A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to jurisdiction, power, and duties, so as to require and to provide for an oath for certain clerks of the probate court; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Article 2 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to jurisdiction, power, and duties, is amended by revising Code Section 15-9-36, relating to judges of probate courts as clerks thereof, chief clerk, powers of clerks, and uncontested matters, as follows:

"15-9-36.
(a) The judges of the probate courts are, by virtue of their offices, clerks of their own courts; but they may appoint one or more clerks, for whose conduct they are responsible, who hold their offices at the pleasure of the judge. The judges of the probate courts shall also have the authority to appoint one of their clerks as chief clerk of the probate judge
unless otherwise provided by local law. Any individual appointed as chief clerk shall take the oath provided for under subsection (d) of this Code section.

(b) The appointed clerks, including the chief clerk of the probate judge, may do all acts the judges of the probate courts could do which are not judicial in their nature. The chief clerk of the probate judge shall also have the authority prescribed in Code Section 15-9-10.

(c)(1) In addition to other powers granted to appointed clerks, the chief clerk of the probate judge or, if there is no chief clerk, a clerk designated by the judge may exercise all the jurisdiction of the judge of the probate court concerning uncontested matters in the probate court. Such clerk may exercise such power regardless of whether the judge of the probate court is present and shall take the oath provided for under subsection (d) of this Code section.

(2) The powers granted by paragraph (1) of this subsection shall be exercised only by a chief clerk or designated clerk who has been a member of the State Bar of Georgia for at least three years or has been a clerk in the probate court for at least five years.

(d)(1) Any individual appointed as chief clerk or as a designated clerk under paragraph (1) of subsection (c) of this Code section shall take the oath required of all civil officers and, in addition, the following oath:

'I do swear that I will well and faithfully discharge the duties of (chief clerk or designated clerk) of the probate court for the County of __________, during my continuance 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 oath provided for under paragraph (1) of this subsection shall be taken by such individual prior to discharging of his or her duties, shall be administered by the judge of the probate court, and, the taking of which, shall be recorded in the minutes of the probate court."
SECTION 2.

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