

″(1) Schedules and worksheets shall be prepared by the parties for purposes of calculating the amount of child support. In child support services cases in which neither parent prepared a worksheet, the court may rely on the worksheet prepared by child support services as a basis for its order. Information from the schedules shall be entered on the child support worksheet. The child support worksheet and~~, if there are any deviations, Schedule E~~ any schedule that was prepared for the purpose of calculating the amount of child support shall be attached to the final court order or judgment; provided, however, that any order entered pursuant to Code Section 19-13-4 shall not be required to have such worksheet and ~~schedule~~ schedules attached thereto.″

SECTION 1-10.

Said title is further amended by revising Code Section 19-6-17, relating to application for child support following custody award, as follows:

"19-6-17.

(a) Whenever the custody of a minor child ~~or children~~ has been lawfully awarded by any court having jurisdiction thereof to:

(1) Any ~~person~~ individual other than a parent of ~~the children~~ such child at any time subsequent to the rendition of a final divorce decree between the ~~father and mother of the children~~ parents of such child; or

(2) A parent as part of the final divorce decree ~~where~~ when the court awarding the decree was unable to obtain jurisdiction over the parent without custody for purposes of a determination as to whether the parent should be bound for support of ~~the child or children~~ such child and the court's decree contains no specific provisions binding the parent without custody for the support of ~~the child or children~~ such child,

the parent or other ~~person~~ individual to whom the custody of ~~the child or children~~ such child is awarded may apply by petition to the superior court in the county where the parent without custody of ~~the child or children~~ such child resides for an order and judgment fixing the amount of support money that the parent without custody shall provide in order to fulfill the parent's natural duty to supply the necessaries of life for ~~the child or children~~ such child.

(b) The procedure provided for in this Code section shall be available in cases in which the parent with custody of ~~the children~~ such child is the petitioner, notwithstanding the fact that the divorce decree and judgment may have been rendered in favor of the parent without custody.

(c) The petition shall be served upon the respondent~~; it~~. The petition shall be heard by the court~~,~~ unless a jury trial is demanded by either party to the case. The judgment shall be reviewable as in other cases. The order or judgment shall likewise be subject to modification in the event of changed circumstances, under the same terms and conditions as are provided for in other cases of ~~permanent alimony for the support of children~~ child support granted in connection with the rendition of a final decree in divorce cases.

(d) The order and judgment of the court shall remain in effect, except as limited by its own restrictions and subsection (c) of this Code section, so long as the petitioner remains in lawful custody of ~~the child or children~~ such child and until ~~they become~~ such child becomes 18 years of age. Execution may be granted to the petitioner for any sums past due under the order and judgment, in accordance with procedures in other cases of judgments for alimony.

(e) Any payment or installment of support under any child support order is, on and after the date due:

(1) A judgment by operation of law, with the full force and effect and attributes of a judgment of this state, including the ability to be enforced;

(2) Entitled as a judgment to full faith and credit; and

(3) Not subject to retroactive modification.″

SECTION 1-11.

Said title is further amended by revising Code Section 19-6-18, relating to revision of judgment rendered prior to July 1, 1977, for permanent alimony and child support, as follows:

″19-6-18.

(a) The judgment of a court providing permanent alimony for the support of a ~~wife or child or children, or both~~ spouse, rendered prior to July 1, 1977, shall be subject to revision upon petition filed by either ~~the husband or the wife~~ former spouse showing a change in the income and financial status of ~~the husband~~ either former spouse. The petition shall be filed and returnable under the same rules of procedure applicable to divorce proceedings. The petition shall be filed in the proper venue provided by law in civil cases. No petition may be filed by ~~the wife~~ either former spouse under this Code section within a period of two years from the date of the filing of a previous petition by the ~~wife~~ same spouse under this Code section. ~~No petition may be filed by the husband under this Code section within a period of two years from the date of the filing of a previous petition by the husband under this Code section.~~ After hearing both parties and the evidence, the jury, or the judge ~~where~~ when a jury is not demanded, may modify and revise the previous judgment so as to provide for the ~~wife or child or children, or both,~~ former spouse in accordance with the changed income and financial status of ~~the husband~~ either former spouse, if such a change in the income and financial status ~~of the husband~~ is satisfactorily proved so as to warrant the modification and revision. In the hearing upon a petition filed as provided in this Code section, testimony may be given and evidence introduced relative to the income and financial status of the ~~wife~~ former spouse.

(b) Upon an application as authorized in subsection (a) of this Code section, the merits of whether ~~the wife, or child or children, or both, are~~ a former spouse is entitled to alimony ~~and support are~~ is not in issue, but only whether there has been such a substantial change in the income and financial status of ~~the husband~~ either former spouse so as to warrant either a downward or upward revision and modification of the permanent alimony judgment.

(c) An application authorized in subsection (a) of this Code section ~~can~~ may be filed only ~~where the husband~~ when a former spouse has been ordered by the final judgment in an alimony or divorce and alimony action to pay permanent alimony in weekly, monthly, annual, or similar periodic payments, and not ~~where the wife, or child or children, or both, have~~ when a former spouse has been given an award from the corpus of the ~~husband's~~ other spouse's estate in lieu of such periodic payment.

(d) When ~~Where~~ an application authorized in subsection (a) of this Code section is filed ~~by the husband, the court may require the husband to pay reasonable expenses of litigation as may be incurred by the wife, either for herself or the child or children, or both, in defense thereof~~, the court may award attorneys' fees, costs, and expenses of litigation to the prevailing party as the interests of justice may require.″

SECTION 1-12.

Said title is further amended by revising subsection (c) of Code Section 19-6-29, relating to inclusion of accident and sickness insurance coverage in order for child support and payroll deductions, as follows:

″(c) An order for payroll deduction entered pursuant to subsection (b) of this Code section shall be consistent with the provisions of Code Sections 19-6-30 through ~~19-6-33~~ 19-6-33.1.″

SECTION 1-13.

Said title is further amended by revising Code Section 19-6-30, relating to provision for collection by continuing garnishment for support, as follows:

″19-6-30.

(a) Any order of support of a child entered or modified on or after July 1, 1985, shall contain the following provision:

'Whenever, in violation of the terms of this order there shall have been a failure to make the support payments due hereunder so that the amount unpaid is equal to or greater than the amount payable for one month, the payments required to be made may be collected by the process of continuing garnishment for support.'

~~(b) Any order of support entered or modified prior to July 1, 1985, shall be construed as a matter of law to contain the provision set forth in subsection (a) of this Code section.~~

~~(c)~~(b) All ~~Title IV-D (child support recovery)~~ cases involving orders of support of a child or spouse ~~entered or modified prior to July 1, 1989, or thereafter~~ being enforced by the entity within the Department of Human Services and its contractors that are authorized to enforce support orders shall be subject to income deduction ~~as defined in Code Sections~~

~~19-6-31, 19-6-32, and 19-6-33~~ orders as set forth in Code Sections 19-6-32 through 19-6-33.1."

SECTION 1-14.

Said title is further amended by revising Code Section 19-6-31, relating to definitions, as follows:

"19-6-31.

~~As used in Code Sections 19-6-32 and 19-6-33, the term:~~

~~(1) 'Accruing on a daily basis' means the amount of support computed by conversion of the periodic amount to an annual sum, divided by 365.~~

~~(2) 'Court' includes proceedings conducted by an appointed court referee and proceedings conducted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' as relates to the enforcement of the duty of support as defined in Chapter 11 of Title 19.~~

~~(3) 'Department' means the Department of Human Services.~~

~~(4) 'Family member' means any minor child of the defendant or a spouse or former spouse of the defendant.~~

~~(5) 'Income' or 'earnings' means any periodic form of payment due to an individual, regardless of source, including without limitation wages, salary, commission, bonus, workers' compensation, disability, payments pursuant to a pension or retirement program, and interest.~~

~~(6) 'IV-D' means Title IV-D of the federal Social Security Act.~~

~~(7) 'IV-D agency' means the Child Support Enforcement Agency of the Department of Human Services and its contractors.~~

~~(8) 'IV-D judgment' means any order or judgment of a court of this state, any order or judgment of a court of another state or any final administrative order issued by another state and transmitted to this state for the purpose of wage deduction pursuant to Code Section 19-6-33, any order of this state entered pursuant to a proceeding under Chapter 10 of Title 19, or any final administrative order for support issued by the department under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'~~

~~(8.1) 'National Medical Support Notice' means a notice as prescribed under 42 U.S.C. Section 666(a)(19), or a substantially similar notice, which is issued and forwarded by the IV-D agency to enforce the medical support provisions of a support order.~~

~~(9) 'Periodic support' means support required by the terms of a court order or judgment or an administrative order to be paid regularly on a daily, weekly, monthly, or similar specified frequency~~ Reserved."

SECTION 1-15.

Said title is further amended by revising Code Section 19-6-32, relating to entering income deduction order or medical support notice for award of child support, as follows:

"19-6-32.

(a) As used in this Code section, the term:

(1) 'Child support enforcement agency' means the entity within the Department of Human Services and its contractors that are authorized to enforce a duty of support.

(2) 'Court' means judge of any court of record or an administrative law judge of the Office of State Administrative Hearings.

(3) 'Earnings' means any form of payment due to an individual, regardless of source, including without limitation wages, salary, commission, bonus, workers' compensation, disability, payments pursuant to a pension or retirement program, and interest.

(4) 'IV-D' means Title IV-D of the federal Social Security Act.

(5) 'National Medical Support Notice' means a notice as prescribed under 42 U.S.C. Section 666(a)(19) or a substantially similar notice.

(6) 'Obligee' means the individual to whom the payment of a support obligation is owed.

(7) 'Obligor' means the individual owing a duty of support.

(8) 'Payor' means the person that provides earnings to an obligor.

~~(a)~~(b)(1) Except as provided for in paragraph (1) of subsection ~~(a.1)~~ (c) of this Code section, upon the entry of a judgment or order establishing, enforcing, or modifying a child support obligation or spousal support obligation through a court ~~or an administrative process~~, a separate income deduction order ~~for income deduction~~, if one has not been previously entered, shall be entered. If the obligee is an applicant for child support services under ~~Title IV-D of the federal Social Security Act, the court, referee, or administrative law judge~~ IV-D, the obligee shall furnish copies of the support order and the income deduction order to the ~~IV-D~~ child support enforcement agency.

(2) For all child support orders, and spousal support orders enforced pursuant to subsection (d) of Code Section 19-11-6, the ~~IV-D~~ child support enforcement agency shall be authorized to issue an ~~order for~~ income deduction order without need for any amendment to the order involved or any further action by ~~the court or entity~~ a court that issued it, provided that an opportunity for a hearing before a court~~, a referee of the court, or an administrative law judge~~ is afforded. The ~~IV-D~~ child support enforcement agency shall also be authorized to issue a National Medical Support Notice to enforce the medical support provisions of such orders, provided that an opportunity for a hearing pursuant to Code Section 19-11-27 is afforded. Such orders or notices may be issued electronically by the ~~IV-D~~ child support enforcement agency. The ~~IV-D~~ child support enforcement agency shall issue an ~~order for~~ income deduction order or, when appropriate,

a National Medical Support Notice within two business days after the information regarding a newly hired employee is entered into the centralized employee registry pursuant to Code Section 19-11-9.2 and matched with an obligor in a case being enforced by the ~~IV-D~~ child support enforcement agency.

~~(3) All child support orders issued or modified before July 1, 1997, which are not otherwise subject to income deduction shall become subject to income deduction upon the accrual of the equivalent of a 30 day arrearage, without the need for an administrative or judicial hearing or order.~~

~~(a.1)(1)~~(c)(1)(A) All child support orders which are initially issued in this state on or after January 1, 1994, and are not at the time of issuance being enforced by the ~~IV-D~~ child support enforcement agency shall provide for the immediate withholding of such support from the ~~income and~~ earnings of the ~~person~~ individual required by that order to furnish support unless:

~~(A)~~(i) A ~~The~~ court issuing the order finds there is good cause not to require such immediate withholding; or

~~(B)~~(ii) A written agreement is reached between both parties which provides for an alternative arrangement.

(B) For purposes of this ~~paragraph~~ subsection, any finding that there is good cause not to require withholding ~~must~~ from earnings shall be based on at least a written determination that implementing ~~wage~~ such withholding would not be in the best interest of the child and proof of timely payment of previously ordered support in cases involving modification of support orders.

(2) All child support orders which are not described in subsection ~~(a)~~ (b) of this Code section or in paragraph (1) of this subsection shall, upon petition of either party to revise ~~that~~ such order under Code Section 19-6-19 or to enforce ~~that~~ such order under Code Section 19-6-28, be revised to include provisions for withholding ~~of~~ such support from the ~~wages~~ earnings of the ~~person~~ individual required by the order to furnish ~~that~~ such support if arrearages equal to one month's support accrue but without the necessity of filing application for services under Code Section 19-11-6.

(3) Copies of income deduction orders issued under this subsection shall be ~~served on the obligee, obligor, and the child support IV-D agency~~ provided by the obligee to the obligor, payor, and the family support registry established pursuant to Code Section 19-6-33.1.

~~(b)~~(d) An ~~The~~ income deduction order shall:

(1) Direct a payor to deduct from all ~~income~~ earnings due and payable to an obligor the amount required by the support order to meet the obligor's support obligation;

(2) State the amount of arrearage accrued, if any, under the support order and direct a payor to withhold an additional amount until the arrearage is paid in full;

(3) Direct a payor not to deduct in excess of the amounts allowed under Section 303(b) of the federal Consumer Credit Protection Act, 15 U.S.C. Section 1673(b)~~, as amended~~; and

(4) Direct the payor to send income deduction ~~payment~~ order payments, including administrative fees authorized by law, to the family support registry ~~as provided for in~~ established pursuant to Code Section 19-6-33.1.

~~(c)~~(e) Income deduction orders shall be effective immediately unless ~~the~~ a court upon good cause shown finds that the income deduction order shall be effective upon a delinquency in an amount equal to one month's support or a written agreement is reached between both parties which provides for an alternative arrangement.

~~(d)~~(f) An ~~The~~ income deduction order shall be effective so long as the order of support upon which it is based is effective or until further order of ~~the~~ a court.

~~(e)~~(g) When ~~the court orders the~~ an income deduction ~~to~~ order shall be effective immediately, the ~~court~~ obligee or child support enforcement agency, as applicable, shall furnish to the obligor a statement of his or her rights, remedies, and duties in regard to the income deduction order. The statement shall state:

(1) All fees or interest which shall be imposed;

(2) The total amount of ~~income~~ earnings to be deducted for each pay period until the arrearage, if any, is paid in full and ~~state~~ the total amount of ~~income~~ earnings to be deducted for each pay period thereafter. The amounts deducted ~~may~~ shall not be in excess of that allowed under Section 303(b) of the federal Consumer Credit Protection Act, 15 U.S.C. Section 1673(b)~~, as amended~~;

(3) When the withholding will commence;

~~(3)~~(4) That the income deduction ~~applies~~ order shall apply to current and subsequent payors and periods of employment;

~~(4)~~(5) That a copy of the income deduction order ~~will be served on the obligor's payor or~~ shall be provided to the payors;

~~(5)~~(6) That the enforcement of the income deduction order may only be contested on the ground of mistake of fact regarding the amount of support owed pursuant to a support order, the arrearages, or the identity of the obligor; ~~and~~

(7) How to contest the withholding; and

~~(6)~~(8) That the obligor is required to notify the obligee and, when the obligee is receiving ~~Title~~ IV-D services, the ~~IV-D~~ child support enforcement agency, within seven days of changes in the obligor's address and payors and the addresses of his or her payors.

~~(f)~~(h) When ~~the~~ an income deduction order is effective upon a delinquency in an amount equal to one month's support, or when an order for spousal or child support was in effect prior to July 1, 1989, the obligee or child support enforcement agency, as applicable, may enforce the income deduction order by ~~serving~~ providing a notice of delinquency ~~on~~ to the obligor. A ~~The~~ notice of delinquency shall state:

(1) The terms of the support order;

(2) The period of delinquency and the total amount of the delinquency as of the date the notice is mailed;

(3) All fees or interest which may be imposed;

(4) The total amount of ~~income~~ earnings to be deducted for each pay period until the arrearage and all applicable fees and interest are paid in full and the total amount of ~~income~~ earnings to be deducted for each pay period thereafter. The amounts deducted ~~may~~ shall not be in excess of that allowed under Section 303(b) of the federal Consumer Credit Protection Act, 15 U.S.C. Section 1673(b)~~, as amended~~;

(5) That a copy of the notice of delinquency ~~will be served on the obligor's payor or~~ shall be provided to the payors, together with a copy of the income deduction order. The obligor may apply to ~~the~~ a court to contest enforcement of the order once the notice of delinquency has been ~~served~~ received. The application shall not affect the enforcement of the income deduction order until ~~the~~ a court enters an order granting relief to the obligor;

(6) That the enforcement of the income deduction order may only be contested on the ground of mistake of fact regarding the amount of support owed pursuant to a support order, the arrearages, or the identity of the obligor; and

(7) That the obligor is required to notify the obligee of the obligor's current address and current payors and the address of current payors. All changes shall be reported by the obligor within seven days of the change occurring. If the ~~IV-D~~ child support enforcement agency is enforcing ~~the~~ such order, the obligor shall make these notifications to the child support enforcement agency instead of to the obligee.

(i) The failure of the obligor to receive the notice of delinquency ~~does not preclude subsequent service of~~ provided for in subsection (h) of this Code section shall not preclude the income deduction order ~~on the obligor's~~ being subsequently provided to the payor. A notice of delinquency which fails to state an arrearage ~~does~~ shall not mean that an arrearage is not owed.

~~(g)~~(j) At any time, any party, including the ~~IV-D~~ child support enforcement agency, may apply to ~~the court, referee of the court, or administrative law judge~~ a court to:

(1) Modify, suspend, or terminate the ~~order for~~ income deduction order because of a modification, suspension, or termination of the underlying order for support; or

(2) Modify the amount of ~~income deducted~~ earnings being withheld when the arrearage has been paid."

SECTION 1-16.

Said title is further amended by revising Code Section 19-6-33, relating to the notice and service of income deduction order, as follows:

"19-6-33.

(a) As used in this Code section, the term:

(1) 'Child support enforcement agency' means the entity within the Department of Human Services and its contractors that are authorized to enforce a duty of support.

(2) 'Court' means judge of any court of record or an administrative law judge of the Office of State Administrative Hearings.

(3) 'Earnings' means any form of payment due to an individual, regardless of source, including without limitation wages, salary, commission, bonus, workers' compensation, disability, payments pursuant to a pension or retirement program, and interest.

(4) 'IV-D' means Title IV-D of the federal Social Security Act.

(5) 'Obligee' means the individual to whom the payment of a support obligation is owed.

(6) 'Obligor' means the individual owing a duty of support.

(7) 'Payor' means the person that provides earnings to an obligor.

~~(a)~~(b) The obligee ~~or his or her agent shall serve~~ shall provide an income deduction order ~~and the notice to the payor,~~ and in the case of a delinquency, a notice of delinquency, ~~on the obligor's~~ to the payor. ~~The obligor must be notified that withholding has commenced and how to contest the withholding.~~ The obligee or child support enforcement agency, as applicable, shall provide the notice to payor as set forth in subsection (f) of this Code section.

~~(b)~~(c) Service of the initial income deduction order by or upon any person who is a party to a proceeding under this Code section shall be by personal service, by certified mail ~~or statutory overnight delivery~~, return receipt requested, ~~or by regular mail~~ by statutory overnight delivery, or by first-class mail; such order may be served electronically if permitted under Code Section 9-11-5. Service upon ~~an obligor's~~ a payor or successor payor under this Code section shall be by ~~regular~~ first-class mail, or such order may be served electronically if permitted under Code Section 9-11-5.

~~(c)~~(d)(1) When ~~the~~ an income deduction order is effective upon a delinquency in an amount equal to one month's support, the obligor may apply to ~~the~~ a court to contest the enforcement of the income deduction order on the ground of mistake of fact regarding the amount of support owed pursuant to a support order, the amount of arrearage of support, or the identity of the obligor. The obligor shall send a copy of ~~the~~ his or her pleading to

the obligee and, if the obligee is receiving IV-D services, to the ~~IV-D~~ child support enforcement agency. The filing of ~~the~~ such pleading ~~does~~ shall not affect the enforcement of an income deduction order unless ~~the~~ a court enters an order granting relief to the obligor. The payment of delinquent support by an obligor upon entry of an income deduction order shall not preclude ~~service of~~ the income deduction ~~on~~ order being provided to the ~~obligor's~~ payor.

(2) When an obligor requests a hearing to contest enforcement of an income deduction order, ~~the court, referee, or administrative law judge~~ a court, after due notice to all parties and the ~~IV-D~~ child support enforcement agency, if the obligee is receiving IV-D services, shall hear the matter within 30 days after the application is filed and shall not extend the time for hearing unless good cause for a later date is found by ~~the~~ a court, in which event the time for a hearing may be extended for up to 30 days. A court ~~The court, referee, or administrative law judge~~ shall enter an order resolving the matter within ten days after the hearing~~. A copy of this order shall be served on~~ and provide such order to the parties and the ~~IV-D agency~~ child support enforcement agency, if the obligee is receiving IV-D services.

~~(d)~~(e) When a court~~, court referee, or administrative law judge~~ determines that an income deduction order is proper pursuant to subsection ~~(c)~~ (d) of this Code section, the obligee ~~or his or her agent~~ shall cause a copy of the income deduction order ~~and a notice to payor,~~ and in the case of a delinquency, a notice of delinquency, to be ~~served on the obligee's payors~~ provided to the payor. The obligee or child support enforcement agency, as applicable, shall provide the notice to payor as set forth in subsection (f) of this Code section. A copy of the notice to ~~the~~ payor, and in the case of a delinquency, a notice of delinquency, shall also be ~~furnished~~ provided to the obligor by the obligee or child support enforcement agency, as applicable.

~~(e)~~(f) A ~~The~~ notice to payor shall contain only information necessary for the payor to comply with the income deduction order. The payor shall have the duties, penalties, and rights specified in ~~the~~ such notice. The notice to payor shall:

(1) Require the payor to deduct from the obligor's ~~income~~ earnings the amount specified in the income deduction order, and in the case of a delinquency the amount specified in the notice of delinquency, and to pay ~~that~~ such amount to the ~~obligee or to a child support receiver, the IV-D agency, or other designee, as appropriate~~ family support registry established pursuant to Code Section 19-6-33.1. The amount actually deducted plus all administrative charges shall not be in excess of the amount allowed under Section 303(b) of the federal Consumer Credit Protection Act, 15 U.S.C. Section 1673(b);

(2) Instruct the payor to implement the income deduction order no later than the first pay period that occurs after 14 days following the date the notice was mailed;

(3) Instruct the payor to forward, within two business days after each payment date, to the family support registry the amount deducted from the obligor's ~~income~~ earnings and a statement as to whether ~~that~~ such amount totally or partially satisfies the periodic amount specified in the income deduction order;

(4) Specify that if a payor willfully fails to deduct the proper amount from the obligor's ~~income~~ earnings, the payor ~~is~~ shall be liable for the amount the payor should have deducted, plus costs, interest, and reasonable attorney's fees;

(5) Provide that the payor may collect up to $25.00 against the obligor's ~~income~~ earnings to reimburse the payor for administrative costs for the first ~~income deduction pursuant to an~~ payment of an income deduction order and up to $3.00 for each ~~deduction thereafter~~ subsequent payment. The payor ~~of income may~~ shall not deduct a fee for complying with any order or notice for enrollment in a health benefit plan;

(6) State that the income deduction order and the notice to payor, and in the case of a delinquency, the notice of delinquency, are binding on the payor until ~~further~~:

(A) Further notice by the obligee, ~~IV-D agency, or the court or until the~~ child support agency, or court; or

(B) The payor no longer provides ~~income~~ earnings to the obligor;

(7) Instruct the payor that, when the payor no longer provides ~~income~~ earnings to the obligor, the payor shall notify the obligee and shall also provide the obligor's last known address and the name and address of the obligor's new payor, if known, and that, if the payor willfully violates this ~~provision~~ paragraph, the payor ~~is~~ shall be subject to a civil penalty not to exceed $250.00 for the first violation ~~or~~ and $500.00 for any subsequent violation. If the ~~IV-D~~ child support enforcement agency is enforcing the income deduction order, the payor shall make ~~these~~ such notifications to the ~~IV-D~~ child support enforcement agency instead of to the obligee. Penalties shall be paid to the obligee or the ~~IV-D~~ child support enforcement agency, whichever is enforcing the income deduction order;

(8) State that no payor may discharge an obligor by reason of the fact that ~~income has~~ earnings have been subjected to an income deduction order under Code Section 19-6-32 and that a violation of this ~~provision subjects~~ paragraph shall subject the payor to a civil penalty not to exceed $250.00 for the first violation ~~or~~ and $500.00 for ~~a~~ any subsequent violation. Penalties shall be paid to the obligee or the ~~IV-D~~ child support enforcement agency, whichever is enforcing the income deduction order, if any support is owing. If no support is owing, the penalty shall be paid to the obligor;

(9) Inform the payor that the income deduction order has priority over all other legal processes under state law pertaining to the same ~~income~~ earnings and that payment, as

required by the income deduction order, is a complete defense by the payor against any claims of the obligor or his or her creditors as to the sum paid;

(10) Inform the payor that if the payor receives income deduction orders requiring that the ~~income~~ earnings of two or more obligors be deducted and sent to the same depository, ~~he~~ the payor may combine the amounts paid to the depository in a single payment ~~as~~ so long as ~~he~~ the payor identifies that portion of the payment attributable to each obligor; and

(11) Inform the payor that ~~if~~ the payor ~~receives~~ may receive more than one income deduction order against the same obligor~~, he shall contact the court for further instructions. Upon being so contacted, the court shall allocate amounts available for income deduction giving~~ and shall give priority to current child support obligations up to the limits imposed under Section 303(b) of the federal Consumer Credit Protection Act, 15 U.S.C. Section 1673(b).

~~(f)~~(g) At any time an income deduction order is being enforced, the obligor may apply to ~~the~~ a court for a hearing to contest the continued enforcement of the income deduction order on the same grounds set out in subsection ~~(c)~~ (d) of this Code section, ~~with a~~ and provide a copy of the pleading requesting such hearing to the obligee and, in IV-D cases, to the ~~IV-D~~ child support enforcement agency. Such ~~The~~ application ~~does~~ shall not affect the continued enforcement of the income deduction order until ~~the~~ a court enters an order granting relief to the obligor. The obligee ~~of the IV-D agency is released from liability~~ may be liable for improper receipt of moneys pursuant to an income deduction order ~~upon return to the appropriate party of any moneys received~~.

~~(g)~~(h) An obligee, or ~~his~~ an obligee's agent, shall enforce income deduction orders against an obligor's successor payor who is located in this state in the same manner prescribed in this Code section for the enforcement of an income deduction order against a payor.

~~(h)~~(i) The provisions of Article 3 of Chapter 11 of this title, the 'Uniform Interstate Family Support Act,' shall apply ~~to all~~ to:

(1) All income deduction orders originating in this state and directed to another state~~. In addition, the provisions of Article 3 of Chapter 11 of this title, the 'Uniform Interstate Family Support Act,' apply to all income withholding~~; and

(2) All income-withholding orders originating in another state and directed to this state.

~~(i)~~(j) Certified copies of payment records maintained by a child support receiver or the ~~IV-D~~ child support enforcement agency shall, without further proof, be admitted into evidence in any legal proceeding in this state.

~~(j)~~(k) No payor shall discharge an obligor by reason of the fact that ~~income has~~ his or her earnings have been subjected to an income deduction order under Code Section 19-6-32. A payor who violates this ~~paragraph is~~ subsection shall be subject to a civil penalty not to

exceed $250.00 for the first violation ~~or~~ and $500.00 for any subsequent violation. Penalties shall be paid to the obligee or the ~~IV-D~~ child support enforcement agency, whichever is enforcing the income deduction order, if any support is owing. If no support is owing, the penalty shall be paid to the obligor.

~~(k)~~(l) ~~When~~ If a payor is not providing earnings to an obligor or when a payor no longer provides ~~income~~ earnings to an obligor, ~~he~~ the payor shall notify the obligee and, if the ~~obligee is an IV-D applicant , the IV-D agency and~~ support order is being enforced by the child support enforcement agency, the child support enforcement agency shall provide the obligor's last known address and the name and address of the obligor's new payor, if known. A payor who willfully violates this subsection ~~is~~ shall be subject to a civil penalty not to exceed $250.00 for the first violation ~~or~~ and $500.00 for ~~a~~ any subsequent violation. Penalties shall be paid to the obligee or the ~~IV-D~~ child support enforcement agency, whichever is enforcing the income deduction order.″

SECTION 1-17.

Said title is further amended by revising Code Section 19-6-33.1, relating to the family support registry, as follows:

″19-6-33.1.

(a) As used in this Code section, the term:

(1) 'Child support enforcement agency' means ~~the Child Support Enforcement Agency of~~ the entity within the Department of Human Services and its contractors that are authorized to enforce a duty of support.

~~(2) 'Family support registry' means a central registry maintained and operated pursuant to subsection (c) of this Code section, which receives, processes, disburses, and maintains a record of the payment of child support, child support when combined with spousal support, child support arrears, or child support debt made pursuant to court or administrative order.~~

(2) 'Earnings' means any form of payment due to an individual, regardless of source, including without limitation wages, salary, commission, bonus, workers' compensation, disability, payments pursuant to a pension or retirement program, and interest.

(3) 'Income deduction order' means ~~any income deduction~~ an order which is made pursuant to Code Section 19-6-32 and which becomes effective upon a delinquency which occurred on or after January 1, 1994, or which became effective immediately without a delinquency on or after January 1, 1994.

(4) 'IV-D' means Title IV-D of the federal Social Security Act.

(5) 'Obligee' means the individual to whom the payment of a support obligation is owed.

(6) 'Obligor' means the individual owing a duty of support.

(7) 'Payor' means the person that provides earnings to an obligor.

~~(b) Any term used in this Code section and defined in Code Section 19-6-31 shall have the meaning provided for such term in Code Section 19-6-31.~~

~~(c)~~(b) There ~~As required by federal law, there~~ shall be established and operated a family support registry pursuant to IV-D regulations, and authority and funding shall be provided to the child support enforcement agency for the operation of such registry. The child support enforcement agency ~~is~~ shall be authorized to establish and maintain or contract for the establishment and maintenance of the family support registry. The family support ~~This~~ registry shall be used for the collection and processing of payments for support orders in all cases which are enforced by the child support enforcement agency and for all other support orders not being enforced by the child support enforcement agency which are subject to an income deduction order ~~as defined by paragraph (3) of subsection (a) of this Code section~~.

~~(d)~~(c) The child support enforcement agency shall, as required by federal law, redirect payments for support orders in all cases being enforced by the child support enforcement agency and for all other support orders not being enforced by the child support enforcement agency which are subject to an income deduction order ~~as defined by paragraph (3) of subsection (a) of this Code section. These support~~. Such payments for support orders being paid to a court ~~or~~, child support receiver, or private party by ~~an employer~~ a payor shall be redirected to the family support registry.

~~(e)~~(d) In implementing the family support registry, the child support enforcement agency ~~is~~ shall be authorized to:

(1) Receive, process, and disburse payments for child support, child support when combined with spousal support, child support arrears, or child support debt for any court or administrative order;

(2) Maintain records of any payments collected, processed, and disbursed through the family support registry;

(3) Establish and maintain a separate record for payments made through the family support registry as a result of a judgment remedy;

(4) Answer inquiries from any parent concerning payments processed through the family support registry; and

(5) Collect a fee for the processing of insufficient funds checks and issue a notice to the originator of any insufficient funds check that no further checks ~~will~~ shall be accepted from such person and that future payments shall be required to be paid by cash or certified funds.

~~(f) On or after April 1, 1999, the child support enforcement agency shall begin implementing the family support registry. The commissioner of the department or the~~

~~commissioner's designee shall notify the court administrator and the chief judge of each judicial circuit when new income deduction orders are to be directed to the family support registry.~~

~~(g)~~(e) The ~~Upon implementation of the family support registry in any county or judicial circuit, the~~ following procedures shall be followed ~~in such county or circuit~~:

(1) All administrative orders and all court orders entered or modified which provide for income deduction orders for support payments for child support, child support when combined with spousal support, child support arrears, or child support debt shall require that such payments be made through the family support registry; and

(2) The child support enforcement agency shall send or cause to be sent a notice by first-class mail directing that all income deduction order payments shall be made to the family support registry. Orders subject to this redirection include~~:~~ all support orders being enforced by the child support enforcement agency and all other orders not being enforced by the child support enforcement agency which are subject to an income deduction order ~~as defined in paragraph (3) of subsection (a) of this Code section~~. The notice shall be sent to the following persons:

(A) Any obligor who is obligated to make payments for support, child support when combined with spousal support, child support arrears~~,~~ or child support debt under court order or administrative order in a IV-D case ~~where~~ when the order does not already specify paying through the family support registry; and

(B) Any ~~employer or other payor of funds who~~ payor that has been deducting income under Code Section 19-6-32.

~~(h)~~(f) Any obligor or ~~employer who~~ payor that receives a notice to redirect payments as specified in subsection ~~(g)~~ (e) of this Code section ~~who~~ that fails to make the payments to the family support registry and ~~who~~ continues to make payments to the court or to the ~~IV-D agency~~ obligee shall be sent a second notice to redirect payments. The second notice shall be sent by certified mail ~~or statutory overnight delivery~~, return receipt requested or by statutory overnight delivery. Such notice shall contain all the information required to be included in the first notice to redirect payments and shall further state that the obligor or ~~employer~~ payor has failed to make the payments to the ~~correct~~ child support enforcement agency and that the ~~payor or~~ obligor or payor shall redirect the payments to the family support registry at the address indicated in the notice. Failure to make payments to the family support registry after a second notice shall be grounds for contempt.

~~(i)~~(g)(1) Any payment required to be made to the family support registry which is received by the court, child support receiver, obligee, or child support enforcement agency shall be forwarded to the family support registry within two business days after receipt. All income deduction order payments from ~~employers~~ payors or such payments

forwarded by the court, child support receiver, obligee, or child support enforcement agency shall be identified with the information specified by the family support registry, including but not limited to the court case number, social security number of the obligor, ~~the~~ county where the case originated, and ~~the~~ name of the obligor. ~~A copy of the notice to redirect payments described in subsection (g) of this Code section shall be mailed to the obligee and the court.~~

(2) Except as provided by federal law, the family support registry shall distribute all support amounts payable within two business days after receipt from the ~~employer or other payment source~~ payor.

~~(j)~~(h) The ~~department~~ Department of Human Services shall coordinate the operation of the family support registry with the state case registry created under Code Section 19-11-39 so as to reduce if not eliminate the need for duplicate reporting and information recording. ~~The department is authorized to enter into cooperative agreements with the courts of the judicial circuits in order to implement the family support registry.~~ The ~~department~~ Department of Human Services shall be authorized to establish and collect an administrative fee from the ~~income deduction order obligor or other obligor paying~~ individual owing a duty of support through the family support registry ~~an administrative fee. The fee shall not exceed $2.00~~. Such administrative fee shall be the lesser of:

(1) Two dollars per payment ~~or 5~~;

(2) Five percent of the amount of each payment; or

(3) The ~~the~~ actual cost of processing and distributing the child support from the source to the obligee~~, whichever is the lesser~~.

~~(k)~~(i) Nothing in this Code section shall allow or require any reduction of child support payments ~~paid~~ owed to any parent or guardian of a ~~minor~~ child."

SECTION 1-18.

Said title is further amended by revising Code Section 19-11-3, relating to definitions relative to the "Child Support Recovery Act," as follows:

"19-11-3.

As used in this article, the term:

(1) 'Account' means a demand deposit account, checking or negotiable order of withdrawal account, savings account, time deposit account, or a money market mutual fund account.

(2) 'Child support enforcement agency' means the entity within the department and its contractors that are authorized to enforce a duty of support.

~~(2)~~(3) 'Court order for child support' means any order for child support issued by a court or administrative or quasi-judicial entity of this state or another state, including an order

in a criminal proceeding which results in the payment of child support as a condition of probation or otherwise. Such order shall be deemed to be a IV-D order for purposes of this article when either party to the order submits a copy of the order for support and a signed application to the department for IV-D services, when the right to child support has been assigned to the department pursuant to subsection (a) of Code Section 19-11-6, or upon registration of a foreign order pursuant to Article 3 of this chapter.

~~(3)~~(4) 'Department' means the Department of Human Services.

~~(4)~~(5) 'Dependent child' means any ~~person~~ individual under the age of 18 who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.

~~(5)~~(6) 'Duty of support' means any duty of support imposed or imposable by law or by court order, decree, or judgment.

~~(6)~~(7) 'Financial institution' means every federal or state chartered commercial or savings bank, including savings and loan associations and cooperative banks, federal or state chartered credit unions, benefit associations, insurance companies, safe-deposit companies, trust companies, and any money market mutual fund.

~~(7)~~(8) 'IV-D' means Title IV-D of the federal Social Security Act.

~~(8) 'IV-D agency' means the Child Support Enforcement Agency of the Department of Human Services and its contractors.~~

(9) 'Medical insurance obligee' means any person to whom a duty of medical support is owed.

(10) 'Medical insurance obligor' means any person owing a duty of medical support.

(11) 'Money market mutual fund' means every regulated investment company within the meaning of Section 851(a) of the Internal Revenue Code which seeks to maintain a constant net asset value of $1.00 in accordance with 17 C.F.R. Section 270.2A-7.

(12) 'Obligee' means the individual to whom the payment of a support obligation is owed.

(13) 'Obligor' means the individual owing a duty of support.

~~(12)~~(14) 'Parent' means the natural or adoptive parents of a child and includes the father of a child born out of wedlock if his paternity has been established in a judicial proceeding or if he has acknowledged paternity under oath either in open court, in an administrative hearing, or by verified writing.

~~(13)~~(15) 'TANF' means temporary assistance for needy families.″

SECTION 1-19.

Said title is further amended by revising subsections (f) and (g) of Code Section 19-11-6, relating to enforcement of child support payments and alimony for public assistance recipients, as follows:

"(f) The department shall be authorized to charge the obligee a federal Deficit Reduction Act of 2005 fee of $12.00 to be paid at the rate of $1.00 per month after the ~~IV-D~~ child support enforcement agency has collected $500.00 of child support annually for each case. The department shall retain such fee and deduct such fee from child support collections before disbursement to the obligee. Such fee shall only apply to an obligee who has never received public assistance payments pursuant to Title IV-A or Title IV-E of the federal Social Security Act.

(g) The department shall be authorized to charge the obligor a federal Deficit Reduction Act of 2005 fee of $13.00 to be paid in 12 monthly installments after the ~~IV-D~~ child support enforcement agency has collected $500.00 of child support annually for each case. Such fee shall only apply to an obligor when the obligee has never received public assistance payments pursuant to Title IV-A or Title IV-E of the federal Social Security Act. The department shall retain such fee and collect such fee through income withholding, as well as by any other enforcement remedy available to the ~~IV-D agency responsible for~~ child support enforcement agency."

SECTION 1-20.

Said title is further amended by revising subsections (e) and (f) of Code Section 19-11-8, relating to the department's duty to enforce support of abandoned minor public assistance recipient, as follows:

"(e) The department shall be authorized to charge the obligee a federal Deficit Reduction Act of 2005 fee of $12.00 to be paid at the rate of $1.00 per month after the ~~IV-D~~ child support enforcement agency has collected $500.00 of child support annually for each case. The department shall retain such fee and deduct such fee from child support collections before disbursement to the obligee. Such fee shall only apply to an obligee who has never received public assistance payments pursuant to Title IV-A or Title IV-E of the federal Social Security Act.

(f) The department shall be authorized to charge the obligor a federal Deficit Reduction Act of 2005 fee of $13.00 to be paid in 12 monthly installments after the ~~IV-D~~ child support enforcement agency has collected $500.00 of child support annually for each case. Such fee shall only apply to an obligor when the obligee has never received public assistance payments pursuant to Title IV-A or Title IV-E of the federal Social Security Act. The department shall retain such fee and collect such fee through income withholding, as

well as by any other enforcement remedy available to the ~~IV-D agency responsible for~~ child support enforcement agency."

SECTION 1-21.

Said title is further amended by revising Code Section 19-11-9.3, relating to suspension or denial of license for noncompliance with child support order, as follows:

"19-11-9.3.

(a) As used in this Code section, the term:

(1) 'Agency' means the ~~agency~~ entity within the Department of Human Services which is responsible for enforcing orders for child support pursuant to this article.

(2) 'Applicant' means any ~~person~~ individual applying for issuance or renewal of a license.

(3) 'Certified list' means a list ~~provided by the agency~~ of the names of ~~support~~ delinquent obligors ~~found to be not in compliance with an order for child support~~ in a case being enforced under this article.

(4) 'Compliance with an order for child support' means, as set forth in a court order, administrative order, or contempt order for child support, the obligor is not more than 60 calendar days in arrears in making payments in full for current support, periodic payments on a support arrearage, or periodic payments on a reimbursement for public assistance.

(5) 'Delinquent obligor' means any ~~obligor~~ individual owing a duty of support who is not in compliance with an order for child support ~~and who appears on the agency's certified list~~.

(6) 'Department' means the Department of Human Services.

(7) 'License' means a certificate, permit, registration, or any other authorization issued by any licensing entity that allows ~~a person~~ an individual to operate a motor vehicle or to engage in a profession, business, or occupation.

(8) 'Licensee' means any ~~person~~ individual holding a license.

(9) 'Licensing entity' means any ~~state~~ agency, department, or board of this state which issues or renews any license~~, certificate, permit, or registration to authorize a person to drive a motor vehicle, or to engage in a profession, business, or occupation including those under Article 3 of Chapter 7 of Title 2, the 'Georgia Pesticide Use and Application Act of 1976'; Article 13 of Chapter 1 of Title 7, relating to mortgage lenders and mortgage brokers; Chapter 5 of Title 10, the 'Georgia Uniform Securities Act of 2008,' relating to securities salespersons and investment adviser representatives; Part 2 of Article 1 of Chapter 6 of Title 12, relating to foresters; Chapter 4 of Title 26, relating to pharmacists; Chapter 23 of Title 33, relating to insurance agents, counselors, and other personnel; Chapter 1 of Title 43, relating to professions and businesses; Chapter 39A of~~

~~Title 43, relating to real estate appraisers; or Chapter 40 of Title 43, relating to real estate brokers and salespersons~~.

(b) The agency shall maintain a state-wide certified list ~~of those persons included in any case enforced under this article~~ for whom an order for child support has been rendered and who are not in compliance with ~~that~~ such order. Such ~~The~~ certified list ~~must be updated on a monthly basis~~ shall be regularly updated. The agency shall submit to each licensing entity a certified list with the name, social security number, if known, date of birth, and last known address of each ~~person~~ individual on the list.

(c) ~~On or before January 1, 1997, all~~ All licensing entities shall implement procedures to accept and process the certified list ~~provided by the agency in accordance with this Code section~~.

(d) Promptly after receiving the certified list from the agency, all licensing entities shall determine whether an applicant or licensee is on the most recent certified list. If an applicant or licensee is on the certified list, the licensing entity shall immediately notify the agency. Such ~~That~~ notification shall include the applicant's or licensee's last known mailing address ~~on file with the licensing entity~~.

(e) After receiving notice from a licensing entity of applicants or licensees who are on the certified list, the agency shall immediately notify those individuals as specified in subsection (f) of this Code section of the agency's intent to request that all pertinent licensing entities suspend all licenses or withhold issuance or renewal of any license.

(f) Notice for purposes of this Code section shall be initiated by the department. Notice to the delinquent obligor shall include the address and telephone number of the agency and shall inform the delinquent obligor of the agency's intent to submit the delinquent obligor's name to relevant licensing entities and to request that the licensing entities withhold issuance or renewal of the license, or suspend the license. Notice shall be sent by first-class mail and receipt by the delinquent obligor may be presumed if the mailing is not returned to the department within 30 days from the date of mailing. The notice ~~must~~ shall also inform the delinquent obligor ~~of the following~~ that:

(1) The delinquent obligor has 20 days from the date of mailing to come into compliance with the order or to reach an agreement to pay the delinquency with the agency. If an agreement cannot be reached within that time or if the delinquent obligor does not respond within that time, the agency ~~will~~ shall send notice to the licensing entities requesting that the licenses be suspended or the licensure applications be denied;

(2) The delinquent obligor may request an administrative hearing and judicial review of that hearing under subsection (g) of this Code section. A request for a hearing ~~must~~ shall be made in writing and ~~must~~ shall be received by the agency within 20 days of service of notice; and

(3) If the delinquent obligor requests a hearing within 20 days of service, the department shall stay all action pending the hearing and any appeals.

(g) If no response is received from the delinquent obligor by the department within 30 days from the date of mailing of the notice and the delinquent obligor is still shown as delinquent on the next month's certified list ~~prepared pursuant to subsection (b) of this Code section~~, the department shall request one or more licensing entities to deny or suspend a license of the delinquent obligor. Each licensing entity shall notify the delinquent obligor by certified mail or statutory overnight delivery of the date that the license has been denied or suspended.

(h)(1) All delinquent obligors subject to the sanctions imposed in this Code section shall have the right to a hearing before an administrative law judge of the Office of State Administrative Hearings pursuant to Article 2 of Chapter 13 of Title 50. A delinquent obligor who requests a hearing within the time prescribed in subsection (f) of this Code section shall have the right to a hearing. The hearing shall be conducted as provided in Article 2 of Chapter 13 of Title 50 within 45 days after such demand is received. The only issues at the hearing ~~will be the following~~ shall be:

~~(1)~~(A) Whether there is an order for child support being enforced pursuant to this article;

~~(2)~~(B) Whether the licensee or applicant is the obligor covered by that order;

~~(3)~~(C) Whether the ~~support~~ obligor is or is not in compliance with the order for child support;

~~(4)~~(D) Whether the ~~support~~ obligor shall be entitled to pay past due child support in periodic payments; and

~~(5)~~(E) Whether the ~~support~~ obligor has been able and willing to comply with such order for support.

(2) With respect to the issues listed in paragraph (1) of this subsection, evidence relating to the ability and willingness of an obligor to comply with such order for support shall be considered in making the decision to either suspend a license or deny the issuance or renewal of a license under this Code section. The administrative law judge shall be authorized to enter into an agreement or enter an order requiring such periodic payments and, in each event, the administrative law judge shall be authorized to issue a release for the obligor to obtain each license or licenses. Such an agreement ~~will~~ shall not act to modify an existing child support order, but rather shall affect only ~~affects~~ the payment of the arrearage.

(i) The decision at the hearing shall be subject to appeal and judicial review pursuant to Article 2 of Chapter 13 of Title 50 but only as to those issues referred to in subsection (h) of this Code section. Notwithstanding any hearing requirements for suspension and denials

within each licensing entity, the hearing and appeal procedures outlined in this Code section shall be the only hearing required to suspend a license or deny the issuance or renewal of a license under this Code section.

(j) The department shall prescribe release forms for use by the agency. When the obligor is determined to be in compliance with an order for child support or is determined to be not in compliance with such order but has been determined in a hearing pursuant to subsection (h) of this Code section to be unable to comply with the order or to be not willfully out of compliance with such order, the agency shall mail to the delinquent obligor and the appropriate licensing entity a notice of release stating such determination. The receipt of a notice of release shall serve to notify the delinquent obligor and the licensing entity that, for the purpose of this Code section, he or she is in compliance with an order for child support, and the licensing entity shall promptly thereafter issue or reinstate the license, unless the agency, pursuant to subsection (b) of this Code section, certifies subsequent to the issuance of a notice of release that the ~~delinquent~~ obligor is once again not in compliance with an order for child support.

(k) Any payments received by the department on behalf of a child support recipient under this Code section shall be forwarded to such recipient within 15 days after any such payment is received by the department.

(l) The department may enter into interagency agreements with state agencies that have responsibility for the administration of licensing entities as necessary to implement this Code section. Those agreements shall provide for the receipt by other state agencies and boards of federal funds to cover that portion of costs allowable under federal law and regulation and incurred by state agencies and boards in implementing this Code section.

~~(m) In furtherance of the public policy of increasing child support enforcement and collections, on or before January 1, 1998, the department shall make a report to the General Assembly and the Governor based on data collected by the boards and the department in a format prescribed by the department. The report shall contain all of the following:~~

~~(1) The number of delinquent obligors certified by the agency under this Code section;~~

~~(2) The number of delinquent obligors who also were applicants for issuance or renewal of a license or licensees subject to this Code section;~~

~~(3) The number of new licenses and renewals that were denied subject to this Code section and the number of new licenses issued and renewals granted following a licensing entity's receipt of releases;~~

~~(4) The number of licenses suspended subject to this Code section, and the number of licenses reissued following the licensing entity's receipt of releases; and~~

~~(5) The amount of revenue collected by the department after sending notices pursuant to this Code section.~~

~~(n)~~(m) Any licensing entity receiving an inquiry as to the license status of an applicant who has had an application for issuance or renewal of a license denied under this Code section shall respond only that the license was suspended or the licensure application was denied pursuant to this Code section.

~~(o) The department shall, and the licensing entities as appropriate may, adopt regulations necessary to implement this Code section.~~

~~(p)~~(n) The department shall inform delinquent obligors of resources available which may remedy such delinquent obligor's license suspension.

(o) The department shall, and the licensing entities as appropriate may, adopt regulations necessary to implement this Code section."

SECTION 1-22.

Said title is further amended by revising paragraph (4) of subsection (d) of Code Section 19-11-12, relating to review of orders for child support, as follows:

"(4)(A) In the case of an administrative order, the child support enforcement agency shall request the administrative law judge to increase or decrease the amount in the existing order in accordance with ~~the~~ such agency recommendation. If either the obligor or the obligee files with the child support enforcement agency written objections to ~~the~~ such agency's proposed child support order adjustment or determination of no change to the child support order within 33 days of the mailed notice, the matter shall be scheduled for an administrative hearing within the Office of State Administrative Hearings. The administrative order adjusting the child support award amount which results from a hearing or the failure to object to the child support enforcement agency's proposed adjustment or determination of no change shall, upon filing with the local clerk of the court, have the full effect of a modification of the original order or decree of support. As part of the order adjusting the child support award the administrative law judge shall issue an income ~~and earnings~~ deduction order which shall also be filed with the court pursuant to Code Sections 19-6-30 through ~~19-6-33~~ 19-6-33.1.

(B) In the case of a judicial order, the child support enforcement agency shall file a petition asking the court to adopt ~~the~~ such agency's proposed adjustment or determination of no change to the child support order which shall be filed contemporaneously with ~~the~~ such agency's mailed notice and shall serve such petition upon the obligor and obligee in the manner provided in subsection (e) of Code Section 9-11-4. Upon the filing of a written objection to the child support enforcement agency's proposed adjustment or determination of no change with the clerk of the superior court and with ~~the~~ such agency, a de novo proceeding shall be scheduled with the court on

the matter. If neither party files an objection within 30 days from the service of the petition, the court shall issue an order adopting the recommendation of the ~~IV-D~~ child support enforcement agency. As part of the order adjusting the child support award, the court shall issue an income ~~and earnings~~ deduction order pursuant to Code Sections 19-6-30 through ~~19-6-33~~ 19-6-33.1."

SECTION 1-23.

Said title is further amended by revising subsections (a) and (c) of Code Section 19-11-15, relating to voluntary support agreement, notice, and hearing, as follows:

"(a) When the department has completed its investigation, has determined the ability of the absent parent to support his or her child or children in accordance with guidelines prescribed in Code Section 19-6-15, and believes that the absent parent is able to furnish a certain amount of support, the department may, as an exception to Code Section 9-12-18, request the absent parent to enter into a proposed consent order and income deduction order to provide the support amount and accident and sickness insurance coverage consistent with Code Section 19-11-26 prior to the filing of an action with the superior court. The orders may not be set aside on the grounds that the parties consented thereto prior to the filing of the action. An income deduction order shall issue consistent with Code Sections 19-6-30 through ~~19-6-34~~ 19-6-33.1. If the department is unable to secure a proposed consent order from the parent, the department may file an action in superior court or may initiate an administrative action pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

"(c) The determination of the administrative law judge regarding the ability to provide support and the ability to provide accident and sickness insurance coverage shall be delivered to the absent parent personally or shall be sent by ~~regular~~ first-class mail. The final order shall include an ~~order for~~ income deduction order consistent with Code Sections 19-6-30 through ~~19-6-34~~ 19-6-33.1, and shall inform the absent parent in plain language:

(1) That failure to support may result in the foreclosure of liens on his or her personal or real property, in garnishment of his or her ~~wages~~ earnings or other personalty, or in other collection actions; and

(2) That the absent parent has the right to appeal the determination within 30 days."

SECTION 1-24.

Said title is further amended by revising subsections (a) and (f) of Code Section 19-11-18, relating to collection procedures, as follows:

"(a) The ~~IV-D~~ child support enforcement agency, in accordance with ~~Title IV, Part D of the federal Social Security Act, is~~ IV-D, shall be authorized to institute collection

procedures for all arrearages which have accrued against child support payments owed pursuant to a judgment or support order of a court ~~or an order from a IV-D agency~~ of competent jurisdiction. Such ~~These~~ collection procedures shall include, but shall not be limited to, notification of employers that a wage assignment is in effect and not suspended; notification of obligors; demand letters; use of state and federal income tax refund intercept programs; initiation of contempt proceedings; the use of liens, levies, and seizures as provided in subsections (b) and (c) of this Code section; the use of the services of any person providing collection services to the department; seeking warrants in appropriate situations; attachment or lien against property; civil actions to reach and apply; and any other civil or administrative remedy available for the enforcement of judgments or for the enforcement of support or custody orders."

"(f) Unless otherwise provided by federal law, and notwithstanding ~~Notwithstanding~~ any other provision of this title to the contrary, any child support being held by the ~~Child Support Enforcement Agency of the department~~ child support enforcement agency shall be paid to the custodial parent, legal guardian, or caretaker ~~relative~~ having custody of or responsibility for a child within two days from receipt ~~of same by the enforcement agency~~ by the child support enforcement agency of such child support."

SECTION 1-25.

Said title is further amended by revising paragraph (2) of subsection (a) of Code Section 19-11-30, relating to confidentiality of information and records, as follows:

"(2) The department shall provide to an attorney representing an obligor, to an attorney representing an obligee, or to a private child support collector, as defined in Code Section 10-1-392, and hired by an obligee and acting pursuant to a power of attorney signed by such obligee, any documents which such obligor or obligee would be entitled to request and receive from the ~~Child Support Enforcement Agency of the department~~ child support enforcement agency."

SECTION 1-26.

Said title is further amended by revising subsections (a) and (b) of Code Section 19-11-32, relating to the process to collect delinquent support accounts, as follows:

"(a) Notwithstanding other statutory provisions which provide for the execution, attachment, or levy against accounts, the ~~IV-D agency, including its authorized contractors,~~ child support enforcement agency may utilize the process established in this Code section and Code Sections 19-11-33 through 19-11-39 to collect delinquent support payments, provided that any exemptions or exceptions which specifically apply to enforcement of

support obligations pursuant to ~~other statutory provisions~~ Code Section 18-4-6 shall also apply.

(b) An obligor is subject to the provisions of this Code section and Code Sections 19-11-33 through 19-11-39 if the obligor's support obligation is being enforced by the ~~IV-D~~ child support enforcement agency and if the support payments ordered pursuant to Georgia law or under a comparable statute of a foreign jurisdiction, as certified to the ~~IV-D~~ child support enforcement agency, are delinquent in an amount equal to the support payment for one month."

SECTION 1-27.

Said title is further amended by revising paragraph (1) of subsection (d) and subsections (k) and (l) of Code Section 19-11-37, relating to challenges to levy and procedure, as follows:

"(1) If a mistake in identity has occurred or the obligor is not delinquent in an amount equal to the payment for one month, the ~~IV-D~~ child support enforcement agency shall notify the financial institution that the administrative levy has been released. The ~~IV-D~~ child support enforcement agency shall provide a copy of the notice of release to the ~~support~~ obligor by ~~regular~~ first-class mail; or"

"(k) An order entered under this Code section for a levy against an account of ~~a support~~ an obligor has priority over a levy for a purpose other than the support of the dependents in the order being enforced.

(l) The ~~support~~ obligor may withdraw the request for challenge by submitting a written withdrawal to the ~~person~~ individual identified as the contact for the ~~IV-D~~ child support enforcement agency in the notice, or the ~~IV-D~~ child support enforcement agency may withdraw the administrative levy at any time prior to the court hearing and provide notice of the withdrawal to the obligor and any account holder of interest and to the financial institution by ~~regular~~ first-class mail."

SECTION 1-28.

Said title is further amended by revising subsection (a) of Code Section 19-11-39, relating to computerized central case registry for support orders, as follows:

"(a) The department shall create by contract, cooperative agreement, or otherwise a computerized central case registry for all support orders entered by any court or administrative tribunal of this state. All ~~IV-D agency orders~~ support orders obtained by the child support enforcement agency as well as those support orders not within the ~~IV-D~~ child support enforcement agency shall be registered in ~~this~~ such data base. The department may enter into a cooperative agreement with the Administrative Office of the Courts so as to

obtain information needed to create and maintain the state registry of support orders as required by federal law.″

SECTION 1-29.

Said title is further amended by revising paragraph (10) of Code Section 19-11-101, relating to definitions for the "Uniform Interstate Family Support Act," as follows:

″(10) 'Income-withholding order' means an order or other legal process directed to an obligor's employer or other debtor, pursuant to Code Sections ~~19-6-31 through~~ 19-6-32 and 19-6-33, to withhold support from the income of the obligor.″

SECTION 1-30.

Said title is further amended by revising Code Section 19-11-150, relating to issuance of income-withholding orders, as follows:

″19-11-150.

An income-withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person defined as the obligor's employer pursuant to Code Sections ~~19-6-31~~ 19-6-32 through ~~19-6-33~~ 19-6-33.1 without first filing a petition or comparable pleading or registering the order with a tribunal of this state.″

SECTION 1-31.

Said title is further amended by revising subsection (d) of Code Section 19-11-164, relating to notification to nonregistering party and obligor's employer, as follows:

″(d) Upon registration of an income-withholding order for enforcement, the child support enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to Code Sections ~~19-6-31~~ 19-6-32 through ~~19-6-33~~ 19-6-33.1.″

PART II

SECTION 2-1.

Code Section 7-4-12.1 of the Official Code of Georgia Annotated, relating to interest on arrearage on child support, is amended by revising subsection (b) as follows:

″(b) Subsection (a) of this Code section shall not be construed to abrogate the authority of ~~a IV-D agency~~ the Department of Human Services to waive, reduce, or negotiate a settlement of unreimbursed public assistance in accordance with subsection (b) of Code Section 19-11-5.″

SECTION 2-2.

Code Section 10-1-393.10 of the Official Code of Georgia Annotated, relating to filing of contracts for collections, as follows:

"(f) Upon the request of an obligee, the ~~Child Support Enforcement Agency of~~ entity within the department authorized to enforce support orders shall forward child support payments made payable to the obligee to any private child support collector that is in compliance with the provisions of this Code section and Code Section 10-1-393.9."

SECTION 2-3.

Said title is further amended by replacing "IV-D agency" with "child support enforcement agency" wherever such term appears in:

(1) Code Section 19-11-9.1, relating to duty to furnish information about obligor to department, use of information obtained, and penalty for noncompliance;

(2) Code Section 19-11-12, relating to review of orders for child support, review procedures, order adjusting support award amount, and no release from liability due to subsequent financial obligation;

(3) Code Section 19-11-15.1, relating to information required to be given to individuals receiving services;

(4) Code Section 19-11-18, relating to collection procedures, notice, and judicial review;

(5) Code Section 19-11-27, relating to accident and sickness insurance coverage for children, National Medical Support Notice or other notice of enrollment, and establishment of coverage;

(6) Code Section 19-11-30.1, relating to computer based registry;

(7) Code Section 19-11-30.2, relating to information from financial institutions;

(8) Code Section 19-11-30.3, relating to responsibility of Department of Human Services Bank Match Registry;

(9) Code Section 19-11-30.6, relating to reciprocal agreements with other states;

(10) Code Section 19-11-30.10, relating to authority to levy and seize deposit;

(11) Code Section 19-11-33, relating to notice;

(12) Code Section 19-11-34, relating to verification and immunity from liability;

(13) Code Section 19-11-35, relating to initiation of administrative action for levy and required information in notice to financial institution;

(14) Code Section 19-11-36, relating to required information in notice to obligor;

(15) Code Section 19-11-37, relating to challenges to levy, mistakes, procedures, and reimbursement;

(16) Code Section 19-11-38, relating to required financial institution action; and

(17) Code Section 19-11-39, relating to computerized central case registry for support orders.

SECTION 2-4.

Code Section 31-10-9.1 of the Official Code of Georgia Annotated, relating to social security account information of parents, is amended by revising subsections (b) and (c) as follows:

"(b) The state registrar shall make available the records of ~~parent~~ an individual's name and social security number to the ~~Child Support Enforcement Agency of~~ entity within the Department of Human Services authorized to enforce support orders for its use in the establishment of paternity or the enforcement of child support orders.

(c) Information obtained pursuant to this Code section by the ~~Child Support Enforcement Agency of~~ entity within the Department of Human Services ~~pursuant to this Code section~~ authorized to enforce support orders may be used in an action or proceeding before any court, administrative tribunal, or other body for the purpose of establishing a child support obligation, collecting child support, or locating individuals owing the obligation."

SECTION 2-5.

Article 5 of Chapter 3 of Title 42 of the Official Code of Georgia Annotated, relating to diversion center and program for violation of alimony and child support orders, is amended by revising Code Section 42-3-90, relating to establishment of diversion center, as follows:

"42-3-90.

A county shall be authorized to establish a diversion center under the direction of the sheriff of the county in which the diversion center is located and a diversion program for the confinement of certain ~~persons~~ individuals who have been found in contempt of court for violation of orders granting temporary or permanent alimony or child support and sentenced pursuant to subsection (c) of Code Section 15-1-4. While in such diversion program, the respondent shall be authorized to travel to and from his or her place of employment and to continue his or her occupation. The official in charge of the diversion program or his or her designee shall prescribe the routes, manner of travel, and periods of travel to be used by the respondent in attending to his or her occupation. If the respondent's occupation requires the respondent to travel away from his or her place of employment, the amount and conditions of such travel shall be approved by the official in charge of the diversion center or his or her designee. When the respondent is not traveling to or from his or her place of employment or engaging in his or her occupation, such ~~person~~ respondent shall be confined in the diversion center during the term of the sentence. With the approval of the sheriff or his or her designee, the respondent may participate in educational or counseling programs offered at the diversion center. While participating in the diversion

program, ~~the~~ such respondent shall be liable for alimony or child support as previously ordered, including arrears, and his or her income shall be subject to the provisions of Code Sections 19-6-30 through ~~19-6-33~~ 19-6-33.1 and Chapter 11 of Title 19. In addition, should any funds remain after payment of child support or alimony, ~~the~~ such respondent may be charged ~~and~~ a fee payable to the county operating the diversion program to cover the costs of his or her incarceration and the administration of the diversion program which fee shall be not more than $30.00 per day or the actual per diem cost of maintaining the respondent, whichever is less, for the entire period of time ~~the person~~ such respondent is confined to the diversion center and participating in the diversion program. If ~~the~~ such respondent fails to comply with any of the requirements imposed upon him or her in accordance with this Code section, nothing shall prevent the sentencing judge from revoking such assignment to ~~a~~ such diversion program and providing for alternative methods of incarceration."

SECTION 2-6.

Article 2 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to setoff of debt collection against lottery prizes, is amended by revising Code Section 50-27-55, relating to the article's applicability to prizes of $5,000.00 or more, as follows:

"50-27-55.

The provisions of this article shall only apply to prizes of $5,000.00 or more and shall not apply to any retailers authorized by the board to pay prizes of up to $5,000.00 after deducting the price of the ticket or share; excepting that a claim for delinquent child support filed by the ~~Child Support Enforcement Agency of~~ entity within the Department of Human Services authorized to enforce support orders shall apply to all prizes of $2,500.00 or more."

PART III

SECTION 3-1.

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

Council of Magistrate Court Judges
Proposal
Writ of possession – OCGA § 44-7-49

44-7-49. "Writ of possession" defined

(a) As used in this article, the term "writ of possession" means a writ issued to recover the possession of land or other property and such writ shall not contain restrictions, responsibilities, or conditions upon the landlord in order to be placed in full possession of the land or other property.

(b) Any writ of possession issued pursuant to the provisions of this chapter shall be effective as provided in this chapter and for a period of thirty days thereafter, except as otherwise provided in Code Section 44-7-56 or otherwise extended by court order.

DRAFT

Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Judge Stephen Louis A. Dillard, Chair
Standing Committee on Court Reporting Matters

RE: Committee Report

DATE: November 14, 2016

The Standing Committee on Court Reporting Matters represents the Judicial Council on all matters relating to court reporting. The Committee has completed one major project to improve the practice and professionalism of court reporting in Georgia and continues work on a second:

Civil Court Reporting Policies and Fees: The Committee continues to review a draft of the *Judicial Council Policies and Fees for Court Reporting Services in Civil Cases*. The civil fee schedule was last updated 2008. The Committee plans to present the new civil policies and fees for Judicial Council approval in early 2017. (The *Judicial Council Policies and Fees for Court Reporting Services in Criminal Cases* were effective January 1, 2015.)

Action Item:

Rule 2.3(A): The Committee has approved an amended Rule 2.3(A) of *Judicial Council Policies and Fees for Court Reporting Services in Criminal Cases* that complies with the Georgia Court of Appeals' holding in *State v. Walton*. The court held that Rule 2.3(A), which allows parties to receive free digital copies of transcripts, conflicted with O.C.G.A. § 15-14-5, which requires that court reporters first be paid for producing the transcripts. The amended Rule 2.3(A) clarifies that requirement.

The Committee now submits this amended Rule 2.3(A) for Judicial Council approval.

2.3 Certified Transcript is a Public Record

A. Certification and Filing of Transcript

In all criminal cases, when a transcript is required or requested to be prepared, it shall be filed with the clerk of court immediately upon completion and certification. The court reporter shall notify the court, prosecutor, defense attorney(s), and/or self-represented defendants(s) of the date the transcript is filed with the clerk of court and, only after receiving payment for the original, filed transcript, provide each party with a digital copy of the transcript at no charge only after receiving payment for the original, filed transcript. If a transcript is required to be prepared by the court, the law, or the Judicial Council Policies and Fees in Criminal Cases, the court appropriate governing authority shall pay the court reporter for the production of the transcript. If a transcript is not required to be prepared but is requested by a party, the party shall pay the court reporter for the production of the transcript, unless the party is indigent, in which case the court shall pay.

Once filed, the transcript is a public record (Uniform Superior Court Rule 21), and copies may be provided at the rate determined by the clerk or by law as any other public record.

Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Judge Shawn LaGrua, Chair
Ad Hoc Committee on Process Servers

RE: Committee Report

DATE: November 16, 2016

Established by the Judicial Council Chair on July 1, 2016, the Ad Hoc Committee on Process Servers' mission is to update the Judicial Council's Rule and Regulations for Georgia's Certified Process Server Program and to make any other recommendations to the Judicial Council regarding process servers that the Committee deems necessary.

Committee Membership

The Committee is composed of the following members:

- Judge Shawn LaGrua, Chair;
- Judge Samuel D. Ozburn;
- Chief Judge John C. Pridgen;
- Judge James G. Tunison;
- Judge David P. Darden;
- Judge Ann B. Harris, advisory member;
- Judge Alison T. Burleson, advisory member; and
- Cathy McCumber, advisory member.

Status Update

The Committee has thoroughly reviewed the rules, and it recently agreed on an amended draft that addresses issues that have revealed themselves during the program's first several years. That draft has been sent to stakeholders for their review and feedback. The Committee hopes to present the amended rules at the February Judicial Council meeting and recommend that the Council approve the rules to take effect July 1, 2017. However, there are certain circumstances beyond the Committee's control which may delay its work.

DRAFT

Council of Superior Court Judges of Georgia

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Council of Superior Court Judges
Report to Judicial Council
December 2016

With the recent selection of Judge Tripp Self for a seat on the Court of Appeals, the Council of Superior Court Judges will be selecting a new president-elect, who will then take the office of president on May 1, 2017. Judge Self has been a tireless advocate for Superior Courts and will be greatly missed. We extend our heartfelt congratulations to him on his new position in the judiciary.

Including the vacancy created by Judge Self's departure, Superior Courts will have a total of 33 new judges in 11 months. Of that number, 28 are expected to take part in a special New Judge Orientation to be held in Athens for three days in December 2016. This training has been primarily organized by Superior Court Judges Wade Padgett and LaTain Kell. Topics addressed will include domestic relations, criminal, and civil cases; administrative training; a presentation from the Department of Corrections on sentencing; a session from the Judicial Qualifications Commission; orientation on accountability courts; training on the media and Uniform Rule 22; and education on the filing requirements of the ethics commission.

The Council of Superior Court Judges will meet for its annual conference and continuing education seminars in Athens, Georgia, January 17-20, 2017. This year's training agenda includes such topics as criminal justice reform, adoption law updates, divorcing service members, insurance law, protective orders, timely filings with the ethics commission, grandparent and other third party visitation, judicial mediation strategies, and an update on the evidence code. There will also be special training offered for judges handling death penalty cases. Approximately 250 superior court judges and senior judges are expected to attend the conference. In addition to welcoming our newest colleagues, we will honor our outgoing jurists with renderings of their local courthouse.

Superior Courts now have 109 accountability courts, with more planned to begin throughout the next year. Currently, accountability courts are operating in 47 of 49 circuits.

CSCJ is sad to report the death of Senior Judge Robert P. Mallis, who passed away on October 31, 2016. He served for more than 15 years in the Stone Mountain Judicial Circuit. Notably, he was the chairman of CSCJ's Resolutions Committee and will always be remembered for his meticulous research and symphonic delivery of memorial resolutions for other senior judges who had passed away.

Council of State Court Judges

Impartial Courts • Judicial Excellence • Accessible and Efficient Justice

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Bob Bray
Executive Director

Report of the Council of State Court Judges
Judicial Council Meeting
December 9, 2016

The Council will be conducting a New Judge Orientation in Athens from January 30th – February 2nd for 11 new state court judges appointed and elected this year: Courses include life changes by being a judge, an introduction to the state judicial branch; technology and other resources available; a day devoted to criminal law and procedures; a day devoted to civil law and procedures; juries; an impaired driving wet lab and field sobriety evaluations and BAC testing conducted by local law enforcement officers; and a day about managing traffic case calendaring; presentations by DDS and a course focused on domestic violence cases.

At our recent fall conference, Judge Michael P. Boggs of the Court of Appeals of Georgia (recently appointed to the Supreme Court of Georgia) was our guest speaker who addressed the recent work of the Criminal Justice Reform Council and its current focus on misdemeanor sentencing and probation. His PowerPoint presentation showed the impact that criminal justice reform is making toward reducing incarcerations and lowering recidivism.

An Impaired Driving Summit is planned for December 1st at the Carter Center in Atlanta. Judge Eddie Barker from Douglas County State Court will be participating on a panel during the luncheon seminar. The summit brings leading experts to discuss ways of addressing the increasing problem with impaired driving.

In preparation for next year's time and motion study of the state and superior courts by the National Center for State Courts and the Judicial Council's Administrative Office of the Courts; eight judges have been appointed to a focus work group to guide the participation of our courts and training of our judges prior to conducting the study late next year.

The State Court of Richmond County and the State Court of Henry County have recently implemented new misdemeanor probation programs to service their court's needs to monitor misdemeanor sentence supervision.

Respectfully submitted,

Richard A. Slaby

Judge Richard A. Slaby
President, Council of State Court Judges

Council of Probate Court Judges of Georgia

Judge Alice W. Padgett
President (Columbia)

Judge Rooney Bowen, III
President Elect (Dooly)

Judge Sarah Harris
First Vice President (Bibb County)

Judge Darin McCoy
Secretary-Treasurer (Evans)

Judge Don Wilkes
Immediate Past President (Emanuel)

Report to Judicial Council of Georgia
December 9, 2016

The following is a summary of activities and current initiatives by the Council of Probate Court Judges:

COAG Fall Conference
At the Constitutional Officers' Association of Georgia Fall Conference, Barrow County Probate Judge Tammy S. Brown was sworn in as COAG secretary-treasurer. Judge Brown is one of the Council's Past Presidents and we are confident she will apply her immense energy and talents in her new role. At the conference, we conducted an Executive Committee meeting and business meeting that were both well-attended and highly productive, as we chart our plans for the upcoming year.

Judge Darin McCoy
We would like to extend our most sincere congratulations to Evans County Probate Judge Darin McCoy for completing his successful tenure as COAG president. During his tenure, Judge McCoy was dutiful and energetic in carrying out his responsibilities. We are also happy to report that as a result of his dedicated service, Judge McCoy was selected as the COAG Officer of the Year.

New Probate Judges
We are happy to welcome the 33 new probate court judges who will be joining our ranks. We wish them the best and as with all of our judges, we will provide them with all the support and assistance necessary to ensure a successful tenure while serving on the bench.

Upcoming Events
Our New Judges' Orientation will be held November 30-December 2, 2016 (for those with traffic jurisdiction) and December 11-December 15, 2016 for all new judges. Both sessions will be hosted by the Holiday Inn in Athens. Probate Judges' Day at the Capitol is scheduled for January 25, 2017. Finally, our Spring Conference will be held April 17-20, 2017 in Macon.

Respectfully submitted,
Alice Padgett
Alice Padgett
President, Council of Probate Court Judges

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Council of Magistrate Court Judges

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Judge Wanda Dallas
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To: Chief Justice Hugh Thompson
Members of the Judicial Council of Georgia

Re: Written Report of Council for Magistrate Court Judges
December 9, 2106 Judicial Council Meeting

From: Judge Kristina Hammer Blum
President, Council of Magistrate Court Judges ("CMCJ")
Chief Magistrate, Gwinnett County Magistrate Court

The CMCJ had a productive Executive Committee Meeting on October 2, 2016, in Savannah. The meeting preceded our semi-annual Magistrate Recertification Training, which took place October 3-4. Almost 200 Magistrates were in attendance to learn and share fellowship. The CMCJ will next be presenting at New Chiefs' Boot Camp (December 5-6 in Athens).

The CMCJ and the Magistrate Court Training Council ("MCTC") are very excited about the creation and implementation of a new Update Course just for Chief Magistrates. The Update is scheduled for February 6-7, 2017. The MCTC designed this course to specifically address legal and administrative issues that are unique to the role of Chief Magistrate. This Update is a step toward the CMCJ's goal of connecting Magistrate Courts across the State to foster consistency and quality in the delivery of justice. A copy of the MCTC-approved class schedule for 2017 is attached for your reference.

The CMCJ has also planned another "Magistrate Day at the Capitol," to take place on February 8, 2017. CMCJ Executive Officers, Committee Members, and other Magistrates from around the State will be hosting a breakfast for our hard-working Legislators in Capitol Room 216 from 8-12. We had a great turnout for our first Magistrate Day this year, so we are looking forward to making this an annual event.

As we reach the end of an election cycle, the CMCJ will be working hard to welcome, assist and support a number of newly elected Magistrate Judges who take office January 1. We also wish the very best to our retiring Magistrates, including Judge Larry Anderson (Evans), Judge Timothy Barton (Glynn), Judge Danny Bentley (Upson), Judge June Davis (Barrow), Judge Rosa Lee Martin (Wilkes), Judge Marie Middleton (Long), Judge Joyce Miskiel (Brooks), Judge Thomas E. Moseley (Bartow), Judge Linda Palumbo (Randolph), Judge Linda Rodgers (Macon), and Judge Alan Harvey (DeKalb).

Finally, the CMCJ would like to express its sincere gratitude to Chief Justice Thompson for his many years of service and for the expert leadership, guidance, and support he has shown to the Magistrate Courts. We send our warmest wishes for a wonderful and well deserved retirement!

This concludes our December 2016 report.

2017 Georgia Magistrate Court Judges CJE Activity Array

Feb 6 – 7 Chief Magistrate's Update Course
12 recertification hours, GA Tech Conference Center Atlanta

Feb 26 – Mar 3 NJO: Criminal Basic Course, for New Non-Attorney Magistrates
40 certification hours, Holiday Inn, Athens

Apr 10 – 14 (6 Hour on-line) Court Security & Work Place Violence
6 recertification hours, e-Learning Commons

Apr 24 – 25 Magistrates Spring Recertification Conference
12 recertification hours, Marriott, Macon

Jun 8 – 9 Magistrate Court Clerks Annual Conference
12 recertification hours, Holiday Inn, Athens

Jul 17 – 21 (6 Hour on-line) Understanding Social Media & Judging
6 recertification hours, e-Learning Commons

Sep 24 – 29 NJO: Civil Basic Course, for New Non-Attorney Magistrates
40 certification hours, Holiday Inn, Athens

Oct 2 – 3 Magistrates Fall Recertification Conference
12 recertification hours, Sea Palms Conference Center, St. Simons

Nov 6 – 10 (6 hour on-line) GA's Updated CJC & JQC Advisory Opinions
6 recertification hours, e-Learning Commons

Council of Municipal Court Judges

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Judge Richard Sanders
Judge Derek White

District Two
Judge Jason Moon
Judge Willie Weaver, Sr.

District Three
Judge Michael P. Cielinski
Judge James "Jim" Thurman

District Four
Judge Garland C. Moore
Judge John Roberts

District Five
Judge Christopher Portis
Judge Donald Schaefer

District Six
Judge J. Kristi Lovelace
Judge Christopher E. Chapman

District Seven
Judge Timothy McCreary
Judge Roger Rozen

District Eight
Judge Michael Gailey
Judge Tommy J. Smith

District Nine
Judge Pamela Boles
Judge Claude Mason

District Ten
Judge Lori Duff
Judge Dale Samuels

Report to the Judicial Council of Georgia - December 2016

Here is an overview of recent events, programs, and activities of the Council of Municipal Court Judges:

Legislation

For the 2017 session of the General Assembly, the Council of Municipal Court Judges (CMuCJ) plans to seek legislation to create a Council of Municipal Court Judges Savings Plan. The proposed legislation seeks to propose a new O.C.G.A. 36-32-41 and is designed to give the Council the authority to create a tax deferred savings plan for all Council members in good standing. The Membership approved the legislative initiative its October 13th Business Meeting and the proposal was presented at the November 30th Judicial Council Policy and Legislative Committee; **this Savings Plan will require no local or State funding**.

Additionally, the CMuCJ is actively participating through its representative on the Certiorari Review Subcommittee. This worthwhile committee was established through the auspices of the Judicial Council of Georgia (by way of the Policy and Legislative Committee) to re-examine existing law with an effort to streamline and economize the municipal court appellate practice in Georgia. The Council looks forward to the great works to come from this working group.

The CMuCJ was engaged by the Criminal Justice Reform Council in the previous session due to the possible effects of its work on municipal courts. The Council has continued to monitor and participate in discussions regarding traffic reform and probation for the upcoming session through representation by Judge Margaret Gettle Washburn.

Training Initiative(s) and Strengthening the Council

The Council of Municipal Court Judges, in collaboration with the Access, Fairness, Public Trust and Confidence (AFPTC) Committee, one of the Judicial Council's standing committees, is slated to conduct a symposium entitled "Georgia Reflections on Ferguson." Judge Dear Jackson, AFPTC municipal judges representative, and Judge Leslie Spornberger Jones, CMuCJ Immediate Past President, have provided leadership for the project. The symposium is scheduled for December 15, 2016 at Mercer School of Law. The CMuCJ and AFPTC planning committee hopes that the symposium will bring together all relevant stakeholders to begin discussions on best practices. Registration is still available at: http://tinyurl.com/j3y6p7u

Council Meeting Endeavors

The Council is reviving its Lunch 'n' Learn series through district meetings around the State. The topics of discussion for the year are 2014 medical amnesty law and the overdose reversal medication Naloxene (Harm Reduction/Overdose Reversal) and best practices for courtroom security.

Continuing Judicial Education

The Municipal Judges Training Council approved the 2017 Judicial Education

Course listing for presentation by the Institute of Continuing Judicial Education as follows:

March 13 – 17, 2017 Substances of Abuse (6 Recertification hours, e-Learning Commons)

March 17, 2017 Judging & Humanities Immersion (12 Recertification hours, Holiday Inn, Athens)

April 10 – 14, 2017 Court Security & Work Place Violence (6 Recertification hours, e-Learning Commons)

Jun 21 – 23, 2017 20 Hour Basic Course, with 12 Hour Summer Survey Update Conference (12 Recertification hours & 20 Certification Hours, Marriott Riverfront, Savannah)

July 13 – 14, 2017 Handling SRLs & Misdemeanor Sentencing Specialty Course (12 Recertification hours, Holiday Inn, Athens)

July 17 – 21, 2017 Understanding Social Media & Judging (6 Recertification hours, e-Learning Commons)

October 4 – 6, 2017 20 Hour Basic Course, with 12 Hour Fall Survey Update Conference (12 Recertification hours & 20 Certification hours, UGA Hotel & Conference Center, Athens)

November 6 – 10, 2017 GA's Updated CJC & JQC Advisory Opinions (6 Recertification hours On-line)

Judicial Council/AOC Intranet

The Council of Municipal Court Judges has on boarded all members to make use of the Judicial Council/Administrative Office of the Courts' (AOC) Intranet platform. Intranets serve many different purposes, but their primary objective is to facilitate internal communication; this is vital amongst the Council's membership of 370 judges. This tool has been developed as a document storage and drafting workplace, includes an events calendar and a knowledge base, and replicates listserv functionality even as it archives posts and comments. The Council is excited to move into this phase of technology with the AOC!

Next Meeting

The Council of Municipal Court Judges Executive Committee is scheduled to meet January 20, 2017 in Atlanta, Georgia.

Council of Accountability Court Judges

Judge Jason J. Deal
Executive Committee Chair
Northeastern Judicial Circuit

Taylor Jones
Executive Director

Council of Accountability Court Judges
Report to Judicial Council
December 2016

The Council of Accountability Court Judges (CACJ), in conjunction with the Criminal Justice Coordinating Council (CJCC), released the FY17 Accountability Court Grant Solicitation in September 2016. The CACJ Funding Committee met on November 8th to review the grant applications that were received by the Council. In total, the CACJ received forty-five (45) applications, which included $2,226,570.00 in requested funds. The CACJ Funding Committee was able to award a total amount of $1,041,737.00 to the courts within the supplemental grant process for FY17. In addition to the eligible existing courts that received funding, the CACJ is happy to announce that two new accountability courts also received funding. The Forsyth County Family Treatment Court and the Spalding County Mental Health/Veterans Court will begin operations in January 2017.

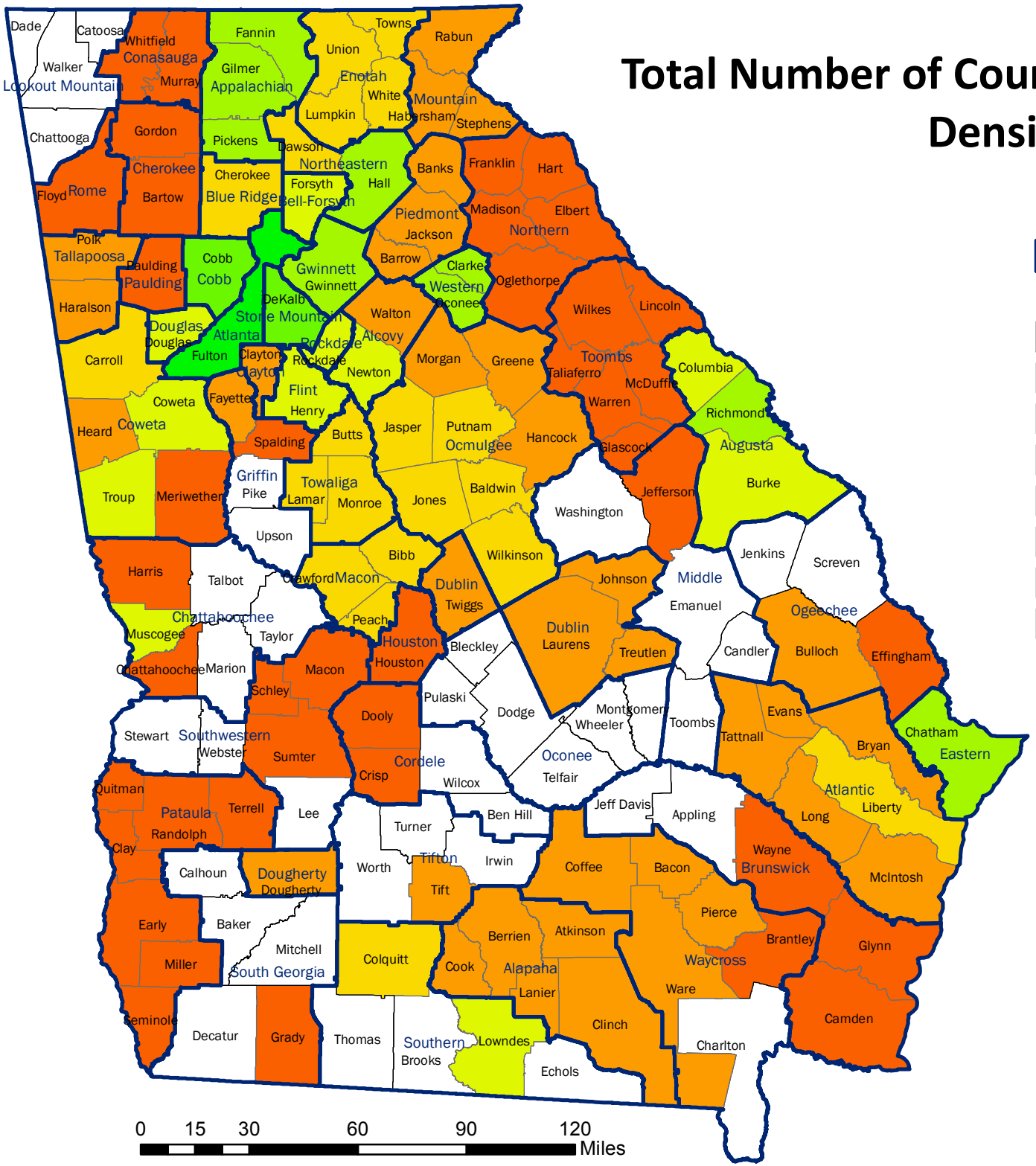
In addition to the FY17 Accountability Court Supplemental Grant Awards, the CACJ Standards & Certification Committee met in November to review and finalize the recommend Family Treatment Court State Standards and certification application, as well as the DUI Court State Standards and certification application. The certification application was released to both these classes of accountability courts on December 2nd, and will be received back from the courts by the CACJ staff in January 2017. The staff will prepare the applications for committee review in February 2017.

Further still, the CACJ staff had the privilege of attending the Cobb County DUI Court Graduation Ceremony and the Hall/Dawson County Drug Court Graduation Ceremony in the month of November. The Cobb County DUI court graduated 17 participants during the ceremony, which brings the total number of graduates to over 275 since program inception. The Hall/Dawson County Drug Court Graduation was also the 15th anniversary celebration of the Hall County Court, and the 10th anniversary celebration of the Dawson County Court. The ceremony was a very special one filled with honored guests that concluded with the Hall County Drug Court's total number of graduates exceeding over 600 participants.

As the CACJ closes out 2016, some of the notable accomplishments of its second year of existence include: the successful execution of the CACJ Inaugural Training Conference; over $18 million of funds being awarded to the courts through the grant application process; and the certification of fifty-one (51) Adult Felony Drug Courts and thirty-four (34) Adult Mental Health Courts. As the Council moves into 2017, the CACJ will continue to work closely with the Administrative Office of the Courts and the Criminal Justice Coordinating Council to develop the accountability courts of Georgia under the guidance and expertise of Judges.

In addition to this report to the Judicial Council, please find the attached map that reflects the density of accountability courts within the state as of July 2016.

Total Number of Courts Available by County Density Map



0 15 30 60 90 120 Miles

Legend

Georgia Judicial Circuits

No. of Courts Available

- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7

Counties

N

This map was created with data from the Accountability Court Directory listed on the Council of Accountability Court Judges website. The directory is available at www.gaaccountabilitycourts.org.
The version of the directory used to create this map
Map created by Kelsey Martin, Research Analyst.
kelsey.martin@cjcc.ga.gov.

GEORGIA COMMISSION ON DISPUTE RESOLUTION

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Ex Officio Member:
Patrick J. O'Connor, Esq.

The following is an update on the initiatives and activities for the Commission on Dispute Resolution:

New Commission on Dispute Resolution Members
Judge Amanda H. Mercier, Court of Appeals of Georgia, and Judge Jane C. Barwick, Superior Court of Fulton County, were appointed by the Supreme Court of Georgia to the Commission on Dispute Resolution and sworn in on November 2, 2016.

Advisory Opinion 9
On November 2, 2016, The Commission on Dispute Resolution issued Advisory Opinion 9, to help Georgia mediators understand the decision issued in the Georgia Court of Appeals case, *Wright v. Burch*, 331 Ga. App. 839, 771 S.E.2d 490 (2015) regarding the practice of negotiating past-due child support. The opinion is available on the GODR website www.godr.org under "Mediator Ethics Information."

2016 Registration Renewal
The 2016 registration renewal season for neutrals began October 1, 2016, and neutrals have until December 31, 2016, for on-time renewal. Neutrals must renew their registration each year.

ADR Program Directors' Retreat
The 2016 ADR Program Directors Retreat is scheduled for November 30 through December 2, 2016, at Lake Lanier Island Resort. There are 25 program directors registered to attend.

Carroll County ADR Program
The Commission on Dispute Resolution voted on November 2, 2016, to approve the creation of the Carroll County ADR Program effective January 1, 2017. The Carroll County Program has operated under the Coweta Judicial Circuit ADR Program since the early 1990's. The Coweta Judicial Circuit ADR Program will continue to serve Coweta, Heard, Meriwether and Troup Counties.

ADR Institute
The 23rd Annual ADR Institute and 2016 Neutrals' Conference will be held Friday, December 9, 2016, at the State Bar of Georgia. Registration is now open: http://www.iclega.org/programs/9360.html. The conference offers both CLE and CE credit hours.

Upcoming Commission Meeting Dates
The next Commission meeting date is February 1, 2017, at 2:00 p.m. in Room #1 of the State Bar of Georgia. Meeting information is posted on the GODR website at www.godr.org.