

SUPREME COURT OF GEORGIA

Atlanta October 5, 2007

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

It is ordered that the Uniform Rules for the Juvenile Courts be, and hereby are, amended as follows:

Rule 1.3 addressing certification requirements for a judicial officer is amended, so that the new Rule 1.3 will read as follows:

Rule 1.3. Certification of Judicial Officers. For the purposes of this rule judicial officers shall include judges and associate judges. Each judicial officer exercising juvenile court jurisdiction shall become certified after participation each year in at least one seminar established by the Council of Juvenile Court Judges, in conjunction with the Institute of Continuing Judicial Education of Georgia. Any judge pro tempore who sits as juvenile court judge for at least thirty (30) days during a calendar year, in order to serve in the capacity in the following calendar year, must become certified by attending at least one seminar of the type described above. Superior court judges may meet this requirement by attending seminars held in conjunction with the seminars for superior court judges provided by the Institute of Continuing Judicial Education. Judicial officers shall not exercise juvenile court jurisdiction after January 1st of each year unless their Council certifies that annual training has been accomplished or unless the judicial officer is in the first year of his or her initial appointment. The Council of Juvenile Court Judges shall certify the attendance of juvenile court judicial officers; the Council of Superior Court Judges shall certify the attendance of superior court judges who sit as juvenile court judges. Determination of certification will be based upon the completion of the requirements for certification set out in O.C.G.A. § 15-11-20. Each Council shall notify each judicial officer of that class of courts of his or her status relative to certification. Failure to provide written notification to the judicial officer shall not affect the judicial officer's authority to exercise jurisdiction. The period of certification shall begin on January

1st of the year following completion of the requirements and shall extend through December 31st of that same year. If, on January 1st of each year, certification has not been attained by a judicial officer, the appropriate Council of Judges may in hardship cases only grant an extension until the completion of the next seminar for the judicial officer to become certified.

A new Section 30. Maintenance of Evidence and a new Rule 30.1, relating to maintenance of evidence, will be added and read as follows:

Section 30. Maintenance of Evidence.

30.1. Rule for the Maintenance of Evidence. The Clerk of Court, Court Reporter, or other designated court personnel shall maintain a log or inventory of all items admitted as evidence in a juvenile court proceeding. Such log or inventory shall include the relevant case number, the names of the parties, the name and official position of the custodian of the items, the location where the items are stored, and a description of each item. Each item included in the log or inventory shall be individually identified with the case number and the exhibit number. The designated custodian shall update the log or inventory upon any change of the custodian or the location of the items.

During court proceedings, dangerous or contraband items shall be maintained by the designated custodian in the courthouse or other such location as allowed by law, and made available to the Court Reporter, if applicable. At all other times, such items shall be in the custody of the Sheriff's office or other appropriate law enforcement officer along with a copy of the log or inventory. The Sheriff or other law enforcement officer shall acknowledge transfer of the item(s) from the designated custodian with a signed receipt, and the receipt shall be retained with that individual's log or inventory.

In all cases, the Court Reporter shall be granted the right of access to all items admitted as evidence necessary to complete the transcript of the case.

Evidence in the possession of the designated custodian shall be maintained in accordance with the law. In the event that an item of evidence is to be released, the designated custodian shall be responsible for recording on the evidence log the name

of the individual to whom the item is to be released, the date of the release, and the type of action taken for the release. The designated custodian shall also be responsible for the destruction of any item of evidence as ordered by the court.

The Clerk of Court, Court Reporter, Prosecutor, Sheriff, or other individual who is the custodian of an item of original evidence shall petition the court prior to making a substitute reproduction of such item. Upon grant of such petition, the court shall enter the order for substitution into the log or inventory.

Within thirty days after disposition of the case, the designated custodian of the items of

evidence which are the subject of this rule shall transfer the items of evidence along with the evidence log or inventory to the Clerk of Court of the originating court.