

## **15-9-2.1. Appointment, compensation, authority, qualifications, training, and other limitations of associate probate court judges.**

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### **(a) Appointment, compensation, and term.**

(1) The judge of the probate court may appoint one or more individuals to serve as associate judges of the probate court in probate matters on a full-time or part-time basis subject to the approval of the governing authority of the county. Such associate judges of the probate court shall serve at the pleasure of the judge of the probate court.

(2) Whenever an associate judge of the probate court is appointed to serve in a probate court, the clerk of the probate court shall forward a certified copy of the order of appointment to the Council of Probate Court Judges of Georgia.

(3) Associate judges of the probate court shall be included in the list of members of the Council of Probate Court Judges of Georgia as set forth in Code Section 15-9-15. An associate judge of the probate court shall not be a voting member and shall not serve as an officer of the Council of Probate Court Judges of Georgia.

(4) Compensation of the associate judges of the probate court shall be fixed by the judge of the probate court subject to the approval of the governing authority or governing authorities of the county or counties for which the associate judge of the probate court is appointed. The salary and any employment benefits of each associate judge of the probate court shall be paid from county funds. No associate judge of the probate court shall be eligible to participate in the Judges of the Probate Courts Retirement Fund of Georgia.

**(b) Authority.** Both full-time and part-time associate judges of the probate court shall be vested with all of the authority of the judge of the probate court of the county or counties for which the associate judge of the probate court is appointed. In all proceedings before the court, the judgment of an associate judge of the probate court shall be the final judgment of the court for appeal purposes.

### **(c) Qualifications and training requirements.**

(1) With the exception of the residency requirement set forth in subparagraph (a)(1)(B) of Code Section 15-9-2, all associate judges of the probate court shall have the same qualifications required of the elected judge of the probate court of the county or counties for which the associate judge of the probate court is appointed.

(2) All full-time associate judges of the probate court shall complete the training requirements set forth for judges of the probate court in Code Section 15-9-1.1. All part-time associate judges of the probate court shall be required to attend a minimum of nine hours of training in an area related to probate court, mental health, or traffic matters as determined by the elected judge of the probate court. All probate required training shall be paid for by the governing authority or governing authorities of the county or counties for which the associate judge of the probate court is appointed.

### **(d) Oath and bond.**

(1) Before entering on the duties of their offices, all associate judges of the probate court shall take the oaths required of all civil officers and, in addition, the following oath:

"I do swear that I will well and faithfully discharge the duties of associate judge of the probate court for the County of \_\_\_\_\_ during my continuation in office, according to law, to the best of my knowledge and ability, without favor or affection to any party. So help me God."

(2) The clerk of the probate court shall make an entry of the oath of each associate judge of the probate court on the minutes of the probate court. In the case of an associate judge of the probate court serving as a magistrate, no oath, certificate, or commission shall be required except the oath and commission of the associate judge of the probate court as an associate judge of the probate court.

### **(e) Restriction on the practice of law and the fiduciary role.**

(1) It shall be unlawful for any associate judge of the probate court to engage directly or indirectly in the practice of law in his or her own name or in the name of another as a partner in any manner in any case, proceeding, or matter of any kind in his or her own court or in any other court in any case, proceeding, or any other matters of which his or her own court has pending jurisdiction or has jurisdiction. It shall be unlawful for any associate judge of the probate court to give advice or counsel to any individual on any matter of any kind whatsoever that has arisen directly or indirectly in his or her own court. Nothing in this chapter shall be construed to limit in any way the ability of an associate judge of the probate court to serve as or offer advice in his or her role as a judge advocate or in any other military role in an active duty or reserve component of the United States Army, United States Navy, United States Marine Corps, United States Coast Guard, United States Air Force, United States National Guard, Georgia National Guard, Georgia Air National Guard, Georgia Naval Militia, the Georgia State Defense Force, or in the National Guard or Air National Guard of any state or territory of the United States.

(2) Subsection (b) of Code Section 15-9-2 regarding a judge's limitations on the fiduciary role shall apply to all associate judges of the probate court.

## **15-9-1.1. Required training courses; attendance record; expenses.**

- (a)** Any individual who is elected, appointed, or becomes a judge of the probate court by operation of law after January 1, 1990, after taking office as judge of the probate court, shall satisfactorily complete a new judge orientation training course prescribed by the Probate Judges Training Council and the Institute of Continuing Judicial Education of Georgia at the first occasion such course is offered. Such judge shall complete an attendance record of such training issued by the Institute of Continuing Judicial Education of Georgia and file it with the Probate Judges Training Council.
- (b)** Each judge of the probate court shall be required to complete additional training prescribed by the Probate Judges Training Council and the Institute of Continuing Judicial Education of Georgia during each year he or she serves as a judge of the probate court and complete an attendance record of such training issued by the Institute of Continuing Judicial Education of Georgia and file it with the Probate Judges Training Council.
- (c)** Any judge who fails to complete the new judge orientation training course as required by subsection (a) of this Code section or to earn the required cumulative annual minimal credit hours of training during any one-year period after the new judge orientation training may be given a six-month administrative extension by the Probate Judges Training Council during which to fulfill this requirement. Individual requests for extensions beyond the initial six-month extension for reasons of disability, hardship, or extenuating circumstance may be approved on a case-by-case basis by the Probate Judges Training Council. Upon failure to earn the required hours within the six-month extension period or additional extension period or periods granted, the Probate Judges Training Council shall promptly notify the Judicial Qualifications Commission which shall recommend to the Supreme Court removal of the probate judge from office unless the Judicial Qualifications Commission finds that the failure was caused by circumstances beyond the control of the probate judge.
- (d)** All expenses of training authorized or required by this Code section, including any tuition which may be fixed by the Institute of Continuing Judicial Education, shall be paid by the probate judge or probate judge elect taking the training; but the probate judge or probate judge elect shall be reimbursed by the Institute of Continuing Judicial Education of Georgia to the extent that funds are available to the institute for such purpose; provided, however, that if such funds are not available, each probate judge or probate judge elect shall be reimbursed from county funds by action of the county governing authority.