Rules and Regulations of the State of Georgia

Department 503 COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL

Current through Rules and Regulations filed through November 6, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. -- filed

eff. -- effective

R.-- Rule (Abbreviated only at the beginning of the control number)

Ch. -- Chapter (Abbreviated only at the beginning of the control number)

ER.-- Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapter 503-1 entitled "Probation Services" has been adopted. Filed on January 17, 2001, effective February 6, 2001.

Chapter 503-1 has been repealed and a new Chapter adopted. Filed January 25, 2005; effective February 14, 2005.

Rules 503-1-.01 to .39 have been repealed and new Rules adopted. Filed July 21, 2006; effective August 10, 2006.

Rules 503-1-.01 to .39 have been repealed and new Rules adopted. Filed November 30, 2007; effective December 20, 2007.

Rules 503-1-.01 to .39 have been repealed and new Rules adopted. Filed December 8, 2008; effective December 28, 2008.

Rules 503-1-.01 to .39 have been repealed and new Rules adopted. Filed May 26, 2009; effective June 15, 2009.

Rules 503-1-.01 to .39 have been repealed and new Rules adopted. F. June 15, 2011; eff. July 5, 2011.

Rules 503-1-.04, .20, .22, .26, .28, .36, .37 amended. Rules 503-1-.40 and .41 adopted. F. Sep. 5, 2014; eff. Sep. 25, 2014.

Rule 503-1-.21 amended. F. Apr. 15, 2015; eff. May 5, 2015.

Cite as Ga. Comp. R. & Regs. R. dept. 503, ADMINISTRATIVE HISTORY

Chapter 503-1. PROBATION SERVICES.

Rule 503-1-.01. Name.

The council shall be known as the County and Municipal Probation Advisory Council of Georgia.

Cite as Ga. Comp. R. & Regs. R. 503-1-.01
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Name" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011

Rule 503-1-.02. Purpose.

The purpose of the council is to promulgate rules and regulations regarding contracts or agreements for the provision of probation services; for the conduct of business by private entities providing probation services and county, municipal, or consolidated governments establishing probation systems; providing for the registration application and approval of private probation entities and county, municipal, or consolidated government probation systems; insuring that uniform professional and contract standards are practiced and maintained by private corporations, private enterprises or agencies, and county, municipal, or consolidated governments in rendering misdemeanor probation supervision, counseling and collection services to courts; and providing for the inspection and investigation of such entities and enforcement of registration requirements by the council.

Cite as Ga. Comp. R. & Regs. R. 503-1-.02
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Purpose" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.03. Legal Authority.

The governing statutes for the County and Municipal Probation Advisory Council are found in the OCGA § 42-8-100 to § 42-8-108

Cite as Ga. Comp. R. & Regs. R. 503-1-.03
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Legal Authority" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.04. Definitions.

Unless the context requires otherwise, the following words and terms shall have the following meanings:

(a) "Governing Authority" means the elected body of any county or municipality or consolidated government with statutory power to enter into written contracts with corporations, enterprises or agencies to provide public services.

(b) "Probation Entity" means any probation service, corporation, enterprise, or agency which enters into written contracts or agreements with courts to provide probation supervision, counseling, and collection services for all persons convicted of a misdemeanor and placed on probation by such court. A "probation entity" may be privately owned and operated or run by the governing authority of a county, municipality, or consolidated government.

(c) "Council" means the County and Municipal Probation Advisory Council.

(d) "Quorum" means the majority of the seats on the council that must be present for valid transaction of business.

(e) "Registration application" means the written application process a probation entity must complete in order to be an approved probation service provider.

(f) "Registration approval" means written authorization by the County and Municipal Probation Advisory Council to any probation entity to provide probation services. Registration approval is a prerequisite for initial and continued probation entity operation. It is granted and continued upon a showing of initial and continued compliance with the requirements set forth in these rules and regulations. Registration approval specifically authorizes a probation entity to enter into agreements with courts and governing authorities to provide probation services.

(g) "Probationer" means any misdemeanor offender sentenced by a court of this state and assigned to a probation entity for supervision, counseling, financial collections and compliance with any other court-ordered condition.

(h) "Reprimand" means a written notice to a probation entity for noncompliance of minor or first-time violations of requirements.

(i) "Revocation" means the termination by the council of the registration approval of a probation entity based upon failure to comply with requirements as set forth in these rules and regulations.

(j) "Moral Turpitude" means an act of baseness, vileness or depravity in the private and social duties which man owes to his fellow men or to society in general, contrary to the accepted and customary rule of right and duty between man and man. It is said to be restricted to the gravest offenses, consisting of felonies, infamous crimes, and those that are malum in se and disclose a depraved mind. Individuals convicted of a felony are excluded from serving as an owner, operator, director, agent, or employee of a probation entity. (Rule 503-1-.19(a)(3)) Misdemeanor offenses considered to involve moral turpitude include, but are not limited to pimping, soliciting for prostitutes, false swearing, and theft.

(k) "Conviction" means a finding or verdict of guilt, a plea of guilty, or a plea of nolo contendere in a criminal proceeding.

(l) "Suspension" means a temporary stop, a temporary delay, interruption, or cessation.

(m) "Volunteer" means a person who gives their services without any express or implied promise of remuneration.

(n) "Director" shall be any person who participates in the operations, marketing, marketing consulting or decision making of any probation entity. This would be any person who benefits financially either directly or indirectly from the entity. The definition of Director does not include individuals beneficially owning stock or other securities of a publicly-held corporation unless such individual (a) beneficially owns more than 5% of the voting capital stock of such corporation, or (b) otherwise meets the requirements of the definition of Director as set forth herein.

(o) "Five year Probation Officer Supervisor" experience in corrections, parole or probation services required by Rule 22 is interpreted as experience as a probation officer, parole officer, or corrections counselor.

Cite as Ga. Comp. R. & Regs. R. 503-1-.04
Authority: O.C.G.A. §§ 48-8-100(a), 42-8-101(b)(442-8-108.
History. Original Rule entitled "Definitions" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.
Amended: F. Sep. 5, 2014; eff. Sept. 25, 2014.

Rule 503-1-.05. Administration of the Council.

The County and Municipal Probation Advisory Council is assigned to the Administrative Office of the Courts for administrative purposes. The rules and regulations of the council will be administered by the staff director of the council.

Cite as Ga. Comp. R. & Regs. R. 503-1-.05
Authority: O.C.G.A. Secs. 42-8-101, 50-4-3.
History. Original Rule entitled "Administration of the Council" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.06. General Provisions.

The principal office of the council is: Suite 300, 244 Washington Street, SW, Atlanta, Georgia 30334-5900.

Cite as Ga. Comp. R. & Regs. R. 503-1-.06
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "General Provisions" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.07. Membership and Terms.

The County and Municipal Probation Advisory Council is composed of eleven voting members.

(a) Five members shall be designated by respective councils of courts for indeterminate terms:

1. One superior court judge designated by the Council of Superior Court Judges, representing a judicial circuit operating under a contract with a private probation entity;

2. One state court judge designated by the Council of State Court Judges, representing a county operating under a contract with a private probation entity;

3. One probate court judge designated by the Council of Probate Court Judges, representing a county operating under a contract with a private probation entity;

4. One magistrate court judge designated by the Council of Magistrate Court Judges, representing a county private operating under a contract with a private probation entity; and

5. One municipal court judge designated by the Council of Municipal Court Judges, representing a municipality private operating under a contract with a private probation entity.

(b) Five members shall be appointed by the Governor for terms of four years:

1. One sheriff;

2. One mayor or member of a municipal governing authority;

3. One county commissioner;

4. One public probation officer; and

5. One private probation officer or individual with expertise in private probation service by virtue of training or employment, currently serving in a judicial circuit operating under a contract with a private probation entity.

(c) One member shall be the Commissioner of Corrections or his or her designee for an indeterminate term.

(d) Subsequent vacancies on the council will be filled in the same manner as initially filled for unexpired terms. Members may not continue to serve on the council beyond the period for which originally appointed.

(e) Membership on the council does not constitute public office and no member shall be disqualified from holding public office by reason of membership.

Cite as Ga. Comp. R. & Regs. R. 503-1-.07
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Membership and Terms" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.08. Officers.

The officers of the council are a chairperson and vice chairperson

Cite as Ga. Comp. R. & Regs. R. 503-1-.08
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Officers" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.09. Election.

The council will annually elect a chairperson and vice chairperson from its membership in such a manner that represented components are not succeeded from one year to the next year. Officers will be elected from a majority of the members of the council

Cite as Ga. Comp. R. & Regs. R. 503-1-.09
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Election" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.10. Chairperson.

The chairperson will call meetings, notify members as required, preside at all meetings, name committees, represent the council with respect to releases to the media and in dealing with other agencies and entities, and perform such other duties and acts that pertain to the office.

Cite as Ga. Comp. R. & Regs. R. 503-1-.10
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Chairperson" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.11. Vice Chairperson.

The vice chairperson will preside at meetings of the council in absence of the chairperson. Upon the death, resignation, or during the disability of the chairperson, the vice chairperson will

perform the duties of the chairperson for the remainder of the chairperson's term or until a replacement is elected or until the disability ends, whichever first occurs

Cite as Ga. Comp. R. & Regs. R. 503-1-.11
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Vice Chairperson" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.12. Staff Director for the Council.

The staff director will be the custodian of all papers, documents, and other property of the council and will keep a record of all proceedings of meetings of the council

(a) The staff director will assist in the preparation of all notices, correspondence, policy statements, and opinions of the council as directed and will serve in an ex officio capacity and not have a vote in council activities.

(b) In addition, the staff director will perform other duties as may be assigned, either by the council or the director of the Administrative Office of the Courts.

Cite as Ga. Comp. R. & Regs. R. 503-1-.12
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Staff Director for the Council" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.13. Meetings.

The council will meet each quarter or at such times and places as necessary and convenient, or at the call of the chair or written request of three members.

Cite as Ga. Comp. R. & Regs. R. 503-1-.13
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Meetings" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.

Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.14. Committees.

The council may appoint committees as necessary.

Cite as Ga. Comp. R. & Regs. R. 503-1-.14
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Committees" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.15. Council Powers and Duties.

The council has the following powers and duties:

(a) Promulgate rules and regulations for the administration of the council, including rules of procedure for its internal management and control;

(b) Review the uniform professional standards and uniform contract standards for probation officers and uniform contract standards for probation contracts and submit a report with its recommendations to the General Assembly;

(c) Promulgate rules and regulations to implement those uniform professional standards for probation officers employed by a governing authority of a county, municipality, or consolidated government that has established probation services and uniform agreement standards for the establishment of probation services by a county, municipality, or consolidated government;

(d) Establish 40 hours of orientation for new probation officers and 20 hours of annual continuing education, provided that the 40 hour initial orientation shall not be required of any person who has successfully completed a probation or parole officer basic course of training certified by the Georgia Peace Officer Standards and Training Council or any probation officer who has been employed by a county, municipality, or consolidated government as of March 1, 2006;

(e) Promulgate rules and regulations relative to compliance and enforcement mechanisms that may include, but are not limited to, the imposition of sanctions and fines and the voiding of contracts or agreements;

(f) Promulgate rules and regulations for the registration of any private corporation, private enterprise, private agency, or county, municipality, or consolidated government providing misdemeanor probation services;

(g) Produce an annual summary report; and

(h) Promulgate rules and regulations requiring criminal records checks of all probation officers employed by a probation entity.

Cite as Ga. Comp. R. & Regs. R. 503-1-.15
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Council Powers and Duties" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.16. Reviews and Reports to the General Assembly.

The council will review all uniform professional standards and uniform contract and agreement standards and submit annual reports and make recommendations to the General Assembly.

Cite as Ga. Comp. R. & Regs. R. 503-1-.16
Authority: O.C.G.A. Secs. 42-8-101, 42-8-102.
History. Original Rule entitled "Reviews and Reports to the General Assembly" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011

Rule 503-1-.17. Confidentiality.

Reports, files, records, and papers relative to the supervision of probationers are given the following treatment:

(a) All reports, papers, records, and files relative to the supervision of probationers by a private corporation, private enterprise, private agency, or by a county, municipality, or consolidated government providing probation services, are confidential and available only to the affected county, municipality, consolidated government, the court, the Department of Audits and Accounts, appropriate law enforcement agencies acting within the normal course of business, the council, and the probationer.

(b) In the event of a transfer of the supervision of a probationer from a private corporation, private enterprise, or private agency, or county, municipality, or consolidated government providing probation services to the Department of Corrections, the Department of Corrections shall have access to relevant reports, files, records, and papers of the transferring entity.

(c) All reports, files, records, and papers of whatever kind relative to the supervision of probationers by private corporations, private enterprises, or private agencies, or by a county, municipality, or consolidated government providing probation services, shall not be subject to process of subpoena.

(d) Periodically, the council may prepare and distribute aggregate, statewide information regarding the status of probation activities.

Cite as Ga. Comp. R. & Regs. R. 503-1-.17
Authority: O.C.G.A. Secs. 42-8-101, 42-8-106.
History. Original Rule entitled "Confidentiality" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.18. Reserved.

Cite as Ga. Comp. R. & Regs. R. 503-1-.18
Authority: O.C.G.A. Secs. 42-8-43, 42-8-105.
History. Original Rule entitled "Effect of These Rules on Existing County Probation Systems" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: Rule reserved. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.19. Exclusions.

(a) The following persons may not own, operate, direct, or serve as an employee or agent of a probation entity:

1. Any employee of the council, or any spouse thereof;

2. Any person for whom owning, operating, directing or serving as an employee or agent would pose an actual, potential, or apparent conflict of interest due to the

existence of a fiduciary, business or personal relationship with any probationer or due to the existence of any other relationship that would place the owner, operator, employee or agent in a position to exert undue influence, exploit, take undue advantage of or breach the confidentiality of any probationer. Further, no judge, public probation officer or employee, employee of a court in this state, or any spouse thereof, to the extent services are to be provided within the same jurisdiction served by the judge, public probation officer, or court employee may own, operate, direct or serve as an employee or agent of a private probation entity;

3. Any person who has been convicted of a felony offense; or

4. Any person convicted of a domestic violence offense.

(b) Any owner, operator, director, employee or agent shall not own, operate, or have any interest in any finance business or lending institution which makes loans to probationers under its supervision.

(c) Any owner, operator, director, employee or agent shall not own, operate, or have any financial interest in, be an instructor, or be employed by any private entity which provides drug or alcohol education services or offers DUI Alcohol or Drug Use Risk Reduction Programs certified by the Department of Driver Services.

(d) Any owner, operator, director, employee or agent shall not specify, directly or indirectly, a particular alcohol or drug education program which a probationer may or shall attend. Upon request, probationers may be provided with the names of DUI Alcohol or Drug Use Risk Reduction Programs certified by the Department of Driver Services.

(e) Any owner, operator, director, employee or agent shall not own, operate, or have any financial interest in any private entity which provides ignition interlock services or shall not directly or indirectly refer probationers to specific ignition interlock service providers. This shall not prohibit furnishing probationers with the names and locations of all ignition interlock providers certified by the Department of Public Safety.

Cite as Ga. Comp. R. & Regs. R. 503-1-.19
Authority: O.C.G.A. Secs. 42-8-104, 42-8-114.
History. Original Rule entitled "Exclusions" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.20. Probation Entity Employee Standards.

Any employee, agent or volunteer who provides any service to offenders or has access to probation entity records, or who has telephone or face-to-face contact with offenders under Georgia supervision, or access to offender data, must meet the following requirements:

(a) Be at least 18 years of age;

(b) Sign a confidentiality statement agreeing to hold the records of the probation entity confidential, to be maintained in employee personnel files;

(c) Sign a statement cosigned by the probation entity director or his/her designee that the employee has received an orientation on these rules as well as operations guidelines relevant to that employee's job duties which shall be maintained in employee personnel files;

(d) Complete a criminal background check.

1. No person shall be employed who has been convicted of sufficient misdemeanors to establish a pattern of disregard for the law. Violations of misdemeanors when the employee has received a pardon shall not be considered.

2. No person shall be employed who has been convicted of or pled guilty or nolo contendere to any misdemeanor involving moral turpitude within 5 years preceding the date of employment.

3. No person shall be hired with an outstanding warrant for their arrest.

4. No person shall be hired with a pending charge in the following areas: felony, domestic violence, or misdemeanor involving moral turpitude.

(e) No person shall be employed who fails to possess, at a minimum a high school or equivalent diploma, excepting those participating in an established High School program;

(f) Complete an initial 16-hour block of instruction within six months of appointment, and 8 hours of annual in-service continuing education training program, relevant to the performance of their duties, and consisting of a curriculum approved by the council; and

(g) Employees may assist Probation Officers with case related administrative duties, but do not possess decision making authority.

Cite as Ga. Comp. R. & Regs. R. 503-1-.20
Authority: O.C.G.A. § 42-8-101.
History. Original Rule entitled "Private Probation Officer Standards" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Probation Entity Employee Standards" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Amended: F. Sep. 5, 2014; eff. Sept. 25, 2014.

Rule 503-1-.21. Probation Officer Standards.

The standards for any person employed as a probation officer with a probation entity are:

(a) At least 21 years of age at the time of appointment;

(b) Completed a standard two-year college course of study or 90 quarter hours or 60 semester hours from an accredited institution or have four years of law enforcement experience as acertified peace officer or jurisdictional equivalent, at the time of appointment; any private probation officer who was employed as of July 1, 1996 and who had at least six months of experience as a private probation officer, or any person employed as a probation officer by a county, municipality, or consolidated government as of March 1, 2006, shall be exempt from such college requirements. Documentation of education, law enforcement experience, and POST certification shall be maintained in the employees personnel files;

(c) Complete a 40-hour initial orientation program within six months of appointment, where required by law, and 20-hour annual in-service continuing education training program, consisting of a curriculum approved by the council; and

(d) Complete a criminal background check.

1. Under no circumstances shall any person convicted of a felony be employed as a probation officer, use the title probation officer or otherwise be responsible for the supervision of probationers.

2. No person shall be employed who has been convicted of sufficient misdemeanors to establish a pattern of disregard for the law, provided that, for purposes of this paragraph, violations of traffic law and other offenses involving the operation of motor vehicles when the employee has received a pardon shall not be considered.

3. No person shall be employed who has been convicted of or pled guilty or nolo contendere to any misdemeanor involving moral turpitude within 5 years preceding the date of employment.

4. No person shall be hired with an outstanding warrant for their arrest.

5. No person shall be hired with a pending charge in the following areas: felony, domestic violence, or misdemeanor involving moral turpitude.

Cite as Ga. Comp. R. & Regs. R. 503-1-.21
Authority: OCGA § 42-8-102.
History. Original Rule entitled "Qualifications of Owners, Directors and Agents" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.

Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Probation Officer Standards" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.
Amended: F. Apr. 15, 2015; eff. May 5, 2015.

Rule 503-1-.22. Qualifications of Owners, Directors, and Agents.

To be approved to operate a probation entity and continuously thereafter, owners, directors and/or agents must have the qualifications set forth below. These qualifications must be demonstrated at the time of registration application and at any other time reasonably requested by the council.

(a) Initial qualifications. Upon application for registration approval to operate a probation entity, the application must include at least one employed person who is responsible for the direct supervision of probation officers. This supervisor shall have a minimum of five years experience in corrections, parole or probation services; provided however, that the five-year experience requirement shall not apply to any such probation supervisor employed by a county, municipality or consolidated government which was engaged in the provision of probation services on April 15, 2006.

(a) Clear criminal record.

1. No owner, operator, director or agent may have been convicted of or pled guilty or nolo contendere to any crime which constitutes a felony in this or any other state unless a pardon has been obtained.

2. No person shall be employed who has been convicted of sufficient misdemeanors to establish a pattern of disregard for the law. Violations of misdemeanors when the employee has received a pardon shall not be considered.

(b) Age. Must be at least twenty-one years of age.

(c) Confidentiality statement. Each owner, director or agent must sign a council provided confidentiality statement agreeing to hold the identity of offenders and records confidential. Confidentiality statement shall be maintained in the employee personnel files;

(f) Private Probation Service Plan. The registration application must demonstrate through a written plan or sample contract form, the reasonable ability to furnish continuous service in compliance with probation entity requirements from the date operation commences. Private probation entity plans and contracts must minimally contain the following information and must be filed and maintained current with the council:

1. Description of the extent of services to be rendered by the entity;
2. Staff qualifications which meet or exceed the statute;
3. Criminal records checks completed on all staff in accordance with Rule 503-1-.26 and OCGA § 35-3-34;
4. Policies and procedures for staff training;
5. Bonding of staff;
6. Staffing levels and standards of supervision, including the type and frequency of contacts;
7. Collection procedures for handling court-ordered fines, fees, and restitution;
8. Procedures for handling indigent offenders;
9. Revocation procedures and circumstances;
10. Reporting and record keeping procedures;
11. Default and contract termination procedures; and
12. A schedule of the range of probation fees and charges assessed to the probationers supervised by the entity.

(g) Government Probation Service Plan. The registration application must demonstrate through a written plan or sample contract form, the reasonable ability to furnish continuous service in compliance with probation entity requirements from the date operation commences. Plans and contracts of a government probation entity that enters into agreements with a judge to provide probation services must minimally contain the following information and must be filed and maintained current with the council:

1. Description of the extent of services to be rendered by the local governing authority providing probation services;
2. Staff qualifications which meet or exceed the statute;
3. Criminal records checks completed on all staff in accordance with Rule 503-1-.26 and OCGA § 35-3-34;
4. Policies and procedures for staff training;
5. Staffing levels and standards of supervision, including the type and frequency of contacts;

6. Collection procedures for handling court-ordered fines, fees, and restitution;

7. Procedures for handling indigent offenders;

8. Revocation procedures and circumstances;

9. Reporting and record keeping procedures;

10. Default and contract termination procedures; and

11. A schedule of the range of probation fees and charges assessed to the probationers supervised by the entity.

(h) Ongoing qualifications.

1. Continued clear criminal record. Each owner, director, agent and employee must maintain a criminal record free of felony conviction or plea or misdemeanor convictions involving moral turpitude. In addition, each owner, director, agent and employee must notify the council in writing if he or she has been charged, arrested or pled guilty or nolo contendere to, or has been convicted of any misdemeanor involving moral turpitude or any felony, within ten business days of such event.

2. Continuing education. Each operator, director, agent and probation officer employed by a probation entity must successfully complete 40 hours of initial orientation training within six months of the beginning of operations, where required by law, and 20 hours of relevant continuing education courses every year.

3. Continued employment of probation officer supervisor. Each owner, director, operator, or agent must continually employ at least one person who is responsible for the direct supervision of probation officers. This supervisor shall have a minimum of five years' experience in corrections, probation, or parole services; excepting those programs operated by a county, municipality, or consolidated government which was engaged in the provision of probation services on April 15, 2006.

Cite as Ga. Comp. R. & Regs. R. 503-1-.22
Authority: O.C.G.A. §§ 42-8-101, 42-8-102, 42-8-107, 42-8-108.
History. Original Rule entitled "Registration" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Qualifications of Owners, Directors and Agents" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.
Amended: F. Sep. 5, 2014; eff. Sept. 25, 2014.

Rule 503-1-.23. General Probation Entity Responsibilities.

In addition to meeting all other probation entity requirements, every owner, operator, director or agent is responsible for the following:

(a) Entering into a written contract or agreement with each court for services provided;

(b) Providing services for the supervision, counseling and collection of court-ordered fines of probationers assigned to the probation entity by the court;

(c) The actions of all employees and agents carried out within the scope of employment, whether they are characterized as employees, agents or independent contractors;

(d) Training all employees who have contact with offenders to provide accurate information regarding their probation case and to maintain confidentiality;

(e) Maintaining an employee folder for every employee containing the job application, signed statements required by these rules, training records, law enforcement experience, POST certification, documentation of education, and criminal history record check information;

(f) Prohibit the solicitation of offenders for insurance, legal services, bail bonds, specific clinical evaluations or treatment providers, or any other product or service;

(g) Ensuring the quality of case management and execution of all court orders in a professional manner; and

(h) Complete accountability to the court in reporting the status of probation cases assigned to the probation entity for supervision.

Cite as Ga. Comp. R. & Regs. R. 503-1-.23
Authority: O.C.G.A. Secs. 42-8-101, 42-8-107.
History. Original Rule entitled "Private Probation Entity Registration and Approval Requirements" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "General Probation Entity Responsibilities" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.24. Registration.

All probation entities engaged in probation services shall initially submit a registration application and be approved by the council and re-register as often as necessary to maintain current, up-to-date information with the council. Registration application shall be approved prior

to engaging in or providing services to a court and shall be made utilizing forms and in such detail as the council may require. Failure or refusal to register or re-register shall subject the probation entity to sanctions or fines based upon individual circumstances

Cite as Ga. Comp. R. & Regs. R. 503-1-.24
Authority: O.C.G.A. Secs. 42-8-101, 42-8-107.
History. Original Rule entitled "Private Probation Entity Employees" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Registration" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.25. Probation Entity Registration and Approval Requirements.

No probation entity may operate without first registering and being approved by the council as set forth herein.

(a) Registration application. All registration applications must be submitted upon forms approved by the council, following a procedure outlined by the council. The application must include all information and documents designated by the council and must be truthful, accurate, and complete.

1. Initial approval. After receipt of a completed registration application evidencing that all owners, in the case of private probation entities, and the designated director have the qualifications set forth in rule 503-1-.22 and that other probation entity requirements are met, the council shall approve the probation entity. The council shall respond within 45 days with approval of registration or deficiency statement.

2. Ongoing approval. Once initially approved, a probation entity will remain approved as long as it remains in compliance with requirements. The council may require that certain documents and information be submitted on a periodic basis to verify continuing compliance with requirements. Such documents shall include, but not be limited to, financial records as they pertain to the assessment, collection, and disbursement of court-ordered monies, employee training records and criminal history record information.

(b) Additional information for verification. The council may require any applicant or approved probation entity to submit additional information or verification that is reasonably related to making a determination regarding initial approval or continued compliance with requirements.

(c) Non-transferability of registration approval. Approval of a probation entity is not transferable. Application for new (initial) registration approval must be submitted at least

30 days subsequent to any change in probation entity ownership or control. All new owners, directors or agents must meet the requirements set forth in rule 503-1-.22.

(d) Management and control by owners and directors. Registered owners, directors or agents are responsible for exercising management and control over operation of the probation entity.

(e) Validity of registration approval. All registration approvals issued pursuant to the laws and regulations are valid only so long as the probation entity agent of record is actively engaged in the operation of a probation entity. In the event the agent of record ceases to be actively engaged in the operation of a probation entity, the council must be notified. Inactivity of a probation entity for a period of 6 months will cause entity's registration to lapse. Application may be made to the council for an extension of time, which may be granted at the discretion of the council.

(f) Voluntary Withdrawal of Registration. Any owner, operator, director, or agent may voluntarily withdraw their registration for operation as a misdemeanor probation provider by submitting notice to the Council; provided, however, that said entity does not have any pending complaints, investigations, or Council action. Notice of Withdrawal of Registration may be submitted via certified mail to the principal address of the Council noted in Council Rule 503-1-.06.

Cite as Ga. Comp. R. & Regs. R. 503-1-.25
Authority: O.C.G.A. Secs. 42-8-101, 42-8-107.
History. Original Rule entitled "Private Probation Entity Employee Criminal Background Record Check" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Probation Entity Registration and Approval Requirements" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.26. Probation Entity Employee Criminal Background Record Check.

Required. All owners, operators, directors, agents or employees of a probation entity, who provide services to offenders, or have access to probation entity records, or who have face-to-face contact with offenders under Georgia supervision, or who have access to offender data will have a criminal background check completed by the Administrative Office of the Courts in accordance with OCGA § 35-3-34 and Council policy. The Council may also complete criminal records checks during employment as often as deemed necessary by the Council. The Administrative Office of the Courts shall report to the probation entity the names and results of the criminal background checks for all individuals. If necessary, the Administrative Office of the

Courts shall report the results of the criminal background check of the individual to the council for any needed action.

a. Providers are responsible for fingerprinting new employees through GAPS within 10 days of hire.

Cite as Ga. Comp. R. & Regs. R. 503-1-.26
Authority: O.C.G.A. § 42-8-101(e)(9).
History. Original Rule entitled "General Private Probation Entity Responsibilities" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Probation Entity Employee Criminal Background Record Check" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.
Amended: F. Sep. 5, 2014; eff. Sept. 25, 2014.

Rule 503-1-.27. Training and Staff Development.

The primary objective of the council's training curriculum is to insure that administrative employees, probation officers, and operators, receive sufficient training to enable them to provide probation services that are professional, competent and efficient. The curriculum consists of forty hours of initial training and twenty hours of annual in-service training

(a) Initial Orientation Training.

1. **Private probation entities.** All private probation entities providing probation services will provide 40 hours of initial orientation training to all private probation officers who were:

   (1) initially employed after January 1, 1996, or

   (2) employed for less than six months as of July 1, 1996. Private probation officers with evidence of satisfactorily completing a probation or parole officer basic course of training certified by the Georgia Peace Officer Standards and Training Council are exempt from the 40-hour initial orientation training requirement. Initial training of new probation officers shall be completed within the first six months of employment.

2. **Government probation entities.** All government probation entities providing probation services will provide 40 hours of initial orientation training to all probation officers. Probation officers with evidence of satisfactorily completing a probation or parole officer basic course of training certified by the Georgia Peace Officer Standards and Training Council, and any probation officer who has been

employed by a county, municipality, or consolidated government as of March 1, 2006, are exempt from the 40-hour initial orientation training requirement. Initial training of new probation officers shall be completed within the first six months of employment.

(b) Annual In-Service Training. All probation entities providing probation services will provide 20 hours of annual in-service training to all employed probation officers or employees responsible for the supervision of probationers. In-service training shall be completed on a calendar year basis. The initial orientation training hours completed during the first calendar year of employment shall also count towards satisfying the annual in-service training requirements for that same period.

(c) Probation Officer Training Curriculum.

1. Initial Orientation Training shall include:

   i. A 5-hour block of instruction covering General Probation Overview and consisting of: The History of Probation, Ethics and Professionalism, Probation Officer Liabilities and Responsibilities, Constitutional Law, and Probation Law;

   ii. A 20-hour block of instruction covering Offender Management and consisting of: Confidentiality, Intake, Preparation and Maintenance of Files, Case Documentation, Interviewing and Communication Skills, Available Sentencing Options, Financial Collections, Community Service, Alcohol and Substance Abuse, and Personal Welfare and Safety; and

   iii. A 15-hour block of instruction covering Legal Procedures and Reports and consisting of: General Report Writing Techniques, Violations, Delinquency Reports and Warrants, Courtroom Protocol, Testimony and Revocation Proceedings, First Offender Act, Case Termination Reports, Domestic Violence, and Statutory Changes and Updates.

2. Annual In-Service Training shall be on topics that relate to the criminal justice system and the operation of the probation entity.

(d) Training Responsibilities. Probation entities providing probation services are responsible for developing, presenting, or referring all employed probation officers to a training program consistent with the approved curriculum. The progress and completion of initial orientation and in-service training will be documented and maintained in probation entity files utilizing the forms approved by the council.

(e) Training Resources. Probation entities providing probation services may obtain training resource information from public libraries, local law enforcement agencies, local colleges and schools, and national professional associations such as the American Probation and Parole Association and the American Correctional Association. In developing probation

entity training plans, it is recognized that dissimilarities in entity policies, procedures and contracted services will result in a variation of emphasis placed on some curriculum topics.

(f) Trainer Requirement. Trainers will have expertise in the area of training. A college degree or POST certification is preferred. Probation entities shall maintain a description of the course and the contact information of the trainer on file. Training provided by professional training services shall be accepted so long as a description of the course and the trainer's contact information is maintained on file. These records shall be maintained for a period of not less than two years.

Cite as Ga. Comp. R. & Regs. R. 503-1-.27
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Training and Staff Development" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.28. Probation Entity Reports.

All probation entities shall provide the judge and the council with a quarterly probation entity activity report in such detail as the judge and council may require.

(a) Probation entity quarterly activity reports shall be submitted within 30 days after the close of each calendar quarter and shall be made utilizing forms approved by the council.

(1) Graduated sanctions for failure to submit quarterly reports 1, 2, 3, or 4 times within any 24 month period. The 1st offense results in a notice of delinquency.

(b) Probation entities shall provide other reports in such detail as the county, municipality, consolidated government, court, Department of Audits and Accounts or the council may require.

(c) All records of the probation entity shall be open to inspection as requested by the county, municipality, consolidated government, court, Department of Audits and Accounts or the council.

(d) The council may produce aggregate reports summarizing statewide probation activities.

Cite as Ga. Comp. R. & Regs. R. 503-1-.28
Authority: O.C.G.A. § 42-8-103.
History. Original Rule entitled "Private Probation Entity Reports" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.

Repealed: New Rule entitled "Probation Entity Reports" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.
Amended: F. Sep. 5, 2014; eff. Sept. 25, 2014.

Rule 503-1-.29. Probation Entity Records.

(a) Confidentiality. All records must be maintained in accordance with the confidentiality provisions of rule 503-1-.17.

(b) Required records. Each probation entity must maintain the following records for a period of two years and records must be available and accessible for inspection by the affected county, municipality, consolidated government, the court, the Department of Audits and Accounts or the council upon request:

1. All written contracts or agreements for probation services;
2. All court orders for all probationers assigned to the entity for supervision;
3. All accounting ledgers and related documents;
4. All payment receipts issued to probationers for all funds received;
5. All probation case history and management reports and documents;
6. All other documents pertaining to the case management of each probationer assigned to the entity for supervision;
7. The probation entity application for registration and supporting documents submitted to the council; and
8. The registration approval issued to the probation entity by the council.

Cite as Ga. Comp. R. & Regs. R. 503-1-.29
Authority: O.C.G.A. Secs. 42-8-101, 42-8-106.
History. Original Rule entitled "Private Probation Entity Records" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Probation Entity Records" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.30. Probation Entity Fees.

No probation entity shall assess, collect, or disburse any funds as it pertains to the collection of court-ordered monies, except by written order of the court or as required by State law.

(a) A current schedule of all probation fees must be filed by the probation entity.

(b) No probation entity, owner, director, agent, or employee may offer any program service or component for an additional fee unless the fee charge has been ordered by the court or as required by State law.

Cite as Ga. Comp. R. & Regs. R. 503-1-.30
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Inspections, Investigations, and Private Probation Entity Monitoring" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Probation Entity Fees" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.

Rule 503-1-.31. Collection and Disbursement of Funds by Probation Entities.

No owner, operator, director, agent or employee shall collect or disburse any funds as it pertains to OCGA § 42-8-100, except by written or oral order of the court or as required by State law. It shall be the duty of the probation entity to collect and disburse funds and faithfully keep the records of accounts as required by the court, council, or State law.

Cite as Ga. Comp. R. & Regs. R. 503-1-.31
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Enforcement of Private Probation Entity Requirements" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule of same title adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Collection and Disbursement of Funds by Probation Entities" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.32. Transfer of Probation Supervision Within Georgia and Without.

Probation case supervision may be transferred from one probation entity to another, within this state, with the approval of the court of original jurisdiction

(a) The Sending Probation Entity. The sending probation entity will be responsible for contacting the receiving probation entity and determining if the transfer is feasible. The sending probation entity shall provide the court of original jurisdiction with necessary information for consideration of the transfer.

(b) Approval of the Transfer. Upon approval of the transfer, the sending entity will instruct the probationer in writing as to where and when to report to the receiving entity and will forward a case management package to the receiving entity. The package should include: a copy of the sentence, a copy of all case history information, a statement of financial obligations and collections to date.

(c) Transfer of Cases Involving Financial Collections. When a case is transferred from one probation entity to another, the sending entity remains responsible for the collection of all original fines, fees and surcharges, with the exception of monthly probation supervision fees.

1. Monthly probation fees collected and retained by the sending entity shall not exceed an amount equal to the number of months that the probationer was actually supervised. As of the date of transfer, monthly probation supervision fees shall be collected and retained by the receiving probation entity.

2. The sending probation entity will remain responsible for the collection of all other financial obligations and is responsible for instructing the probationer regarding forwarding scheduled financial payments back to the original probation entity.

(d) Probation Violations by Transferred Probationers. When violations occur during supervision by the receiving entity, it is the responsibility of the receiving entity to investigate and report back to the sending entity in order for the court of original jurisdiction to be informed.

1. If the probationer fails to report or the case is determined to be unacceptable, the receiving entity should contact the sending entity in an effort to resolve the problem. If the situation cannot be resolved, the case management package should be returned to the sending entity with sufficient documentation of the problem and the original sending entity should inform the court of original jurisdiction of the situation.

2. If probation violations occur subsequent to a transfer, the sending entity and the court of original jurisdiction retains responsibility to pursue appropriate follow-up action.

(e) Sentence Expiration. When the terms of the probation sentence expire for a transferred probationer, the receiving entity will forward a brief confirmation report back to the original sending entity confirming that probation supervision has been terminated. In accordance with court policy, the sending entity will inform the court that probation supervision has been terminated.

(f) Transfer of Probation Supervision Into and Out of State. Probation case supervision will be transferred from a probation entity to a probation office or entity between states according to the requirements of the Interstate Compact for Adult Offender Supervision.

Cite as Ga. Comp. R. & Regs. R. 503-1-.32
Authority: O.C.G.A. Secs. 42-8-35, 42-8-101, 42-8-106.
History. Original Rule entitled "Terms and General Conditions of Probation" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule entitled "Private Probation Entity Fees" adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Transfer of Probation Supervision Within Georgia and Without" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.33. Notification of Probation Entity Sales, Mergers, or Acquisitions.

In the event a probation entity becomes associated with another corporation, enterprise or agency, or becomes consolidated with another government, whether through acquisition, merger, sale or any other such transaction, that probation entity shall inform the County and Municipal Probation Advisory Council of such change within 30 days after the effective date of the transaction. The written notice shall include the names, addresses and telephone numbers of all primary parties, the effective date of the merger or sale or consolidation, and the nature of the business relationship of the new probation entity. A violation of any provision contained in the applicable statute may result in a breach of contract for all probation services rendered

Cite as Ga. Comp. R. & Regs. R. 503-1-.33
Authority: O.C.G.A. Sec. 42-8-101.
History. Original Rule entitled "Private Probation Entity Fees" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule entitled "Collection and Disbursement of Funds by Private Probation Entities" adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Notification of Probation Entity Sales, Mergers or Acquisitions" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.34. Probation Entity Name, Location and Telephone Number.

(a) No probation entity may use any name like, or deceptively similar to, a name used by any other probation entity in this state. No probation entity may use the word "state" in any part of its name as to suggest that it is owned, operated, or endorsed by the State of Georgia.

(b) Change of location. The owner, director or agent must immediately notify the council in writing of any change in the location of the primary entity location or address.

(c) Change of telephone number. The owner, director or agent must notify the council of any change in the entity's telephone number.

Cite as Ga. Comp. R. & Regs. R. 503-1-.34
Authority: O.C.G.A. Sec. 42-8-38.
History. Original Rule entitled "Arrest of Probationer for Violation of Terms of Probation" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule entitled "Transfer of Probation Supervision Within Georgia" adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Probation Entity Name, Location and Telephone Number" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.35. Probation Entity Advertising and Solicitation.

Any probation entity that solicits business must meet the following requirements:

(a) Except as provided in subparagraph (b) below, a probation entity must be currently registered with the council in order to advertise in any manner and any advertisement must contain the full name of the probation entity;

(b) All probation entity telephone directory listings in both white and yellow pages must be listed with the probation entity registered name;

(c) No probation entity may advertise in any manner that is false or misleading, nor may any advertisement make any false or misleading claim;

(d) No probation entity may use the logo or the seal of the State of Georgia in any advertising or on any probation entity stationery or correspondence.

Cite as Ga. Comp. R. & Regs. R. 503-1-.35
Authority: O.C.G.A. Secs. 42-8-38, 42-8-101.
History. Original Rule entitled "Arrest of Probationer for Violation of Terms of Probation" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule entitled "Notification of Private Probation Entity Sales, Mergers or Acquisitions" adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Probation Entity Advertising and Solicitation" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.

Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.

Rule 503-1-.36. Inspections, Investgations, and Probation Entity Monitoring.

The council or its designated representative(s) are authorized and empowered to conduct inspections and investigations of probation entities to determine and monitor compliance with requirements.

(a) Inspections. The council or its designated representative(s) are authorized and empowered to conduct periodic inspections at any time during the established operating hours of such probation entity in order to assess compliance with requirements.

(b) Investigations. The council or its designated representative(s) are authorized and empowered to conduct investigations to determine whether any probation entity requirements have been, or are being violated by any probation entity. Such investigations may be conducted at any site, location, or place, may be initiated any time during operating or other reasonable hours, may continue during a pending administrative action initiated by the council, and may involve any person who may have information related to an alleged or suspected violation by a probation entity. Investigations may be initiated by the council, at its discretion, when it suspects actual or potential noncompliance with requirements on the part of a probation entity, or when any person alleges facts which, if true, likely would constitute a violation of requirements.

1. Consent to entry and access. A registration application or the approval by the council constitutes consent by the registration applicant and the owner of the premises for the council's representatives to enter the premises for the purpose of conducting an inspection, investigation, or monitoring.

2. Council representatives must be allowed immediate entrance and meaningful access to the probation entity premises and to sources of information determined by the council to be pertinent to making a full compliance determination. This information includes, but is not necessarily limited to: all staff, all parts of the premises, offender records related to the initial or continued registration approval of a probation entity.

3. The council additionally shall have the authority to require the probation entity to provide any relevant documents including originals where available or photocopies or portions thereof. This authority extends to documents to which confidentiality or privilege otherwise would attach; however any claim of confidentiality or privilege will be preserved and will not be considered to have been waived as a result of the council's access.

4. Cooperation with inspection. Probation entity staff, employees, representatives, and any agents thereof, must cooperate with any inspection or investigation by the

council and must provide, without delay, any information reasonably requested by council representatives.

(c) Noncompliance with probation entity requirements. The council will notify any probation entity found not to be in compliance with requirements. The council shall provide any such notification in writing and shall state the specific rule(s) violated and the factual basis for its finding of noncompliance. The probation entity then must correct all violations within a reasonable period of time, as determined by the council.

(d) History of compliance. Any Applicant who applies for registration approval; the council will consider the applicant's history of compliance in determining the applicant's eligibility for approval.

1. Any applicant whose registration approval has ever been revoked for falsifying probation entity records will not be approved.

2. Any applicant whose registration approval has been revoked for any other reason within the five-year-period prior to application will not be approved to operate a new probation entity.

3. The council may deny a registration application if the applicant has a poor history of compliance with requirements as evidenced by previous notices of noncompliance, suspension(s) or administrative fine(s).

Cite as Ga. Comp. R. & Regs. R. 503-1-.36
Authority: O.C.G.A. §§ 42-8-101(e)(6), 42-8-106.
History. Original Rule entitled "Community Service as Condition of Probation" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule entitled "Private Probation Entity Name, Location and Telephone Number" adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Inspections, Investigations, and Probation Entity Monitoring" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.
Amended: F. Sep. 5, 2014; eff. Sept. 25, 2014.

Rule 503-1-.37. Enforcement of Probation Entity Requirements.

The council shall have the authority to deny, suspend, and revoke the registration approval of a probation entity for noncompliance with requirements. Additionally, it shall have the authority to issue a written reprimand or assess administrative fines against any probation entity for noncompliance with requirements. In considering which sanction to impose, the council shall consider the probation entity's history of compliance, the seriousness of the violations, whether the probation entity voluntarily reported problems giving rise to any violation, and whether the

probation entity exhibited good faith efforts to correct areas of noncompliance prior or subsequent to their discovery by the council.

(a) Grounds for denial, suspension, revocation, reprimand or assessment of administrative fines. The council may base the denial, suspension, revocation, or assessment of an administrative fine upon any of the following applicable grounds:

1. Knowingly making any verbal or written false or misleading statement of material fact, or knowingly omitting to state a material fact in connection with a registration application or in connection with an inspection or investigation;

2. Failing or refusing to provide council representatives with meaningful access to the probation entity premises, staff, offender records, including refusing to provide the council representatives with documents reasonably necessary to making a compliance determination;

3. The applicant for registration approval having an overall poor record of compliance, including, but not limited to, denial of registration approval within the previous 12 months, registration revocation at any time in the past in this or any other state, or registration suspension within the previous two years;

4. Changing ownership of a private probation entity in order to avoid or avert the denial, revocation, or suspension of registration;

5. Altering or falsifying any probation entity records;

6. Failing or refusing to remit required reports as outlined in these rules;

7. Failing or refusing to comply with any of these rules and regulations, probation entity requirements or violating any law relating to the operation of a probation entity;

8. Failing or refusing to abide by, or comply with, any order or directive issued by the council pursuant to its authority as provided by law or by these rules and regulations;

9. Failing or refusing to properly supervise its officers, agents, or employees to the detriment of the public. The category of fine under part (c) of this section will be determined by the council based upon the egregiousness of the violation; and

10. Committing any act or omission that the council, by a majority vote, finds to be contrary to the spirit of these rules and regulations or contrary to the public good.

(b) Written reprimand or warning. The council in its discretion may choose to issue a written notice of noncompliance to probation entities for minor or first-time violations of requirements.

1. CMPAC staff shall notify the courts of significant delinquent practice(s) or criminal activity. In addition to the courts, the District Attorney (DA) and appropriate law enforcement agency of the jurisdiction wherein the criminal activity is suspected to have occurred shall be notified.

(c) Administrative fines. The council has the authority to assess an administrative fine, not to exceed $1,000 per violation, against any probation entity that fails to comply with any probation entity requirement. Payments of assessed fines are to be made to the council within 30 days after notice of assessment. All fine monies collected by the council will be remitted to the state general treasury. In determining the amount of the fine, the council may consider the seriousness of the violation, whether the same or any other probation entity requirement has been violated previously by the same probation entity owner, director, agent or employee, and whether procedures designated to prevent the violation were in place and were followed. When the council determines that a fine will be imposed, violations will be categorized based on the following and will rest on whether the same or similar violation has previously been cited:

1. CATEGORY I ($100 - $300). Violations involving probation entity operating requirements. This includes, without limitation, failure to maintain required records and documentation;

2. CATEGORY II ($200 - $700). Violations involving noncompliance with probation entity registration requirements. This includes, without limitation, failure to submit required periodic reports and documents;

3. CATEGORY III ($400 - $1,000). Violations involving fraud, providing false information or documents, failure to account or produce official court documents and reports, and any violations of the law as proved by a preponderance of the evidence.

(d) Revocation or suspension. The council, in its discretion, may choose whether to impose suspension or revocation against a probation entity. If suspension or revocation of registration approval is imposed in accordance with the provisions of OCGA § 50-13-18 of the Georgia Administrative Procedure Act, the revocation or suspension becomes effective on the date indicated by the council's order. Upon the termination of any period of suspension, and upon a showing that the probation entity has achieved full compliance with requirements and reinstatement requirements, the council shall reissue the registration approval. However, nothing in these rules shall be construed to prevent the council from denying probation entity registration approval prior to any hearing on such action.

(e) The council shall notify all courts served by the probation entity of any sanction imposed upon the entity for violating these rules and regulations.

(f) The council shall have the authority to take emergency action against a probation entity to immediately suspend its registration approval should the council find that the public

health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, in which case summary suspension of a registration may be ordered pending a proceeding for revocation or other action under the Administrative Procedures Act, OCGA § 50-13-18(c)(1), which proceeding shall be promptly instituted and determined.

(g) Pre-hearing conference. Prior to appearing before council, a pre-hearing conference may be held. The entity and its counsel, if any, a member of the Council's staff and an Assistant Attorney General may participate. The purpose of the conference is to discuss any issues in dispute and to provide the parties an opportunity to present any additional matters relevant to the alleged violations.

(h) Appearance before council. Prior to appearing before council as a result of an investigation, the Council/staff shall serve the affected entity with a notice to appear that contains a summary of the allegations, investigative findings, and alleged violations of rule or law.

Cite as Ga. Comp. R. & Regs. R. 503-1-.37
Authority: O.C.G.A. § 42-8-101(e)(6).
History. Original Rule entitled "Transfer of Probation Supervision" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule entitled "Private Probation Entity Advertising and Solicitation" adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule entitled "Enforcement of Probation Entity Requirements" adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.
Repealed: New Rule of same title adopted. F. Jun. 15, 2011; eff. July 5, 2011.
Amended: F. Sep. 5, 2014; eff. Sept. 25, 2014.

Rule 503-1-.38. Appeals of Sanctions Imposed by the Council.

(a) Any probation entity upon which the council has imposed any sanction set forth in 503-1-.37 of these rules may appeal that decision by submitting a request for a hearing to the council within fifteen (15) calendar days from the date of service of any notice of sanction by the council.

1. A request for a hearing is defined as a clear written expression by the affected probation entity or authorized representative on its behalf to the effect that it wants the opportunity to contest its case. The format of a request for hearing shall consist of two parts:

   (i) Part One shall identify each point of appeal asserted. For each point of appeal asserted, there shall also be a short, concise statement showing why the probation entity should be granted relief on that point;

(ii) Part Two shall contain the remainder of the probation entity's argument on appeal.

2. Mailing by certified mail to the last known address of the probation entity shall constitute proper service.

(b) Hearings on appeals filed by probation entities pursuant to this rule shall be conducted pursuant to Chapter 13 of Title 50 of the Official Code of Georgia Annotated, the Georgia Administrative Procedure Act, and shall be conducted by a hearing officer (Administrative Law Judge) appointed by the Chief Administrative Law Judge of the Office of State Administrative Hearings (O.S.A.H.), which hearing officer shall have all the power and authority set forth in the Georgia Administrative Procedure Act, and may preside at any conferences, reviews, or hearings scheduled and/or conducted.

(c) The council or hearing officer may deny or dismiss a request for a hearing for the following reasons:

1. It has been withdrawn by the requesting probation entity;

2. If the affected probation entity or his representative fails to appear at a hearing or a settlement conference scheduled for such affected probation entity; or

3. If the affected probation entity or its representative does not submit a written request for a hearing within fifteen (15) days after service of the notice of sanction.

(d) Appeals of decisions of the hearing officer shall be conducted pursuant to the applicable provisions of the Georgia Administrative Procedure Act.

Cite as Ga. Comp. R. & Regs. R. 503-1-.38
Authority: O.C.G.A. Secs. 42-8-101, 50-13-18.
History. Original Rule entitled "Notification of Private Probation Entity Sales, Mergers or Acquisitions" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule entitled "Appeals of Sanctions Imposed by the Council" adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.

Rule 503-1-.39. Severability.

In the event that any rule, sentence, clause or phrase of any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full

force and effect, as if such rule or portions thereof so determined, declared, or adjudicated invalid or unconstitutional were not originally a part of these rules.

Cite as Ga. Comp. R. & Regs. R. 503-1-.39
Authority: O.C.G.A. Secs. 42-8-101, 50-13-18.
History. Original Rule entitled "Private Probation Entity Name, Location and Telephone Number" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: New Rule entitled "Severability" adopted. F. Jan. 25, 2005; eff. Feb. 14, 2005.
Repealed: New Rule of same title adopted. F. July 21, 2006; eff. August 10, 2006.
Repealed: New Rule of same title adopted. F. Nov. 30, 2007; eff. Dec. 20, 2007.
Repealed: New Rule of same title adopted. F. Dec. 8, 2008; eff. Dec. 28, 2008.
Repealed: New Rule of same title adopted. F. May 26, 2009; eff. June 15, 2009.

Rule 503-1-.40. 2011 Immigration Act.

All providers must comply with the 2011 Immigration Act. For future registration renewalsall directors shall submit the lawful presence affidavit.

Cite as Ga. Comp. R. & Regs. R. 503-1-.40
Authority: O.C.G.A. § 50-36-1.
History. Original Rule entitled "Private Probation Entity Advertising and Solicitation" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: F. Jan. 25, 2005; eff. Feb. 14, 2005.
Adopted: New Rule entitled "2011 Immigration Act." F. Sep. 5, 2014; eff. Sept. 25, 2014.

Rule 503-1-.41. Confidentiality of Complaints.

The "Complaint Form" shall not be considered an initial incident report. The complaint form shall remain confidential until the investigation of the complaint is completed. When the provider is charged with a violation by the Council he/she has a right to view the complaint.

Once a possible violation of rule or law has been identified by council/staff the council/staff shall open an investigation and notify the entity/agent/etc. of the investigation against that entity in writing. A copy of the complaint or summary of the complaint shall be sent to the entity/agent. Identifying information of complainants may be redacted. Staff shall summarize the allegations, investigative findings, and alleged violations of rule or law in a case summary. A courtesy copy of the case summary shall be forwarded to the attorney general's office prior to conducting a pre-hearing conference. A copy of the case summary shall also be delivered to the affected entity.

Cite as Ga. Comp. R. & Regs. R. 503-1-.41
Authority: O.C.G.A. § 42-8-101.
History. Original Rule entitled "Appeals of Sanctions Imposed by the Council" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: F. Jan. 25, 2005; eff. Feb. 14, 2005.
Adopted: New Rule entitled "Confidentiality of Complaints." Sep. 5, 2014; eff. Sept. 25, 2014.

Rule 503-1-.42. Repealed.

Cite as Ga. Comp. R. & Regs. R. 503-1-.42
Authority: Authority O.C.G.A. Sec. 50-13-18.
History. Original Rule entitled "Severability" adopted. F. Jan. 17, 2001; eff. Feb. 6, 2001.
Repealed: F. Jan. 25, 2005; eff. Feb. 14, 2005.