

House Bill 630

By: Representatives Oliver of the 82nd, Willard of the 51st, Fleming of the 121st, Welch of the 110th, and Caldwell of the 131st

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to probate courts, so as to change certain general provisions for probate courts; to change provisions relating to training, the appointment of associate probate judges, bond, and the filling of a vacancy of the probate court judge and procedures connected thereto; to repeal provisions relating to the sheriff acting as administrator under certain circumstances; to change provisions relating to The Council of Probate Judges of Georgia; to change provisions relating to the authority of retired probate judges to perform marriage ceremonies; to conform cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to probate courts, is amended by revising Article 1, relating to general provisions for probate courts, as follows:

"ARTICLE 1

15-9-1.

The judges of the probate courts are elected by the people of their respective counties at the time and in the manner prescribed by law. They shall hold their offices for four years and until their successors are elected and qualified, unless sooner removed. Their terms shall begin on January 1 and expire on January 1 four years next thereafter.

15-9-1.1.

~~(a) Any person who is or was elected, appointed, or made a judge of the probate court by operation of law on or prior to January 1, 1990, shall satisfactorily complete the required initial training course in the performance of his or her duties conducted by the Institute of~~

~~Continuing Judicial Education of Georgia and shall file a certificate of such training issued by such institute with the Probate Judges Training Council on or before December 31, 1990, in order to become a certified judge of the probate court. The time and place of such training course and number of hours shall be determined by the Probate Judges Training Council and the Institute of Continuing Judicial Education of Georgia.~~

~~(b)(a)~~ Any person individual who is elected, appointed, or becomes a judge of the probate court by operation of law after January 1, 1990, ~~and who does not~~ shall satisfactorily complete ~~the initial~~ a new judge orientation training course prescribed by the Probate Judges Training Council and the Institute of Continuing Judicial Education of Georgia ~~or who does not file a certificate 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 within ~~one year~~ two years after taking office as a judge of the probate court ~~shall, subject to subsection (d) of this Code section, become a certified judge of the probate court upon completion of such requirements at any later time.~~

~~(c)(1)(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 ~~after the initial year of training and shall file a certificate of such additional~~ 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.

~~(2) For the calendar years 2009 and 2010 only, the Probate Judges Training Council may suspend, in whole or in part, the training requirements of this subsection. If the council suspends such requirements, and if any probate judge has completed all or a portion of the required training prior to suspension of the training requirements, credit for the training so completed shall be carried over and applied to calendar year 2010 or 2011.~~

~~(d)(c)~~ Any judge who fails to ~~become a certified judge within one year~~ complete the new judge orientation training course within two years after taking office as a judge of the probate court or to earn the required cumulative annual minimal credit hours of training during any one-year period after the ~~initial year of~~ 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 ~~facts~~ circumstances beyond the control of the probate judge.

~~(e)~~(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.

15-9-2.

(a)(1) Except as otherwise provided in subsection (c) of this Code section, no ~~person~~ individual shall be eligible to offer for election to or hold the office of judge of the probate court unless the ~~person~~ individual:

(A) Is a citizen of the United States;

(B) Is a resident of the county in which the ~~person~~ individual seeks the office of judge of the probate court for at least two years prior to qualifying for election to the office and remains a resident of such county during the term of office;

(C) Is a registered voter;

(D) Has attained the age of 25 years prior to the date of qualifying for election to the office, but this subparagraph shall not apply to any ~~person~~ individual who was holding the office of judge of the probate court on July 1, 1981;

(E) Has obtained a high school diploma or its recognized equivalent; and

(F) Has not been convicted of a felony offense or any offense involving moral turpitude contrary to the laws of this state, any other state, or the United States.

(2) Each ~~person~~ individual offering as a candidate for the office of judge of the probate court shall file an affidavit with the officer before whom such ~~person~~ individual has qualified to seek the office of judge of the probate court prior to or at the time of qualifying as a candidate. The affidavit shall affirm that the ~~person~~ individual meets all the qualifications required by subparagraphs (A), (C), (D), (E), and (F) of paragraph (1) of this subsection and either subparagraph (B) of paragraph (1) of this subsection or subsection (c) of this Code section.

(b) The judge of the probate court ~~cannot~~ shall not, during his or her term of office, be executor, administrator, or guardian, or other agent of a fiduciary nature required to account to his or her court. When any ~~person~~ individual holding such trust is elected judge of the probate court, his or her letters and powers immediately abate upon his or her qualification. However, a judge of the probate court may be an administrator, guardian,

or executor in a case where the jurisdiction belongs to another county or in a special case ~~where~~ when he or she is allowed by law and required to account to the judge of the probate court of another county.

(c) In all counties of this state which have a population of 550,000 or more according to the United States decennial census of 1980 or any future such census, a chief deputy clerk of the probate court having served as chief deputy clerk for more than two years shall be eligible to fill a vacancy in the office of probate judge for the remainder of the unexpired term without regard to whether such chief deputy clerk meets any residency requirements otherwise imposed by law if the chief deputy clerk becomes a resident of the county before taking office as probate judge. Any probate judge taking office as authorized by the preceding sentence shall thereafter be eligible to succeed himself or herself so long as he or she remains a resident of the county.

15-9-2.1.

(a) Appointment, compensation, and term.

(1) The judge of the probate court may appoint one or more ~~persons~~ 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 a full-time~~ 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) ~~Full-time associate~~ 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.

~~(5) The term of employment of an associate judge of the probate court shall run concurrently with the term of the elected judge of the probate court pursuant to Code Section 15-9-1.~~

(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 ~~the~~ 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 ~~full-time and part-time~~ 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 full-time associate judge of the probate court to engage in any practice of law outside his or her role as an associate judge of the probate court.~~ It shall be unlawful for any ~~part-time~~ 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, ~~full-time or part-time~~, to give advice or counsel to any ~~person~~ individual on any matter of any kind whatsoever that has arisen directly or indirectly in his or her own court, ~~except such advice or counsel as he or she is called upon to give while performing the duties of an associate judge of the probate court.~~

(2) ~~The provisions of subsection~~ Subsection (b) of Code Section 15-9-2 regarding a judge's limitations on the fiduciary role shall apply to ~~both full-time and part-time~~ all associate judges of the probate court.

~~(f) Assumption of duties upon vacancy in the office of judge of probate court. Notwithstanding the provisions of subsection (c) of Code Section 15-9-2 or Code Sections 15-9-10, 15-9-11, and 15-9-11.1, the senior full-time associate judge of the probate court shall be the first in line to serve as judge of the probate court in the event of a vacancy in the office of the judge of probate court and shall dispense with any and all unfinished proceedings pursuant to Code Section 15-9-12. The associate judge of the probate court shall be eligible to fill a vacancy in the office of probate judge for the remainder of the unexpired term without regard to whether such associate probate judge meets any residency requirements otherwise imposed by law; however, the associate probate judge shall become a resident of the county before qualifying for election to the office of probate judge. Any associate probate judge taking office as authorized by this subsection shall thereafter be eligible to succeed himself or herself as long as he or she remains a resident of the county.~~

~~(g)~~(f) **Proceedings when an associate judge of the probate court is disqualified.** Whenever the judge of the probate court is ~~disqualified~~ unable to act in any case pursuant to Code Section 15-9-13, the associate judge of the probate court shall also be disqualified.

15-9-3.

No judge of a probate court shall engage, directly or indirectly, in the practice of law in his or her own name or in the name of another, as open or silent partner, or otherwise:

(1) In any case or proceeding in his or her own court;

(2) In another court in a case or matter of which his or her own court has, has had, or may have jurisdiction; or

(3) In any court or any matter whatever, ~~in~~ on behalf of or against any executor, administrator, guardian, trustee, or other ~~person~~ individual acting in a representative capacity whose duty it is to make returns to his or her court, except to give such advice or instructions as his or her duty may require ~~of him~~ as judge in his or her own court, for which he or she shall receive only such fees as are prescribed by law.

203 15-9-4.

204 (a) No ~~person~~ individual elected judge of the probate court in any county provided for in
205 this Code section shall engage in the private practice of law.

206 (b) Except as otherwise provided by subsection (c) of this Code section, in any county of
207 this state having a population of more than 90,000 persons according to the United States
208 decennial census of 2010 or any future such census and in which the probate court of such
209 county meets the definition of a probate court as provided by Article 6 of this chapter, no
210 person shall be judge of the probate court unless at the time of election, in addition to the
211 qualifications required by law, he or she has attained the age of 30 years and has been
212 admitted to practice law for seven years preceding election.

213 (c) A judge of the probate court holding such office on or after June 30, 2000, shall
214 continue to hold such office and shall be allowed to seek reelection for such office.
215 Notwithstanding the requirement that in certain counties the judge of the probate court be
216 admitted to practice law for seven years preceding election, no decision, judgment, ruling
217 or other official action of any judge of the probate court shall be overturned, denied, or
218 overruled based solely on this requirement for qualification, election, and holding the office
219 of judge of the probate court.

220 15-9-5.

221 If any judge of the probate court fails to account faithfully as executor, administrator, or
222 guardian after becoming judge, for all trusts he or she held at the time of his or her election,
223 ~~he is~~ such judge shall be ineligible for reelection.

224 15-9-6.

225 Before entering on the duties of their offices, the judges of the probate courts must take and
226 file the oaths required of all civil officers and, in addition, the following oath:

227 'I do swear that I will well and faithfully discharge the duties of judge of the probate court
228 for the County of _____, during my continuance in office, according to law,
229 to the best of my knowledge and ability, without favor or affection to any party, and that
230 I will only receive my legal fees. So help me God.'

231 15-9-7.

232 The judges of the probate courts ~~must~~ shall give bond or surety in the sum of \$25,000.00
233 \$100,000.00, which amount may be increased in any county by local Act, for the faithful
234 discharge of their duties as clerks of the judges of the probate courts. The county
235 governing authority shall pay such bond.

236 15-9-8.

237 The several judges of the superior courts in their respective circuits shall have the power
238 and it shall be their duty to qualify the judges of the probate courts of the several counties
239 in their circuits, to approve the official bonds of the judges of the probate courts, and to
240 cause the bonds to be returned to the Secretary of State with the dedimus, to be filed with
241 the office of the Secretary of State. In all cases a certified copy of the bond shall be
242 sufficient original evidence on which to bring an action and recover. ~~This Code section~~
243 ~~shall extend to clerks of the superior courts when serving as judges of the probate court~~
244 ~~during vacancies in that office, and such officers must qualify at or before the spring term~~
245 ~~of the court after their election.~~

246 15-9-9.

247 If, at any time during the term of the judge of the probate court, it is made satisfactorily to
248 appear to the judge of the superior court that the bond of the judge of the probate court is
249 insufficient or the security thereof insolvent, it shall be his or her duty to require other
250 security. On failure of the judge of the probate court to comply with the order of the
251 superior court judge, a vacancy shall be declared as if ~~he~~ such judge had failed to give
252 security in the first instance.

253 15-9-10.

254 (a) ~~Until a vacancy in the office of judge of the probate court is filled, the chief judge of~~
255 ~~the city or state court, as the case may be, shall serve as the judge and shall be vested with~~
256 ~~all the powers of the judge. If there is no such chief judge or if for some reason the chief~~
257 ~~judge cannot serve as judge, the clerk of the superior court of the county shall serve as~~
258 ~~judge and shall be vested with all the powers of the judge. In the event that the clerk of the~~
259 ~~superior court, for some reason, cannot serve as judge, the chief judge of the superior court~~
260 ~~of the county shall appoint a person to serve as judge; such person shall be vested with all~~
261 ~~the powers of the judge. If at any time there is a vacancy in the office of judge of the~~
262 ~~probate court, such vacancy shall be filled by a special election as set forth in Code Section~~
263 ~~15-9-11. Any individual serving during such vacancy shall be vested with all the powers~~
264 ~~of the judge of the probate court.~~

265 (b)(1) Until such time as a special election can be held, a vacancy shall be filled in the
266 following order of priority:

267 (A) By an associate judge of the probate court, in order of seniority. An associate
268 judge shall be eligible to fill a vacancy in the office of probate judge for the remainder
269 of the unexpired term without regard to whether such associate judge meets the
270 residency requirement set forth in subparagraph (a)(1)(B) of Code Section 15-9-2;

provided, however, that the associate judge shall become a resident of the county before qualifying for election to the office of probate judge. An associate judge of the probate court taking office as authorized by this subsection shall thereafter be eligible to succeed himself or herself so long as he or she remains a resident of the county; or (B) By the chief clerk of the probate court. In any county in which a chief clerk of the probate court has been appointed and such clerk meets all of the qualifications for serving as probate judge, then he or she shall discharge the duties of the office of judge of the probate court.

(2) If any individual designated in paragraph (1) of this subsection does not wish to serve as judge of the probate court to fill a vacancy, he or she shall express that desire by delivering such declination in writing to the chief judge of the superior court for the circuit to which the county is assigned.

(3) If there is no associate judge for the probate court and the chief clerk is not eligible to serve or all such individuals decline to serve, the chief judge of the superior court in the circuit to which the county is assigned shall appoint an individual to serve as judge during a vacancy.

(c) The board of county commissioners or, in those counties which have no commissioners, the chief judge of the superior court shall fix the compensation of the ~~person~~ individual who serves as judge until the vacancy is filled. The compensation shall be paid from the general funds of the county. The fees collected during such period of time shall be paid into the general funds of the county.

~~(b) Reserved.~~

15-9-11.

(a) When a vacancy occurs in the office of judge of the probate court in any county, it shall be the duty of the ~~person~~ individual who assumes the duties of the judge, as provided in Code Section 15-9-10, within ten days after the vacancy occurs, to order a special election for the purpose of filling the vacancy. ~~He or she~~ The election superintendent shall give notice of the special election by publication in the newspaper in which the citations of the judge of the probate court are published. The special election shall be held in accordance with Chapter 2 of Title 21. Notwithstanding the provisions of this subsection, if the vacancy occurs after January 1 in the last year of the term of office of the judge of probate court, the ~~person~~ individual assuming the duties of the judge of the probate court shall be commissioned for and shall serve the remainder of the unexpired term of office.

(b) ~~The person~~ If a special election is held, the individual elected to fill the vacancy shall be commissioned for the unexpired term.

~~15-9-11.1.~~

~~(a) Notwithstanding the provisions of Code Sections 15-9-10 and 15-9-11, in any county in which a chief clerk of the probate judge has been appointed and said chief clerk meets all qualifications for the office of probate judge, the person serving as chief clerk at the time of occurrence of a vacancy in the office of probate judge shall discharge the duties of the office of the judge of the probate court.~~

~~(b) Vacancies in the office of judge of the probate court having a chief clerk as provided for in subsection (a) of this Code section shall be filled as follows:~~

~~(1) The chief clerk shall discharge such duties of the judge of the probate court until the first day of January following the next succeeding general election which occurs more than 60 days after the vacancy or the expiration of the remaining term of office, whichever occurs first; and~~

~~(2) If the next succeeding general election is not one at which county officers are elected and is more than 60 days after the occurrence of the vacancy, a duly qualified person shall be elected judge of the probate court at a special election held at the same time as the general election. The person so elected shall take office on the first day of January following such election and shall serve for the remainder of the unexpired term of office.~~

~~(c) The chief clerk performing the duties as judge of the probate court shall receive the same compensation, less any longevity raises received by the prior judge, and shall be paid in the same manner, as such judge of the probate court would have received.~~

15-9-12.

All citations and other unfinished proceedings of the former judge of the probate court shall be disposed of by the successor as though there had been no vacancy.

15-9-13.

(a) Whenever a judge of the probate court is ~~disqualified~~ unable to act in any case ~~or~~ because of sickness, absence, or any other reason ~~is unable to act in any case~~, the judge of the probate court may appoint an attorney at law who is a member of the State Bar of Georgia to exercise the jurisdiction of the probate court. ~~If the judge of the probate court does not so appoint, the judge of the city or state court, as the case may be, shall exercise all the jurisdiction of the judge of the probate court in the case.~~ If, however, the inability of the probate judge to act arises from any unlawful act or the accusation of an unlawful act on the part of the probate judge, the probate judge ~~may~~ shall not appoint an attorney and only another judge shall exercise the jurisdiction of the probate court.

~~(b) If there is no such judge or if for some reason the judge cannot serve in the case, the clerk of the judge of the probate court shall exercise all the jurisdiction of the judge of the probate court in the case.~~

~~(c)(b)~~ If for any reason the clerk of the judge of the probate court cannot serve in such case fails to appoint an attorney to serve, the chief judge of the superior court shall appoint a person an individual to serve and exercise the jurisdiction of the judge of the probate court in the case.

~~(d)(c)~~ The compensation of the person individual serving as provided in this Code section shall be fixed by the board of county commissioners or, in those counties which have no county commissioners, by the chief judge of the superior court. The compensation shall be paid from the general funds of the county. All fees collected during ~~the~~ such service shall be paid into the general funds of the county.

15-9-14.

~~When the judge of the probate court is also the clerk of the superior court and there is no county administrator or other person upon whom the law casts the administration of unrepresented estates, such administrations are cast upon the sheriffs of the several counties, who must become such administrators~~ Reserved.

15-9-15.

(a) There is created a council to be known as 'The Council of Probate Court Judges of Georgia.' The council shall be composed of the judges ~~and judges emeriti~~ of the probate courts of this state. The council is authorized to organize itself and to develop a constitution and bylaws. The officers of said council shall consist of a president, ~~first vice president, second~~ president-elect, vice president, secretary-treasurer, and such other officers and committees as the council shall deem necessary.

(b) It shall be the purpose of The Council of Probate Court Judges of Georgia to effectuate the constitutional and statutory responsibilities conferred on it by law and to further the improvement of the probate courts and the administration of justice.

(c) Expenses of the administration of the council shall be paid from state funds appropriated for that purpose or from other funds available to the council.

(d) The council through its officers may contract with a person or firm including any member of the council for the production of educational material and compensate said member for producing such material, provided that funds are available to the council at the time of execution of the contract or will be available at the time of the completion of the contract and provided that the terms of the contract are disclosed to the full council and made available to the general public and news media. At the request of the council, the

374 Administrative Office of the Courts shall be authorized to act as the agent of the council
375 for the purpose of supervising and implementing the contract.

376 15-9-16.

377 A retired judge of a probate court of any county of this state shall be vested with the same
378 authority as an active judge of this state for the purpose of performing marriage
379 ceremonies. ~~For purposes of this Code section, a retired judge of a probate court shall be~~
380 ~~one who has served as probate judge not less than 12 years.~~

381 15-9-17.

382 (a) Notwithstanding the provisions of Code Section 15-9-122 or any other provision of law
383 to the contrary, in any action before the probate court in which the service of a minor or an
384 incapacitated adult is required, such service may be made by:

385 (1) Mailing by the probate court of a copy of the document to be served to the minor or
386 incapacitated adult by certified mail or statutory overnight delivery; and

387 (2) Serving the legal guardian or guardian ad litem of such minor or incapacitated adult
388 if such legal guardian or guardian ad litem:

389 (A) Acknowledges receipt of such service; and

390 (B) Certifies that he or she has delivered a copy of the document so served to the minor
391 or incapacitated adult.

392 (b) The acknowledgment and certification of the legal guardian or guardian ad litem and
393 the certificate of the mailing to the minor or incapacitated adult shall be filed with the court
394 as proof of such service.

395 15-9-18.

396 Whenever the sheriff transfers cash bonds to the clerk of the court, pursuant to Code
397 Section 15-16-27, the clerk of the probate court shall deposit such funds into
398 interest-bearing trust accounts, and the interest from those funds shall be remitted to the
399 Georgia Superior Court Clerks' Cooperative Authority in accordance with ~~the provisions~~
400 ~~of~~ subsections (c) through (i) of Code Section 15-6-76.1 for distribution to the Georgia
401 Public Defender Council."

402 SECTION 2.

403 Said chapter is further amended by revising paragraph (9) of subsection (b) of Code Section
404 15-9-30, relating to probate court jurisdiction and additional powers, as follows:

405 "(9) ~~Receive pleas of guilty and impose sentences in~~ Hear cases of violations of game
406 and fish laws;"

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SECTION 3.

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Said chapter is further amended by revising subsection (b) of Code Section 15-9-36, relating to the authority to appoint clerks, as follows:

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"(b) The appointed clerks, including the chief clerk of the probate judge, may do all acts

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the judges of the probate courts could do which are not judicial in their nature ~~and may act~~

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~~for judges of the probate courts in those cases in which they are authorized to act for the~~

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~~judge by Code Section 15-9-13.~~ The chief clerk of the probate judge shall also have the

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authority prescribed in Code Section ~~15-9-11.1~~ 15-9-10."

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SECTION 4.

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