

<b>2014 Code</b>	<b>New Juvenile Code - Article 1, 3, 4, 8, 10 Dependency, TPR, Parental Notification, Emancipation</b>
§15-11-1	General Purpose of Title 15, Chapter 11
§15-11-2 (1 through 76)	Definitions
§15-11-3	Direct Calendaring
§15-11-5	Measuring Time Limits
§15-11-7	Court of Inquiry
§15-11-10	Exclusive Jurisdiction
§15-11-11	Concurrent Jurisdiction
§15-11-12	Dual Jurisdiction Child
§15-11-13 & 14	Guardianship Of the Person
§15-11-15	Transfer from Superior Court
§15-11-19	Party Right to be present & heard
§15-11-20, 21, 22, 23, 24 & 25	Mediation Procedures
§15-11-26	Best Interest of Child Factors to be Considered
§15-11-27	Court may order examination of Child before filing
§15-11-29	Protective Order
§15-11-30	Right of Legal Custodian of Child
§15-11-31	Contempt Power over an Adult
§15-11-32	Set Aside Court Order, Modification or Vacation of Court Order, Basis for Modification
§15-11-33	Transfer of Reunification CasePlan
§15-11-50 to §15-11-69	Article 2 Court Administration
§15-11-100	Purpose
§15-11-101	Evaluations of Child & Parent Exparte & Before Filing
§15-11-102(a, b & c)	Preliminary Protective Hearing - PPH
§15-11-102 (d)	Initial Periodic Review
§15-11-102 (e & f)	Permanency Hearing
§15-11-103	Child's Attorney Appointment Required and Other party attorney appointment
§15-11-104 (a, b, c)	Guardian ad litem appointment required DUAL Appointment allowed
§15-11-104 (d)	CASA
§15-11-105 (a & b)	GAL Best Interest Determination Factors
§15-11-105 (c)	GAL Duties and Responsibilities, Minimum unless unreasonable
§15-11-105 (d & e)	GAL Participation & Access

§15-11-105 (f,g,h)	GAL Information Confidential, Venue Change
§15-11-106	CASA
§15-11-107	Religious, nonmedical healing & exception to Dependency
§15-11-108	Post Adjudication Notices
§15-11-109	Foster Parent / Caregiver of Child Notification
§15-11-110	Continuances
§15-11-111	At Any Hearing Juvenile Court May Order
§15-11-112 (a)	Visitation, Ordered by the Court
§15-11-112 (b)	Visitation presumed unsupervised unless
§15-11-112 (c)	Visitation modification
§15-11-113	Date Child entered foster care
§15-11-125	Venue
§15-11-130	7 Day Emergency Of Caretaker then DFCS Custody
§15-11-131	24 Hour Physician Retaining Protective Custody
§15-11-132	Order of Removal & Preliminary Protective Hearing, Notice
§15-11-133	Removal authorized & Individuals Who May Remove a Child
§15-11-134	Order Of Removal Contrary to Welfare Requirement
§15-11-135 (a,b,c & d)	Foster Care Prior to Dependency Hearing
§15-11-135 (e)	Sibling Co-placement & Visitation
§15-11-145 (a,b,c)	Preliminary Protective Hearing (PPH) Timing & Notice
§15-11-145 (d)	Preliminary Protective Hearing (PPH) Right to Participate
§15-11-145 (e)	Preliminary Protective Hearing (PPH) May Participate
§15-11-145 (f)	Preliminary Protective Hearing (PPH) Hearing Begins
§15-11-145 (g)	Preliminary Protective Hearing (PPH) If Child Not returned
§15-11-146 (a)	Preliminary Protective Hearing (PPH) Findings
§15-11-146 (b)	Preliminary Protective Hearing (PPH) Findings
§15-11-146 (c,d,e,f)	Preliminary Protective Hearing (PPH) Court Findings Required to Remove
§15-11-150	Who Can File Dependency Petition
§15-11-151	Timing to File Dependency Petition
§15-11-152	Contents of Dependency Petition
§15-11-153	Amend Dependency Petition
§15-11-160	Summons to Child 14 or older & Parties
§15-11-161	Summons and Service to Party, Personal Service & Publication
§15-11-162	Willful Failure to Appear Sanctions

§15-11-163	Provisional Hearing Requirements
§15-11-170 (a)	Discovery Available to any party upon written request
§15-11-170 (b)	Discovery Requires Court Order or Written Consent of Person Permitting Access to Protected Information
§15-11-170 (c)	Discovery Reciprocal Discovery Contents
§15-11-170 (d)	Discovery – Timing, Continuing Discovery Response required
§15-11-170 (e)	Discovery, Motion for Discovery if Refusal or Denial of Consent to Discoverable Information
§15-11-170 (f)	Deposition of Child
§15-11-170 (g)	Sanction for Failure to Comply
§15-11-170 (h)	Court May order Disclosure
§15-11-170 (i)	Restriction on use of Discovery
§15-11-180	Standard of Proof
§15-11-181 (a)	Timing of Adjudication, Possible Dismissal
§15-11-181 (b)	Persons with Right to Participate in Adjudication
§15-11-181 (c)	Persons Allowed to Participate in Adjudication
§15-11-181 (d)	Rules of Evidence Apply – Privilege exception
§15-11-181 (e)	Findings of Fact
§15-11-181 (f)	Dismissal
§15-11-181 (g)	Disposition Timing
§15-11-181 (h)	Substance Abuse finding
§15-11-181 (i)	Scheduling of next Hearings
§15-11-190 & 191	Social Study Ordered & Contents
§15-11-200	Caseplan Requirements
§15-11-201	Caseplan, Contents
§15-11-202 (a,b,c)	Reasonable Efforts (RE)
§15-11-202 (d, e)	Reasonable Efforts (RE) Required At Each Type of Hearing & Burden of Showing RE
§15-11-202 (f, g, h)	Reasonable Efforts (RE) Considerations by Court
§15-11-202 (i, j)	Reasonable Efforts (RE), Concurrent RE, RE in Every Order
§15-11-203	No Reunification Efforts Required When, Permanency Plan Hearing Required within 30 days
§15-11-204	Non Reunification Hearing, DFCS Burden, NR Presumption, Permanent Guardianship
§15-11-210	Disposition Hearing Evidence in Disposition

§15-11-211	Diligent Search Required, Timing & Continuing Diligent Search, Components of a Diligent Search, Notices to Relatives is Part of Diligent Search
§15-11-212	Disposition Order Options
§15-11-213	Disposition Order Contents Considerations shall be made by the Court
§15-11-214	Expiration of Dependency Court Orders - NONE
§15-11-215	Change of Placement, Procedure for Notifying Court of Child's Placement Changes Request for Court Hearing on Placement Change
§15-11-216	Reviews in Court Initial Periodic Review in Court at 75 days
§15-11-217	Citizen Panel Reviews
§15-11-218	Order Following Citizen Panel Review Or Periodic Review Hearing
§15-11-230	Permanency Plan Hearing – Initial & Subsequent Must Be In Court & By Judge
§15-11-231	Prior to Permanency Plan Hearing DFCS to Submit Report Recommending Permanency Plan Written Transitional Living Plan Contents
§15-11-232	Permanency Plan Hearing, Court Order Requirements Transition Plan for Child Requirements 90 days Before 18 <sup>th</sup> Birthday
§15-11-233	TPR to be Filed When
§15-11-233 (b)	TPR NOT in Child's Best Interests When
§15-11-240	Permanent Guardianship Authorized, Child Support Authorized
§15-11-241	Permanent Guardianship Petition Contents
§15-11-242	Permanent Guardianship Order, No Reviews, Visitation, Oath, Reference to Probate Code
§15-11-243	Notice of Permanent Guardianship, Best Interest Determination
§15-11-244	Retain Jurisdiction over Permanent Guardianship, Modify, Vacate or Revoke Standard
§15-11-260	Purpose of TPR
§15-11-261	Effect of TPR On relationship between Child & Parent, Sibling, Relatives
§15-11-262	Appointment of Attorneys in TPR, Child Attorney in TPR GAL in TPR
§15-11-263	Physical or mental Exam in TPR
§15-11-264 (a)	Discovery in TPR Available to any party upon written request
§15-11-264 (b)	Discovery In TPR Requires Court Order or Written Consent of Person Permitting Access to Protected Information
§15-11-264(c)	TPR Discovery Reciprocal Discovery Contents
§15-11-264 (d)	TPR Discovery Timing Continuing Discovery Response required
§15-11-264 (e)	TPR Discovery Motion for Discovery if Refusal Or Denial of Consent to Discoverable Information
§15-11-264 (f)	Deposition of Child

§15-11-264 (g)	Sanction for Failure to Comply
§15-11-264 (h)	Court May order Disclosure
§15-11-264 (i)	Restriction on use of Discovery
§15-11-265	Once TPR filed Parent Cannot Surrender to Others
§15-11-270	TPR Venue
§15-11-280	TPR Petition contents
§15-11-281	TPR Summons
§15-11-282	TPR Service to Parties, Service by Publication Authorized
§15-11-283	TPR Service to Legal Father or Biological Father, Failure to File Legitimation after service of TPR, TPR Granted if Legitimation is not Granted
§15-11-284	TPR Notice of Effect to Parents
§15-11-285	TPR Rule Nisi for Failure to Appear
§15-11-300	TPR Notice to Foster Parents or Caregivers
§15-11-301	Timing of TPR Hearing within 90 days of filing & Order within 30 days of TPR Hearing conclusion, Recording of TPR proceedings
§15-11-302	Use of TPR testimony in other actions
§15-11-303	TPR Standard of Proof
§15-11-310	Court Considerations in TPR - 5 Statutory Grounds for TPR, Child's Best Interest
§15-11-311	How to Determine Lack of Proper Parental Care in TPR & Child not in parent custody
§15-11-320	TPR Court Order Contents
§15-11-321	Placement Following TPR
§15-11-322	Post TPR Reviews, If no adoption, Judicial Review every 6 months, Guardianship Review following TPR or Surrender
§15-11-323	Reinstatement of Parental Rights following TPR if no adoption & 3 Years Lapsed, exception, Applies Retroactively
§15-11-380 to §15-11-451	Children in Need of Services – CHINS
§15-11-470 to §15-11-630	Delinquency
§15-11-650 to §15-11-660	Child Competency
§15-11-680	Parental Notification Act
§15-11-681	Definitions
§15-11-682	Procedure to Notify parent or guardian of pending abortion, Venue in any county
§15-11-683	Timing of hearing
§15-11-684 (a & b)	Right to Attorney, Complete Anonymity, Expedited Hearing
§15-11-684 (c)	Court to Decide IF Notice can be waived, Standard of Proof

§15-11-684 (d)	Timing of Court Order
§15-11-685	No residency required
§15-11-686	Medical emergency exception
§15-11-687	Reliance on information from minor
§15-11-688	Violation = misdemeanor
§15-11-700 to §15-11-710	Access to Hearings & Records
§15-11-720	Emancipation Occurs When
§15-11-721	Contents of Emancipation Petition
§15-11-722	Summons & Service
§15-11-723	Court Action When Emancipation Petition Filed
§15-11-724	Burden of Proof
§15-11-725	Emancipation Order
§15-11-726	Petition to Rescind Emancipation
§15-11-727	Rights & Responsibilities of Emancipated Youth
§15-11-728	Parental Duty to Support / Contract to Marry
§15-11-740 to §15-11-747	Georgia Child Advocate for the Protection of Children Act

Summary / Shorthand Reference to the New Juvenile Court Code - Dependency  
 Not intended to replace study of the original Bill as Passed

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Topic	2014 Code	New Juvenile Code - Article 1, 3, 4, 8, 10 Dependency, TPR, Parental Notification, Emancipation
<b>Article 1 General Provisions (definitions)</b>		
General Purpose	§15-11-1	<ul style="list-style-type: none"> <li>• Preserve &amp; strengthen families</li> <li>• Removal when essential to protect &amp; enable child security &amp; stability</li> <li>• Guarantee due process</li> <li>• Child, parent &amp; interested parties fair hearings where legal rights recognized</li> </ul>
Abandonment	§15-11-2 (1)	Intent to forgo parental duties or relinquish parental claims Evidenced by <ul style="list-style-type: none"> <li>• 6 months failure to                             <ul style="list-style-type: none"> <li>○ meaningful communicate</li> <li>○ maintain regular visitation</li> <li>○ leave child w/ another person w/out support</li> <li>○ participate in court ordered reunification caseplan</li> <li>○ respond to child protective proceeding</li> </ul> </li> <li>• 3 months                             <ul style="list-style-type: none"> <li>○ leaving child w/out means to identify parent and</li> <li>○ parent identity cannot be determined despite diligent search</li> </ul> </li> <li>• absence from home for period of time that creates substantial risk of serious harm to the child</li> <li>• any other conduct indicating intent to forgo or relinquish parental rights</li> </ul>
Abuse	§15-11-2 (2)	<ul style="list-style-type: none"> <li>• Non accidental physical injury, unexplained physical injury resulting from acts or omissions of person responsible for child's care</li> <li>• Emotional abuse: §15-11-2(30)</li> <li>• Sexual abuse or sexual exploitation: §15-11-2(69) &amp; (70)</li> <li>• Prenatal abuse: §15-11-2(56)</li> <li>• Family violence as defined in §19-13-1: includes single act, multiple or continuing acts in child's presence, child's sight or hearing</li> </ul>
Aggravating Circumstances	§15-11-2 (5)	the parent has: <ul style="list-style-type: none"> <li>• Abandoned an infant</li> <li>• Attempted, conspired to attempt, or has subjected a child or his or her sibling to death or great bodily harm</li> <li>• Attempted, conspired to attempt, or has subjected a child or his or her sibling to torture, chronic abuse, sexual abuse, or sexual exploitation or</li> <li>• Committed the murder or voluntary manslaughter of his or her child's other parent or has been convicted of aiding or abetting, attempting, or soliciting the murder or voluntary manslaughter of his or her child's other parent</li> </ul>

Biological Father	§15-11-2 (6)	male who impregnated the biological mother resulting in birth of a child
Caregiver	§15-11-2 (8)	person providing a residence for child or legally obligated to provide or legally obligated to secure adequate care for a child, includes parent, guardian, or legal custodian
Case Plan	§15-11-2 (9)	designed to ensure that a child receives protection, proper care & case management and may include services for a child, parent, guardian, or legal custodian & other caregivers
Child	§15-11-2 (10)	<ul style="list-style-type: none"> <li>• Under 18 years</li> <li>• Under 17 years when alleged to have committed a delinquent act</li> <li>• Under 22 years &amp; in DFCS custody</li> <li>• Under 23 years &amp; eligible for &amp; receiving independent living services through DFCS</li> <li>• Under 21 years who committed an act of delinquency before reaching the age of 17 years &amp; under the supervision of the court or on probation</li> </ul>
CHINS Child in Needs of Services	§15-11-2 (11)	<ul style="list-style-type: none"> <li>• A child adjudicated to be in need of care, guidance, counseling, structure, supervision, treatment, or rehabilitation and who is adjudicated to be: <ul style="list-style-type: none"> <li>○ Truant</li> <li>○ Habitually disobedient / ungovernable</li> <li>○ Runaway</li> <li>○ wanders or loiters the streets of city, highway or any public place between Midnight &amp; 5:00 A.M.</li> <li>○ disobeys court ordered supervision</li> <li>○ patronizes bar where alcoholic beverages sold or who possesses alcoholic beverages</li> </ul> </li> <li>• A delinquent child who is adjudicated to be in need of supervision but not treatment or rehabilitation</li> </ul>
Class A Designated Felony Act	§15-11-2 (12)	List of delinquent act committed by a child 13 years of age or older which, if committed by an adult, would be one or more of the following crimes.....
Class B Designated Felony Act	§15-11-2 (13)	List of delinquent act committed by a child 13 years of age or older which, if committed by an adult, would be one or more of the following crimes.....
Complaint	§15-11-2 (14)	initial document setting out the circumstances that resulted in a child being brought before the court
DBHDD	§15-11-2 (18)	Department of Behavioral Health and Developmental Disabilities
Dependent Child	§15-11-2 (22)	Child who: <ul style="list-style-type: none"> <li>• Has been abused or neglected &amp; in need of court protection</li> <li>• Has been placed for care or adoption in violation of law</li> <li>• Is without his or her parent, guardian or legal custodian</li> </ul>
Developmental Disability	§15-11-2 (24)	same meaning as §37-1-1 (8) a severe, chronic disability of an individual that: <ul style="list-style-type: none"> <li>• Is attributable to a significant intellectual disability, or any combination of a significant intellectual disability &amp; physical impairments;</li> <li>• Is manifested before the individual attains age 22;</li> <li>• Is likely to continue indefinitely;</li> <li>• Results in substantial functional limitations in three or more of the following areas of major life</li> </ul>



	§15-11-2 (24) (cont)	<p>activities: Self-care; Receptive and expressive language; Learning; Mobility; Self-direction; &amp; Capacity for independent living; and</p> <ul style="list-style-type: none"> <li>• Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance which are of lifelong or extended duration and are individually planned and coordinated</li> </ul>
Developmental Level	§15-11-2 (25)	Child's ability to understand & communicate, factors to consider: age, maturity, mental capacity, level of education, cultural background & degree of language acquisition
Diligent Search	§15-11-2 (27)	Efforts of DFCS to identify & locate a parent whose identity or location is unknown or a relative or other person who has demonstrated an ongoing commitment to a child
Emancipation	§15-11-2 (29)	Termination of the rights of a parent to the custody, control, services & earnings of a child
Emotional Abuse	§15-11-2 (30)	Acts or omissions by caretaker of child that cause any mental injury to such child's intellectual or psychological capacity as evidenced by an observable & significant impairment in such child's ability to function within a child's normal range of performance & behavior or that create a substantial risk of impairment, if the impairment or substantial risk of impairment is diagnosed & confirmed by a licensed mental health professional or physician qualified to render such diagnosis.
Evaluation	§15-11-2 (31)	a comprehensive, individualized examination of a child by an examiner that may include the administration of one or more assessment instruments, diagnosing the type & extent of a child's behavioral health disorders & needs, if any, making specific recommendations, & assessing a child's legal competencies
Examiner	§15-11-2 (32)	a licensed psychologist, psychiatrist, or clinical social worker who has expertise in child development specific to severe or chronic disability of children attributable to intellectual impairment or mental illness & has received training in forensic evaluation procedures through formal instruction, professional supervision, or both
Fictive Kin	§15-11-2 (33)	Person who is known to child as a relative, but is not, in fact, related by blood or marriage & with whom such child has resided or had significant contact
Foster Care	§15-11-2 (34)	placement in foster family homes, child care institutions, or another substitute care setting approved by the department; excludes secure residential facilities or other facilities operated primarily for the purpose of detention of a child adjudicated for delinquent acts
Guardian ad litem	§15-11-2 (35)	Individual appointed to assist the court in determining the best interests of a child
Guardianship Order	§15-11-2 (36)	Establishes a permanent guardianship & establishes rights & responsibilities concerning the care, custody & control of child
Legal Custodian	§15-11-2 (42)	<ul style="list-style-type: none"> <li>• A person to whom legal custody of a child has been given by order of a court or</li> <li>• A public or private agency or other private organization licensed or otherwise authorized by law to receive &amp; provide care for a child to which legal custody of such child has been given by order of a court</li> </ul>

Legal Father	§15-11-2 (43)	Male who has not surrendered or had terminated his rights to a child & who: <ul style="list-style-type: none"> <li>• Has legally adopted the child</li> <li>• Was married to the biological mother at the time the child was conceived or was born, unless paternity was disproved by a final order of paternity</li> <li>• Married the legal mother of the child after the birth &amp; acknowledged the child as his, unless paternity was disproved by a final order</li> <li>• Paternity Order &amp; final order O.C.G.A. § 19-7-40 et.seq</li> <li>• Legitimated &amp; final order O.C.G.A. § 19-7-22</li> <li>• Administrative Legitimation O.C.G.A. § 19-7-22.1</li> </ul>
Legal Mother	§15-11-2 (44)	Female who is the biological or adoptive mother of a child & who has not surrendered or had her rights terminated
Mediation	§15-11-2 (45)	procedure where a mediator facilitates communication between the parties concerning the matters in dispute & explores possible solutions to promote reconciliation, understanding & settlement
Mediator	§15-11-2 (46)	a neutral third party who attempts to focus the attention of the parties upon their needs & interests rather than upon their rights & positions & who lacks the authority to impose any particular agreement upon the parties or to recommend any particular disposition of the case to the court
Mentally Ill	§15-11-2 (47)	Having a disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality or ability to cope with the ordinary demands of life
Neglect	§15-11-2 (48)	<ul style="list-style-type: none"> <li>• Failure to provide proper parental care or control, subsistence, education as required by law, or other care or control necessary for a child's physical, mental, or emotional health or morals</li> <li>• Failure to provide with adequate supervision necessary for such child's well-being or</li> <li>• Abandonment by parent, guardian, or legal custodian</li> </ul>
Other persons who have demonstrated an ongoing commitment to a child	§15-11-2 (50)	Includes fictive kin & other individuals, including but not limited to neighbors, teachers, scout masters, caregivers or parents of friends of the child & with whom the child has resided or had significant contact
Parent	§15-11-2 (51)	legal father or legal mother of a child
Party	§15-11-2 (52)	State, a child, parent, guardian, legal custodian, or other person subject to any judicial proceeding except in delinquency then only a child & the state shall be a party
Permanency Plan	§15-11-2 (53)	Specific written plan prepared by DFCS designed to ensure that a child is reunified with family or ensure that the child quickly attains a substitute long-term home when return to the child's family is not possible or is not in the child's best interests
Permanent Placement	§15-11-2 (54)	<ul style="list-style-type: none"> <li>• Return of the child to the legal custody of parent</li> <li>• Placement with an adoptive parent w/ a final adoption order</li> <li>• Placement with a permanent guardian</li> </ul>

Person responsible for the care of a child	§15-11-2 (55)	<ul style="list-style-type: none"> <li>• Adult member of a child's household</li> <li>• Person exercising supervision over a child for any part of the 24 hour day</li> <li>• Any adult who, based on his or her relationship to the parent, guardian or legal custodian or a member of a child's household &amp; has access to the child</li> </ul>
Prenatal abuse	§15-11-2 (56)	<p>Exposure to chronic or severe use of alcohol or the unlawful use of any controlled substance, which results in:</p> <ul style="list-style-type: none"> <li>• Symptoms of withdrawal in a newborn or the presence of a controlled substance or a metabolite in a newborn's body, blood, urine, or meconium that is not the result of medical treatment or</li> <li>• Medically diagnosed &amp; harmful effects in a newborn's physical appearance or functioning</li> </ul>
Putative Father Registry	§15-11-2 (60)	O.C.G.A. § 19-11-9 (d & e) – registry maintained of putative or alleged fathers
Reasonable Efforts	§15-11-2 (61)	Due diligence & the provision of appropriate services, O.C.G.A. §15-11-202
Relative	§15-11-2 (62)	Person related to a child by blood, marriage, or adoption, including the spouse of any of those persons even if the marriage was terminated by death or dissolution
Sexual Abuse	§15-11-2 (69)	Caregiver or other person responsible for the care of a child employing, using, persuading, inducing, enticing, or coercing any child to engage in any act which involves: sexual intercourse, (genital-genital, oral-genital, anal-genital, or oral-anal), same or opposite sex; Bestiality, Masturbation; Lewd exhibition of the genitals or pubic area of any person; Flagellation or torture by or upon a person who is nude; being fettered, bound, or otherwise physically restrained on the part of a person who is nude; Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts; Defecation or urination for the purpose of sexual stimulation; Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure by a licensed health care professional
Sexual Exploitation	§15-11-2 (70)	Conduct by a caregiver who allows, permits, encourages, or requires a child to engage in: Prostitution, Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct
Visitation	§15-11-2 (75)	A period of access to a child by a parent, guardian, legal custodian, sibling, other relative, or any other person who has demonstrated an ongoing commitment to a child in order to maintain parental & familial involvement in a child's life when not residing with such person
Direct Calendaring	§15-11-3	A single judge shall hear all successive cases or proceedings involving the same child or family One Judge – One Family
Measuring Time Limits	§15-11-5	<ul style="list-style-type: none"> <li>• If time NOT measured in hours then 1<sup>st</sup> day not counted, last day counted, roll to next business day if weekend or holiday</li> <li>• If time less than 7 days then weekends &amp; holidays included in measuring</li> </ul>
Court of Inquiry	§15-11-7	Juvenile Court may sit as Court of Inquiry for juveniles & adults

Exclusive Jurisdiction	§15-11-10	<p>Child alleged to be:</p> <ul style="list-style-type: none"> <li>• Delinquent – Article 6</li> <li>• CHINS – Article 5</li> <li>• Dependent - Article 3</li> <li>• Mentally ill or developmentally disabled, needing treatment or commitment Article 7</li> <li>• Traffic</li> <li>• After 18<sup>th</sup> birthday, remains in foster care or receiving independent living services; to review status of independent living or foster care services</li> </ul> <p>Proceeding</p> <ul style="list-style-type: none"> <li>• Judicial consent for marriage, employment, armed forces enlistment</li> <li>• Permanent guardianship Article 3</li> <li>• Interstate Compact for the Placement of Children (ICPC)</li> <li>• Termination of parental rights, not associated with adoption</li> <li>• Emancipation Article 10</li> <li>• Minor ability to make abortion decision without parental notification Article 8</li> <li>• Action by local board of education relating to court orders requiring caretakers to participate in conferences or programs to improve the child's behavior</li> </ul>
Concurrent Jurisdiction	§15-11-11	<ul style="list-style-type: none"> <li>• Legitimation petition of a child alleged to be dependent</li> <li>• Superior Court transfers by “proper” court order <ul style="list-style-type: none"> <li>○ Legitimation petition</li> <li>○ Custody &amp; Support (except jury trial request)</li> </ul> </li> <li>• Probate Court transfer by “proper” court order <ul style="list-style-type: none"> <li>○ Establishment of temporary guardianship</li> <li>○ Termination of temporary guardianship</li> </ul> </li> </ul>
Dual Jurisdiction Child	§15-11-12	<p>Child can be both delinquent &amp; dependent &amp; CHINS if “factual basis” Dependency time lines apply &amp; court action may be consolidated</p>
Guardianship Of the Person	§15-11-13 & 14	<p>May be appointed in any case before juvenile court, same rules as Probate court OR Probate Court may transfer to juvenile court IF Conservator Of Child's Property then transfer to Probate Court</p>
Transfer from Superior Court	§15-11-15	<p>For custody &amp; support determination</p>
Party Right to be present & heard	§15-11-19	<p>Includes child except Court may exclude child IF not in the child's best interest to be present Present evidence, cross examine, examine pertinent court files &amp; records</p>
Mediation Procedures	§15-11-20, 21, 22, 23, 24 & 25	<p>Rules for referral, order &amp; mediated agreement</p>

Best Interest of Child Factors to be Considered	§15-11-26	<p>In context of child's age &amp; developmental needs 20 factors to be considered in determining best interest</p> <ol style="list-style-type: none"> <li>1. physical safety &amp; welfare, food, shelter, health &amp; clothing</li> <li>2. love, affection, bonding, &amp; emotional ties existing between child &amp; parent or person available to care for the child</li> <li>3. sibling bond, including half siblings &amp; step siblings</li> <li>4. child's need for permanence, need for stability &amp; continuity of relationships</li> <li>5. child's attachments, child's sense of security &amp; familiarity, &amp; continuity of affection for the child</li> <li>6. parental capacity</li> <li>7. home environment of each parent or person available to care for such child considering the promotion of such child's nurturance and safety rather than superficial or material factors</li> <li>8. stability of the family unit &amp; community support systems</li> <li>9. mental &amp; physical health of all individuals involved</li> <li>10. home, school &amp; community record / history of child, child's special needs</li> <li>11. community ties, church, school &amp; friends</li> <li>12. child's background &amp; ties, including familial, cultural &amp; religious</li> <li>13. The least disruptive placement alternative</li> <li>14. uniqueness of every family &amp; child</li> <li>15. risks associated with being in substitute care</li> <li>16. child's wishes &amp; long-term goals</li> <li>17. preferences of the persons available to care for the child</li> <li>18. evidence of family violence, substance abuse, criminal history, or sexual, mental, or physical child abuse</li> <li>19. recommendation by a court appointed custody evaluator or guardian ad litem (GAL)</li> <li>20. Any other factors considered by the court to be relevant &amp; proper to its determination</li> </ol>
Court may order examination of Child	§15-11-27	By a physician or psychologist; Court may order if county has funds to pay for evaluation
Protective Order	§15-11-29	Court may order the restraining or controlling of a person, notice & opportunity to heard required, may be court motion or party's application
Right of Legal Custodian of Child	§15-11-30	Physical custody, determine care & treatment SUBJECT to conditions / limitations of Court order AND remaining parental rights & duties
Contempt Power over an Adult	§15-11-31	20 days or \$1,000.00 for willful disobedience or interference
Set Aside Court Order Modification or Vacation of Court Order Basis for Modification	§15-11-32	<p>Order shall be <u>set aside</u> if:</p> <ul style="list-style-type: none"> <li>• Fraud or mistake</li> <li>• Court lacked jurisdiction over necessary party or subject matter</li> <li>• Newly discovered evidence requires</li> </ul> <p>Order may be changed, modified, or vacated if: Changed circumstances so require in the child's best interest – except dismissal after a contested adjudication</p>

Transfer of Reunification CasePlan	§15-11-33	Court may transfer to county of residence of the parent for a reunification case plan
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<b>Article 2 Court Administration</b> §15-11-50 to §15-11-69
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<b>Article 3 Dependency</b>		
<b>Part 1, Article 3</b>		
Purpose	§15-11-100	Assist & protect child where substantial risk of harm Proceedings conducted expeditiously, avoid delays in permanency Greatest protection as promptly as possible Health, safety & best interest are paramount
Evaluations of Child & Parent Exparte & Before Filing	§15-11-101	<ol style="list-style-type: none"> <li>1. ex parte, upon affidavit to Court → <input type="checkbox"/> physical exam of child</li> <li>2. probable cause affidavit &amp; hearing → psychological or psychiatric of child</li> <li>3. probable cause affidavit &amp; hearing → forensic evaluation of child</li> <li>4. probable cause affidavit &amp; hearing → physical, psychological or psychiatric of parent, guardian or legal custodian</li> </ol>
Preliminary Protective Hearing - PPH	§15-11-102 (a, b & c)	Timing <ul style="list-style-type: none"> <li>• If child removed then <ul style="list-style-type: none"> <li>○ PPH within 72 hours, if weekend or holiday then next business day</li> <li>○ 5 days to file petition</li> <li>○ Summons shall be served 72 hours before adjudication</li> <li>○ Adjudication no later than 10 days after filing of petition</li> <li>○ Within 30 days of removal DFCS to file case plan</li> <li>○ if case plan is for nonreunification then permanency hearing within 30 days of the plan</li> <li>○ Disposition within 30 days of completion of adjudication</li> </ul> </li> <li>• If child NOT removed or released at PPH then <ul style="list-style-type: none"> <li>○ 30 days to file petition</li> <li>○ Summons shall be served 72 hours before adjudication</li> <li>○ Adjudication no later than 60 days after filing of petition</li> <li>○ Disposition within 30 days of conclusion of adjudication</li> </ul> </li> </ul>
Initial Periodic Review	§15-11-102 (d)	Initial Periodic Review - Within 75 days of removal AND Additional Periodic Review 4 months of the initial review
Permanency Hearing	§15-11-102 (e & f)	<ul style="list-style-type: none"> <li>• Within 30 days of DFCS filing Nonreunification case plan OR</li> <li>• Within 9 months of removal <u>for child less than 7 years</u> at filing of petition, then every 6 months</li> <li>• Within 12 months of removal <u>for child 7 years or older</u>, then every 6 months</li> <li>• If nonreunification approved by court then supplemental order due within 30 days</li> </ul>

Child's Attorney Appointment Required and Other party attorney appointment	§15-11-103	(b) the Court shall appoint an attorney for the child alleged to be dependent <ul style="list-style-type: none"> <li>• Timing– before 1<sup>st</sup> hearing “that may substantially affect the interest” of the child</li> <li>• Attorney-client relationship</li> <li>• Same child attorney when possible throughout dependency actions</li> <li>• Appointment through appeals unless excused by Court</li> <li>• Neither child nor child representative can waive child's attorney</li> <li>• Other parties may waive attorney, hire attorney or apply for court appointed</li> </ul>
Guardian ad litem appointment required DUAL Appointment allowed	§15-11-104 (a, b, c)	<ul style="list-style-type: none"> <li>• Court shall appoint a GAL for child in dependency case</li> <li>• Child's Attorney may serve as GAL unless or until there is conflict between child's attorney duty to the child &amp; the attorneys considered opinion of child's best interests as GAL</li> <li>• GAL who is not also child's attorney maybe compelled to testify</li> </ul>
CASA	§15-11-104(d)	Court shall appoint CASA to serve as GAL when possible & this maybe in addition to child attorney serving as a GAL

GAL Best Interest Determination Factors	§15-11-105 (a & b)	<p>To advocate for child's best interest GAL shall consider in context of child's age &amp; developmental needs these factors</p> <ol style="list-style-type: none"> <li>1. physical safety &amp; welfare, food, shelter, health, and clothing</li> <li>2. mental &amp; physical health of all individuals involved</li> <li>3. evidence of domestic violence</li> <li>4. child's background &amp; ties, including familial, cultural, and religious</li> <li>5. child's sense of attachments</li> <li>6. least disruptive placement alternative</li> <li>7. child's wishes &amp; long-term goals</li> <li>8. community ties, church, school, and friends</li> <li>9. child's need for permanence, need for stability &amp; continuity of relationships</li> <li>10. uniqueness of every family &amp; child</li> <li>11. risks associated with being in substitute care</li> <li>12. preferences of the persons available to care for the child</li> <li>13. Any other factors considered by the GAL to be relevant &amp; proper</li> </ol>
GAL Duties and Responsibilities  Minimum unless unreasonable	§15-11-105(c)	<p>Unless unreasonable &amp; in developmentally appropriate manner</p> <ol style="list-style-type: none"> <li>1. Maintain regular &amp; sufficient in-person contact with the child, in a manner appropriate to his or her developmental level, meet with &amp; interview child prior to all hearings &amp; reviews</li> <li>2. Determine child's needs, circumstances &amp; views</li> <li>3. Make independent factual determination of the case</li> <li>4. Consult with child's attorney</li> <li>5. Communicate with health, mental health &amp; other professionals</li> <li>6. Review case study &amp; educational, medical, psychological, &amp; other relevant reports</li> <li>7. Review all court related documents</li> <li>8. Attend all court hearings &amp; other proceedings to advocate for the child's best interests</li> <li>9. Advocate for timely court hearings to obtain permanency for the child</li> </ol>

<p>GAL Duties and Responsibilities</p> <p>Minimum unless unreasonable</p>	<p>§15-11-105(c) (cont)</p>	<ol style="list-style-type: none"> <li>10. Protect the cultural needs of the child</li> <li>11. Contact the child prior to any proposed placement changes</li> <li>12. Contact the child after placement changes</li> <li>13. Request a judicial citizen review panel or judicial review of the case</li> <li>14. Attend citizen panel review hearings &amp; if unable to attend then send panel a letter stating the child's status since the last citizen panel review &amp; an assessment of the DFCS permanency &amp; treatment plans</li> <li>15. Provide written reports to the court &amp; the parties on the child's best interests, including, recommendations regarding placement, updates on child's adjustment to placement, DFCS's &amp; respondent's compliance with prior court orders &amp; treatment plans, child's participation during visitations, &amp; any other recommendations based on the best interests of the child</li> <li>16. When appropriate, encourage settlement &amp; the use of any alternative forms of dispute resolution &amp; participate in such processes to the extent permitted</li> <li>17. Monitor compliance with the case plan &amp; all court orders</li> </ol>
<p>GAL Participation &amp; Access</p>	<p>§15-11-105 (d &amp; e)</p>	<p>Shall receive all notices, hearings, reviews, panels, caseplan formulation, served pleadings in the same manner as a party          Shall have access to all records &amp; information relevant to the child's case except          O.C.G.A. § 19-7-5 Child Abuse Reporting Statute          O.C.G.A. § 49-4A Juvenile Justice authorizing statute          O.C.G.A. § Article 11 Office of the Child Advocate for the Protection of Children authorizing statute</p>
<p>GAL Information Confidential Venue Change</p>	<p>§15-11-105 (f,g,h)</p>	<p>All information acquired is confidential except as directed by Court          Misdemeanor if violated</p> <ul style="list-style-type: none"> <li>• Maintain confidential records require by O.C.G.A. § 37-3-166 - Hospitalization &amp; Treatment of Alcoholics &amp; Drug Dependent Individual, clinical records; when release permitted; scope of privileged communications; liability for disclosure; notice to sheriff of discharge</li> <li>• O.C.G.A. §37-4-125 – Services for Developmentally Disabled, clinical records, release, privilege if change of venue GAL to forward pertinent information to next GAL appointed</li> </ul>
<p>CASA</p>	<p>§15-11-106</p>	<p>Role &amp; appointment</p>
<p>Religious, nonmedical healing &amp; exception to Dependency</p>	<p>§15-11-107</p>	<ul style="list-style-type: none"> <li>• Cannot be sole basis for dependency unless life threatening or will result in serious disability</li> <li>• Life-threatening or serious disability exception, Court may order medical evaluation of child &amp; treatment</li> </ul>
<p>Post Adjudication Notices</p>	<p>§15-11-108</p>	<p>Parties shall be given at least 72 hours notice, summons &amp; service requirements in accordance with O.C.G.A. §15-11-160 &amp; 161</p>
<p>Foster Parent / Caregiver of Child Notification</p>	<p>§15-11-109</p>	<ul style="list-style-type: none"> <li>• For each hearing or review</li> <li>• Written notice &amp; 72 hours in advance, date, time, place, purpose of hearing &amp; notice of their right to be heard – except preliminary hg</li> <li>• Not a party to the dependency action / attendance</li> </ul>



Continuances	§15-11-110	<ul style="list-style-type: none"> <li>• No continuance if contrary to child's interest, Court to consider child's need for prompt resolution of custody status, stable environment, &amp; damage to child of prolonged temporary placements</li> <li>• Showing of good cause &amp; only for time necessary based on evidence presented on the record</li> <li>• Stipulation of parties or need for discovery is NOT good cause</li> <li>• If no objection to continuance then consent</li> </ul>
At Any Hearing Juvenile Court May Order	§15-11-111	<ul style="list-style-type: none"> <li>• Accept or reject any DFCS report, order additional evaluation, other review as necessary to determine the disposition that is in the child's best interests,</li> <li>• may incorporate all or part of the DFCS report, shall include findings of fact reflecting the court's consideration of the oral and written testimony offered by parties &amp; nonparties with right to be noticed &amp; heard</li> </ul>
Visitation Ordered by the Court	§15-11-112 (a)	Court shall order reasonable visitation, shall specify frequency, duration & whether supervised or unsupervised, consistent with age & developmental needs of child
Visitation presumed unsupervised unless	§15-11-112 (b)	Unless court determines unsupervised visitation is not in the child's best interest
Visitation modification	§15-11-112 (c)	Lack of substantial progress on caseplan then court may modify terms of visitation
Date Child entered foster care	§15-11-113	First judicial finding child has been subjected to abuse or neglect or 60 days from removal which ever is first

<b>Part 2, Article 3</b>		
Venue	§15-11-125	<ul style="list-style-type: none"> <li>• County of child's residence</li> <li>• County of child's presence at commencement of action</li> <li>• Transfer to child's residence county for convenience</li> </ul>

<b>Part 3, Article 3</b>		
7 Day Emergency Of Caretaker then DFCS Custody	§15-11-130	<ul style="list-style-type: none"> <li>• Procedures for up to 7 day emergency of caretaker &amp; transfer of custody of child to DFCS without juvenile court involvement under <u>limited circumstances</u> &amp; maximum 7 days of caretaker</li> <li>• Only identified risk is child is without a caretaker</li> <li>• After 7 days court must be notified</li> </ul>
24 Hour Physician Retaining Protective Custody	§15-11-131	Procedure for physician to retain emergency protective custody of a child, 24 hours maximum
Order of Removal & Preliminary Protective Hearing Notice	§15-11-132	<ul style="list-style-type: none"> <li>• Facts supporting Order of Removal may be made orally, by telephone or electronically &amp; Order of Removal</li> <li>• By next business day – affidavit or sworn complaint of circumstances requiring removal &amp; Written Order of Removal</li> <li>• DFCS to “promptly” notify legal custodian of Preliminary Protective Hearing</li> </ul>

Removal authorized & Individuals Who May Remove a Child	§15-11-133	<ul style="list-style-type: none"> <li>• Juvenile Court Order of Removal</li> <li>• Law enforcement if child is in imminent danger of abuse or neglect in home <ul style="list-style-type: none"> <li>○ Immediately deliver child to medical facility &amp; contact juvenile court</li> <li>○ Give notice to legal guardians that child removed</li> <li>○ Promptly contact juvenile court intake &amp; DFCS</li> </ul> </li> </ul>
Order Of Removal Contrary to Welfare Requirement	§15-11-134	<ul style="list-style-type: none"> <li>• Child &amp; case specific finding that continuation in the home would be contrary to the welfare of the child required for any court order authorizing removal</li> <li>• Any order continuing placement outside the home requires finding that return of the child would be contrary to the child's welfare</li> </ul>
Foster Care Prior to Dependency Hearing	§15-11-135 (a,b,c & d)	If required to protect child, no legal guardian able or court authorizes & licensed foster home or facility
Sibling Co-placement & Visitation	§15-11-135 (e)	Siblings shall be placed together unless DFCS provides written report why co-placement is not appropriate, DFCS to provide frequent sibling visits / interaction or DFCS documents why contact would be contrary to the safety or well being of the siblings

<b>Part 4 , Article 3</b>		
Preliminary Protective Hearing (PPH) Timing & Notice	§15-11-145 (a,b,c)	<ul style="list-style-type: none"> <li>• Within 72 hours of removal, if weekend or holiday then next business day</li> <li>• Reasonable oral or written notice to legal custodian</li> <li>• Affidavit of no notice to caregiver &amp; did not appear triggers rehearing of PPH</li> </ul>
Preliminary Protective Hearing (PPH) Right to Participate	§15-11-145 (d)	Child's parent, guardian or legal custodian, child's attorney, GAL, child (unless court determines not in child's best interest), attorney for parents, assigned DFCS caseworker, attorney for DFCS (SAAG)
Preliminary Protective Hearing (PPH) May Participate	§15-11-145 (e)	If in child's best interest then others may attend PPH, relatives, others with ongoing commitment to child, DFCS employees, advocate requested by legal custodians & others with knowledge or an interest in child's welfare
Preliminary Protective Hearing (PPH) Hearing Begins	§15-11-145 (f)	Court shall inform parties of contents & nature of complaint in understandable terms, due process rights, right to court appointed attorney
Preliminary Protective Hearing (PPH) Child Not returned	§15-11-145 (g)	Then Dependency Petition to be filed within 5 days of Preliminary Protective Hearing (PPH)
Preliminary Protective Hearing (PPH) Findings	§15-11-146 (a)	Court determines: Probable cause to believe child is dependent Protective custody is necessary to prevent abuse or neglect pending adjudication



<b>Part 6, Article 3</b>		
Summons to Child 14 or older & Parties	§15-11-160	<p>Copy of Dependency Petition (except publication) The court shall direct the issuance of a summons to</p> <ul style="list-style-type: none"> <li>• a child if 14 years of age or older</li> <li>• child's parent, guardian, or legal custodian</li> <li>• child's attorney &amp; child's guardian ad litem</li> <li>• any other persons who appear to the court to be proper or necessary parties to the proceeding</li> </ul> <p>Right to attorney on summons Party other than child may waive summons by written stipulation or voluntary appearance at hearing</p>
Summons and Service to Party Personal Service & Publication	§15-11-161	<ul style="list-style-type: none"> <li>• If party is within this state &amp; can be found, then personal service asap &amp; at least 72 hours before the adjudication hearing</li> <li>• If party is within this state &amp; cannot be found but address known or known with due diligence, service at least 5 days before the adjudication hearing by registered or certified mail or statutory overnight delivery, return receipt requested</li> <li>• If party is outside this state with known address or known with due diligence, then service at least 5 days before the adjudication hearing by personal service or mail</li> <li>• If, after due diligence, whereabouts of a party are unknown then service by publication / hearing shall be 5 days after final publication (1 per week for 4 weeks)</li> </ul>
Willful Failure to Appear Sanctions	§15-11-162	If parent, guardian or legal custodian fails to appear after being ordered to appear, then Rule Nisi & Contempt may occur
Provisional Hearing Requirements	§15-11-163	<p>Interlocutory Order possible if service by publication one party required but other party is before the court, then Court may conduct a Provisional Hearing</p> <ul style="list-style-type: none"> <li>• Child is present at the provisional hearing</li> <li>• Summons to published party states final hearing date / time / location</li> <li>• Served party required to appear at provisional hearing</li> <li>• Provisional hearing findings will become final if published party does not appear at calendared Final Hearing</li> </ul>

<b>Part 7, Article 3</b>		
Discovery  Available to any party upon written request	§15-11-170 (a)	Available to any party, upon written request to the party having actual custody, control, or possession of the material to be produced, have full access for inspection, copying, or photographing: 1. names & telephone numbers of each witness likely to be called to testify 2. formal written statement – child or witness 3. scientific or other report 4. drug screen 5. case plan 6. visitation schedule 7. Photographs 8. Copies of police incident reports 9. Any other relevant evidence not requiring consent or a court order under subsection (b) of this Code section
Discovery  Requires Court Order or Written Consent of Person Permitting Access to Protected Information	§15-11-170 (b)	By court order or written consent from the appropriate person any party shall have access to the following for inspection, copying, or photographing: 1. psychological, developmental, physical, mental or emotional health, or other assessments of the child or family, parent, guardian, or legal custodian 2. school records of child 3. medical records of child 4. transcriptions, recordings & summaries of oral statement of child or witness, except child abuse reports that are confidential O.C.G.A §19-7-5 (Child Abuse Reporting Statute) & attorney work product 5. Family Team Meeting (FTM) or Multidisciplinary Team Meetings (MDT) reports 6. Supplemental police reports 7. Child's immigration records
Discovery  Reciprocal Discovery Contents	§15-11-170 (c)	If a party makes a discovery request, then that party shall provide all parties for inspection, copying & photographing: 1. names & last known addresses & telephone numbers of each witness to the party's defense or claim 2. Any scientific or other report which is intended to be introduced at the hearing or that pertains to physical evidence which is intended to be introduced 3. Photographs & any physical evidence which are intended to be introduced at the hearing 4. copy of any written statement by any witness that relates to the testimony of the witness to be called during hearing
Discovery Timing Continuing Discovery Response required	§15-11-170 (d)	<ul style="list-style-type: none"> <li>• Prompt compliance required</li> <li>• not later than 5 days after request received or</li> <li>• at least 72 hours prior to hearing (depending on when request received)</li> <li>• if request less than 48 hours prior to hearing then response shall be timely</li> <li>• if new evidence found after discovery provided, then party shall promptly provide to other parties</li> </ul>

Discovery Motion for Discovery if Refusal or Denial of Consent to Discoverable Information	§15-11-170 (e)	If a request for discovery or consent for release is refused, then Motion for Discovery & written Court Order required Discovery Motions to certify a good faith request for discovery or consent was made & was unsuccessful An order granting discovery shall require reciprocal discovery & Court may deny, limit or condition discovery response upon a sufficient showing that disclosure of the information would: 1. Jeopardize the safety of a party, witness, or confidential informant 2. Create a substantial threat of physical or economic harm to a witness or other person 3. Endanger the existence of physical evidence 4. Disclose privileged information 5. Impede criminal prosecution of a minor who is being prosecuted as an adult or the prosecution of an adult charged with an offense arising from the same event
Deposition of Child	§15-11-170 (f)	No deposition of child except by Court order
Sanction for Failure to Comply	§15-11-170 (g)	Failure to comply with discovery then court may grant a continuance, prohibit the use of the evidence during hearings or other order the Court deems just
Court May order Disclosure	§15-11-170 (h)	Court has authority to order disclosure of any information deemed necessary for proper adjudication
Restriction on use of Discovery	§15-11-170 (i)	Information obtained through discovery shall only be used during pending case & use may be further limited by Court

<b>Part 8, Article 3</b>		
Standard of Proof	§15-11-180	Clear & convincing evidence
Timing of Adjudication Possible Dismissal	§15-11-181 (a)	If child removed then within 10 days of petition filing If child NOT removed then within 60 days of petition filing If no adjudication within 60 days of removal then possible dismissal without prejudice
Persons with Right to Participate in Adjudication	§15-11-181 (b)	Child's parent, guardian or legal custodian, child's attorney, GAL, child (unless court determines not in child's best interest), attorneys for parent's attorney, assigned DFCS caseworker, attorney for DFCS (SAAG)

Persons Allowed to Participate in Adjudication	§15-11-181 (c)	If in child's best interest then others may attend adjudication, relatives, other with ongoing commitment to child, DFCS employees, advocate requested by legal custodians & others with knowledge or an interest in child's welfare
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Rules of Evidence Apply – Privilege exception	§15-11-181 (d)	Only Privilege exclusions from dependency actions 1. Party- attorney communication 2. Priest, rabbi or ordained minister – communicant
Findings of Fact	§15-11-181 (e)	Written & case specific required

Dismissal	§15-11-181 (f)	If no finding of dependency
Disposition Timing	§15-11-181 (g)	Either immediately after Adjudication or postponed
Substance Abuse finding	§15-11-181 (h)	Court to make specific finding as to whether dependency was the result of substance abuse of caretakers
Scheduling of next Hearings	§15-11-181 (i)	If disposition held immediately following adjudication, then Court shall schedule First periodic review & Permanency Plan Hearing

<b>Part 9, Article 3</b>		
Social Study  Ordered & Contents	§15-11-190 & 191	Following dependency adjudication or admission, Court may order written social study & report, person designated by the court, social study shall include, factual discussion of: <ul style="list-style-type: none"> <li>(1) plan for reunification or if reunification fails then plan for child's permanency</li> <li>(2) visitation plan</li> <li>(3) sibling issues, relationship between siblings, visits, co-placements, maintaining or developing sibling bond, efforts to place together</li> <li>(4) relative placement options</li> <li>(5) current caregiver's ability to provide permanency if reunification fails</li> </ul>

<b>Part 10, Article 3</b>		
Caseplan  Requirements	§15-11-200	Submitted to court & becomes part of court record <ul style="list-style-type: none"> <li>• within 30 days of removal &amp;</li> <li>• at each subsequent disposition review</li> <li>• reunification or nonreunification</li> <li>○ Developed at meeting with parents &amp; include child if over 14 years</li> <li>○ All parties should be given 5 days written notice of caseplan meeting</li> <li>○ In effect until modified by Court</li> <li>○ Should include dissenting opinions of parties or citizen panel review members, reasons for removal, essential steps for reunification</li> <li>○ Party may ask for in court review of caseplan within 5 days of receipt of plan</li> </ul>

<p>Caseplan Contents</p>	<p>§15-11-201</p>	<p>Caseplan goal to achieve placement in the most appropriate, least restrictive &amp; most family-like setting available &amp; close to child's parent's home, consistent with the best interests &amp; special needs of the child &amp; shall consider the placement's proximity to the child's school at the time of removal</p> <p>Caseplan contents required</p> <ol style="list-style-type: none"> <li>1. Reasons for removal from home</li> <li>2. Assessment of child &amp; family strengths / needs &amp; best placement to meet those needs</li> <li>3. Placement description</li> <li>4. Specific time-limited goals &amp; related activities for reunification or if reunification not possible then activities toward permanent placement or emancipation</li> <li>5. Who is responsible for accomplishing each activity</li> <li>6. Projected date of completion of the case plan objectives</li> <li>7. The date time-limited services will be terminated</li> <li>8. Visitation schedule – siblings &amp; other appropriate family members or why not</li> <li>9. If placement is substantial distance from home – why</li> <li>10. If out-of-state placement – why</li> <li>11. Sibling co-placement issues</li> <li>12. Educational stability issues</li> <li>13. Health and Education record</li> <li>14. Permanency plan recommendation: reunification, adoptive placement, or permanent guardianship, another planned permanent living arrangement &amp; compelling reason or reasons why termination of parental rights is not in the child's best interests</li> <li>15. Participation in caseplan development documentation</li> <li>16. Transition Plan required 90 days before child's 18<sup>th</sup> birthday</li> <li>17. Written Transitional Living Plan for child 14 or older</li> <li>18. DFCS person or other agency who is directly responsible for ensuring case plan is implemented</li> </ol>
<p>Reasonable Efforts (RE)</p>	<p>§15-11-202 (a,b,c)</p>	<p>Except if O.C.G.A §15-11-203 applies, reasonable efforts shall be made to preserve or reunify families:</p> <ol style="list-style-type: none"> <li>(1) To prevent removal</li> <li>(2) To eliminate the need for removal &amp; reunify</li> </ol> <p>Type of reasonable efforts depends on child's health &amp; safety &amp; is of "paramount concern"</p>
<p>Reasonable Efforts (RE) Required  At Each  Type of Hearing  &amp; Burden of Showing RE</p>	<p>§15-11-202 (d, e)</p>	<p>The court shall review the appropriateness of DFCS's reasonable efforts at each stage of the dependency proceedings</p> <p>PPH</p> <ul style="list-style-type: none"> <li>• DFCS has the burden of demonstrating that: <ul style="list-style-type: none"> <li>○ RE to prevent placement of child in foster care</li> <li>○ There are no appropriate services or efforts which could allow an child to safely remain in the home given the particular circumstances child &amp; family at the time of his or her removal so the absence of RE was justifiable OR</li> <li>○ RE not required because of the existence of one or more of the circumstances stated in O.C.G.A §15-11-203</li> </ul> </li> </ul> <p>Adjudication Hearing</p> <ul style="list-style-type: none"> <li>• DFCS has the burden of demonstrating that:</li> </ul>



	§15-11-202 (d, e) (cont)	<ul style="list-style-type: none"> <li>○ RE to eliminate the need for removal &amp; to reunify at the earliest possible time OR</li> <li>○ RE to prevent placement &amp; to reunify not required because of the existence of one or more of the circumstances stated in § O.C.G.A §15-11-203</li> </ul> <p>Other Hearing,</p> <ul style="list-style-type: none"> <li>• DFCS has the burden of demonstrating that: <ul style="list-style-type: none"> <li>○ RE to eliminate the need for removal &amp; to reunify at the earliest possible time OR</li> <li>○ RE to finalize an alternative permanent home for the child</li> </ul> </li> </ul>
Reasonable Efforts (RE)  Considerations by Court	§15-11-202 (f, g, h)	<p>Court considerations in RE determination, whether services child / family were:</p> <ul style="list-style-type: none"> <li>• Relevant to the safety &amp; protection child</li> <li>• Adequate to meet the needs child &amp; family</li> <li>• Culturally &amp; linguistically appropriate</li> <li>• Available &amp; accessible</li> <li>• Consistent &amp; timely</li> <li>• Realistic under the circumstances</li> </ul> <p>If no RE found by Court, child may still be adjudicated dependent &amp; removed Court may determine no RE justified because of an immediate threat of harm to child</p>
Reasonable Efforts (RE) Concurrent RE RE in Every Order	§15-11-202 (i, j)	<p>Concurrent RE authorized – reunification &amp; other permanent placement Order placing or continuing DFCS custody of child shall contain written findings of facts stating:</p> <ol style="list-style-type: none"> <li>1. Child's continuation in or return home would be contrary to the child's welfare</li> <li>2. RE determination</li> </ol>
No Reunification Efforts Required When  Permanency Plan Hearing Required within 30 days	§15-11-203	<p>Court may direct RE to eliminate the need for placement shall not be required or shall cease if the court determines &amp; makes written findings of fact that a parent</p> <ol style="list-style-type: none"> <li>1. Has subjected this child to aggravated circumstances</li> <li>2. Has been convicted of the murder of another child of the parent</li> <li>3. Has been convicted of the voluntary manslaughter of another child of the parent</li> <li>4. Has been convicted of aiding or abetting, attempting, conspiring, or soliciting to commit murder or voluntary manslaughter of another child of the parent</li> <li>5. Has been convicted of committing a felony assault that results in serious bodily injury to the child or another child of such parent</li> <li>6. Has been convicted of rape, sodomy, aggravated sodomy, child molestation, aggravated child molestation, incest, sexual battery, or aggravated sexual battery of the child or another child of the parent;</li> <li>7. Is required to register as a sex offender &amp; that preservation of a parent-child relationship is not in the child's best interests</li> <li>8. Has had an involuntary termination of parental rights to a sibling of the child &amp; the circumstances leading to such termination of parental rights to that sibling have not been resolved</li> </ol> <p>Permanency Plan Hearing required within 30 days &amp; RE to finalize permanency considered</p>

<p>Non Reunification Hearing</p> <p>DFCS Burden in NR Hearing</p> <p>Presumption favoring NR circumstances</p> <p>Permanent Guardianship Option</p>	<p>§15-11-204</p>	<ul style="list-style-type: none"> <li>• Within 30 days of Non reunification caseplan or report to Court</li> <li>• Service to parties required (including child if 14 or older)</li> <li>• The court shall conduct a permanency plan hearing, to consider in-state &amp; out-of-state permanent placement options for the child &amp; incorporate a permanency plan for the child in its order</li> </ul> <p>At NR Hearing DFCS:</p> <ul style="list-style-type: none"> <li>• shall notify the Court whether &amp; when TPR will be filed</li> <li>• DFCS has the burden by clear &amp; convincing evidence that a reunification plan is not appropriate considering the health &amp; safety of the child &amp; child's need for permanence</li> <li>• presumption that reunification is detrimental to a child &amp; reunification services should not be provided if the court finds by clear &amp; convincing evidence that: <ul style="list-style-type: none"> <li>○ parent has unjustifiably failed to comply with a previously ordered reunification plan</li> <li>○ child has previously been removed 2 times &amp; reunification was previously made available 2 times</li> <li>○ A ground for terminating parental rights exists OR</li> <li>○ Any of the circumstances in O.C.G.A. §15-11-203 exist, making it unnecessary to provide reasonable efforts to reunify.</li> </ul> </li> </ul> <p>If the court grants NR &amp; that TPR &amp; adoption are not in the child's best interest then court may place the child in the custody of a permanent guardian</p>
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<p><b>Part 11, Article 3</b></p>		
<p>Disposition Hearing</p> <p>Evidence in Disposition</p>	<p>§15-11-210</p>	<ul style="list-style-type: none"> <li>• To be held following adjudication OR Within 30 days of adjudication</li> <li>• Any evidence may be considered that is relevant, reliable &amp; necessary to determine the needs of a child, including hearsay</li> <li>• Before determining disposition, the court shall receive in evidence: <ol style="list-style-type: none"> <li>1. The social study report, if applicable, made by DFCS &amp; the child's proposed written case plan - social study report &amp; case plan shall be filed with the court not less than 48 hours before the disposition hearing</li> <li>2. GAL study or evaluation</li> <li>3. Any psychological, medical, developmental, or educational study or evaluation of the child</li> <li>4. Other relevant &amp; material evidence as may be offered, including, the willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.</li> </ol> </li> <li>• Prior to a disposition hearing &amp; upon request, the parties &amp; their attorneys shall have an opportunity to examine any written reports received by the court EXCEPT the Court may withhold portions of reports if Court did not rely on &amp; if information is confidential or prejudicial</li> <li>• Periodic review &amp; permanency plan hearing time &amp; date shall be provided at conclusion of Disposition Hearing</li> </ul>

<p>Diligent Search Required</p> <p>Timing &amp; Continuing Diligent Search</p> <p>Components of a Diligent Search</p> <p>Notices to Relatives is Part of Diligent Search</p>	<p>§15-11-211</p>	<p>A diligent search shall be initiated at the outset of a dependency case &amp; shall be a continuing DFCS duty</p> <p>Completed Diligent Search required before Final Disposition</p> <p>Diligent Search &amp; notices to relatives shall be written &amp; filed with Court within 30 days of child's removal</p> <p>A diligent search shall include at a minimum:</p> <ol style="list-style-type: none"> <li>1. Interviews with the child's parent, before &amp; after removal</li> <li>2. Interviews with the child</li> <li>3. Interviews with identified relatives throughout the case</li> <li>4. Interviews with any other person who is likely to have information about the identity or location of the person being sought</li> <li>5. Comprehensive searches of data bases available to DFCS including, but not limited to, searches of employment, residence, utilities, vehicle registration, child support enforcement, law enforcement, corrections records &amp; any other records likely to result in identifying and locating the person being sought</li> <li>6. Appropriate inquiry during the course of hearings in the case</li> <li>7. Any other reasonable means that are likely to identify relatives or other persons who have demonstrated an ongoing commitment to the child.</li> </ol> <p>Notice to all adult relatives of the child identified in a diligent search are required to be provided with notice: (Family Violence Exception)</p> <ol style="list-style-type: none"> <li>1. Specifying that child has been or is being removed from parental custody</li> <li>2. Explaining the options a relative has to participate in the care &amp; placement of the child &amp; any options that may be lost by failing to respond to the notice</li> <li>3. Describing the process for becoming an approved foster family home &amp; the additional services &amp; supports available for children placed in approved foster homes</li> <li>4. Describing any financial assistance for which a relative may be eligible</li> </ol>
<p>Disposition Order Options</p>	<p>§15-11-212</p>	<p>The court may make the following orders of disposition or a combination</p> <ol style="list-style-type: none"> <li>1. remain with parent, guardian, or legal custodian subject to court conditions</li> <li>2. Grant or transfer temporary legal custody to any of these persons or entities <ul style="list-style-type: none"> <li>• Any individual, including a biological parent, who, after study by the probation officer or other person or agency designated by the court, is found by the court to be qualified to receive &amp; care for such child</li> <li>• An agency or other private organization licensed or authorized by law to receive and provide care for the child</li> <li>• Any public agency authorized by law to receive and provide care for the child; except 'public agency' shall not include DJJ or</li> <li>• An individual in another state with or without supervision by an appropriate officer pursuant to the requirements of O.C.G.A. §39-4-4, ICPC</li> </ul> </li> <li>3. Transfer jurisdiction O.C.G.A. §39-4-4, Interstate Compact on the Placement of Children (ICPC)</li> <li>4. Order child &amp; parent, guardian or legal custodian to participate in counseling to prevent dependency</li> <li>5. Order the child's parent, guardian, or legal custodian to participate in a court approved</li> </ol>

Disposition Order Options	§15-11-212 (cont)	<p>educational or counseling program designed to enhance parental ability</p> <ol style="list-style-type: none"> <li>6. Order DFCS to implement &amp; child's parent, guardian, or legal custodian to cooperate with any plan approved by the court</li> <li>7. Order temporary child support</li> </ol> <p>Court may prescribe conditions in a custody transfer</p> <ul style="list-style-type: none"> <li>• The court shall approve or direct the return of the physical custody of a child adjudicated as a dependent child to the home of removal</li> <li>• Court may direct return of custody upon the occurrence specific circumstance</li> <li>• Court may order supervision of the reunited family</li> <li>• Sua sponte review of placement, Court may reject DFCS's placement plan</li> <li>• May order 6 months clean drug / alcohol screens before child returned</li> </ul>
Disposition Order Contents  Considerations shall be made by the Court	§15-11-213	<p>Written findings of fact to support the caseplan ordered RE findings required</p> <ol style="list-style-type: none"> <li>1. Why child's best interest &amp; safety served by disposition &amp; caseplan <ul style="list-style-type: none"> <li>• Relationship between child &amp; siblings, parents &amp; any other person who may significantly affect the child's best interests</li> <li>• child's adjustment to home, school &amp; community</li> <li>• mental &amp; physical health of all individuals involved</li> <li>• child's wishes as to placement</li> <li>• the wishes of the child's parent, guardian, or legal custodian</li> <li>• potential relative or individuals appropriate for placement</li> <li>• parent's ability to provide safe home</li> </ul> </li> <li>2. availability of services recommended</li> <li>3. alternative dispositions or services considered &amp; why such dispositions or services were not appropriate in this case</li> <li>4. appropriateness of the particular placement made or to be made by the placing agency</li> <li>5. Whether RE were made to prevent or eliminate the necessity of removal &amp; to reunify after removal</li> </ol> <p>The court's findings should include a brief description of what preventive &amp; reunification efforts were made and why further efforts could not have prevented or eliminated the necessity of such removal</p>
Expiration of Dependency Court Orders - NONE	§15-11-214	<p>NONE</p> <p>Dependency Disposition Order continues UNTIL purposes of the Order accomplished Dependency Disposition Order expires when child turns 18 EXCEPT if child remains in DFCS custody or is receiving services from DFCS</p>
Change of Placement  Procedure for Notifying Court of Child's Placement Changes	§15-11-215	<p>Not less than <u>5 days advance</u> notice for non-emergency placement changes DFCS to notify</p> <ul style="list-style-type: none"> <li>• the Court</li> <li>• the child if over 14</li> <li>• child's attorney</li> <li>• GAL</li> <li>• The person or agency with physical placement of child</li> </ul>

Request for Court Hearing on Placement Change	§15-11-215 (cont)	<ul style="list-style-type: none"> <li>• Parent, guardian or legal custodian</li> </ul> <p>If emergency, then DFCS to notify all within 24 hours of placement change  Emergency determined if child safety endangered  Court may conduct a hearing in reference to the placement change, hearing may be requested by any party / attorney &amp; Court may reject DFCS case plan including the location of the child's placement / Court must state reasons why rejected &amp; Court may order DFCS to devise new caseplan &amp; permanency plan</p>
Reviews in Court  Initial Periodic Review in Court at 75 days	§15-11-216	<p>Court within 75 Days of removal - Initial Periodic Review  Court or Citizen Panel within 4 months of removal  75 Day Review Court to consider approval of relative search &amp; schedule the next 4 month Review &amp;</p> <ol style="list-style-type: none"> <li>1. Is child still dependent</li> <li>2. Is caseplan still appropriate</li> <li>3. Caseplan compliance by all parties</li> <li>4. Appropriateness of placement change recommendations</li> <li>5. Progress on child's permanency plan</li> <li>6. Are all legally required services being provided to the child, foster parents, parents</li> <li>7. Is visitation appropriate</li> <li>8. Written Transitional Living Plan for 14 year &amp; older child</li> <li>9. RE to eliminate the need for removal &amp; reunify</li> </ol> <p>At all subsequent reviews</p> <ul style="list-style-type: none"> <li>• DFCS shall notify the court whether &amp; when it intends to file a TPR</li> <li>• If Court determines no progress, then development by DFCS of a nonreunification or concurrent case plan may be ordered</li> </ul>
Citizen Panel Reviews	§15-11-217	<p>Procedure for Citizen Panel Review at 4 months after removal / Supplemental Order by the Court  If Panel finds no substantial progress on caseplan, then Court shall schedule an In Court Review within 30 days</p>
Order Following  Citizen Panel Review Or Periodic Review Hearing	§15-11-218	<p>Court Order following a periodic review hearing or Citizen Panel shall make written findings of fact that include:</p> <ol style="list-style-type: none"> <li>1. Why child continues to be a dependent child</li> <li>2. Whether caseplan continues to be appropriate</li> <li>3. Compliance by all parties</li> <li>4. Basis for any placement changes</li> <li>5. Visitation schedule appropriateness</li> <li>6. Progress toward permanency plan</li> <li>7. Whether all legally required services are being provided to the child, foster parents &amp; parents</li> <li>8. Written Transitional Living Plan (WTLP) for child 14 &amp; older</li> <li>9. RE to prevent or eliminate the necessity of removal</li> </ol> <p>Dispositions available following review:</p> <ol style="list-style-type: none"> <li>1. Return child</li> <li>2. Allow child to continue in the current custodial placement because the current placement is appropriate for the child's needs</li> <li>3. Allow child to continue in the current custodial placement although the current placement is no</li> </ol>

	§15-11-218 (cont)	longer appropriate for the child's needs & direct DFCS to devise another plan OR 4. Make additional orders regarding the treatment plan or placement to protect the child's best interests if the court determines DFCS has failed in implementing any material provision of the case plan or abused its discretion in the placement or proposed placement of the child
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<b>Part 12, Article 3</b>		
Permanency Plan Hearing – Initial & Subsequent  Must Be In Court & By Judge  Different timing for Permanency Plan Hearing depending on age of child	§15-11-230	Court to hear all Permanency Plan Hearings <ul style="list-style-type: none"> <li>• Within 30 days of DFCS filing Nonreunification case plan</li> <li>• Within <u>9 months</u> of removal for child less than 7 years at filing of petition, then every 6 months</li> <li>• Within <u>12 months</u> of removal for child who was 7 years or older at the time of the petition, then every 6 months</li> <li>• Sibling groups – if sibling group removed at same time &amp; any child in the sibling group was less than 7 years at the time of the petition then Permanency Plan Hearing within 9 months of removal then every 6 months</li> <li>• After Initial Permanency Plan Hearing, then at least every 6 months thereafter</li> <li>• Parties to receive 5 days advance notice of Permanency Plan Hearing</li> <li>• Court shall consult with the child concerning proposed permanency plan</li> </ul>

Prior to Permanency Plan Hearing DFCS to Submit Report Recommending Permanency Plan	§15-11-231	At least five days prior to the permanency plan hearing, DFCS shall submit a report to the Court that Recommends permanent plan Documents steps taken to finalize the permanency plan <ol style="list-style-type: none"> <li>1. The name, address &amp; telephone number of such child's parent, guardian, or legal custodian</li> <li>2. The date of removal &amp; date child placed in foster care</li> <li>3. The location &amp; type of foster care current or proposed</li> <li>4. The basis for continued protective custody</li> <li>5. Availability of placement with a fit &amp; willing relative or other persons who have demonstrated an ongoing commitment to a child or why those placements are not appropriate</li> <li>6. school stability questions</li> <li>7. services plan for child &amp; family</li> <li>8. Goal of the permanency plan: reunification, referral for TPR, permanent guardianship or compelling reason for another planned permanent living arrangement</li> <li>9. Written Transitional Living Plan if child 14 or older <ul style="list-style-type: none"> <li>• anticipated age discharged from foster care</li> <li>• anticipated amount of time available to prepare the child for the transition from foster care to independent living</li> <li>• anticipated location &amp; living situation of the child when discharged from foster care</li> <li>• description of the assessment processes, tools &amp; methods that have been or will be used to determine the programs &amp; services that are or will be provided to assist the child in</li> </ul> </li> </ol>
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Written Transitional Living Plan Contents	§15-11-231 (cont)	<ul style="list-style-type: none"> <li>• preparing for the transition from foster care to independent living</li> <li>• rationale for each program or service that is or will be provided to assist the child in preparing for the transition from foster care to independent living, the time frames for delivering such programs or services, and the intended outcome of such programs or services</li> </ul> <p>10. If recommended permanency plan is TPR &amp; adoption then a description of specific recruitment efforts</p>
<p>Permanency Plan Hearing Court Order Requirements</p> <p>Transition Plan for Child Requirements 90 days Before 18<sup>th</sup> Birthday</p>	§15-11-232	<p>Court shall make written findings of fact:</p> <ol style="list-style-type: none"> <li>1. RE to finalize permanency plan</li> <li>2. Necessity of continuing out of home placement</li> <li>3. Compliance with the permanency plan by DFCS, parties, and any other service providers</li> <li>4. Efforts to involve additional appropriate service providers in planning to meet the special needs of the child &amp; family</li> <li>5. Efforts to eliminate the causes of the child's removal or return the child to the home or obtain a permanent placement</li> <li>6. Anticipated date to achieve permanency</li> <li>7. If child placed out of state, is it still appropriate</li> <li>8. 14 &amp; older child then the services needed to assist child in transition from foster care to independent living</li> </ol> <p>Permanency Plan Court Order shall include</p> <ol style="list-style-type: none"> <li>1. Can child be returned to the home</li> <li>2. Is referral for TPR &amp; adoption appropriate</li> <li>3. Is placement with a permanent guardian appropriate</li> <li>4. Is placement appropriate with a fit &amp; willing relative or other persons who have demonstrated an ongoing commitment to child – if not then why</li> <li>5. Court to document the compelling reason if none of the above are in the child's best interest &amp; then why APPLA (another planned permanent living arrangement) is most appropriate plan for child</li> </ol> <p><u>Transition Plan for Child – 90 days prior to child 18<sup>th</sup> Birthday</u></p> <p>Supplemental Court Order within 30 days of Permanency Plan Hearing adopting the plan AND to include Transition Plan personalized &amp; at the direction of the child to include</p> <ul style="list-style-type: none"> <li>• specific options on housing, health insurance, education, local opportunities for mentors &amp; continuing support services &amp; work force supports &amp; employment services &amp; as detailed as child elects</li> </ul>

TPR to be Filed When	§15-11-233	<p>DFCS shall file TPR or join in TPR filed by another party &amp; recruit, process &amp; approve an adoptive resource when:</p> <ol style="list-style-type: none"> <li>1. child has been in care 15 of the most recent 22 months</li> <li>2. Court determines parent has subjected child to aggravated circumstances</li> <li>3. Parent has been convicted of: <ul style="list-style-type: none"> <li>• murder of another child of the parent</li> <li>• voluntary manslaughter of another child of the parent</li> <li>• voluntary manslaughter of the other parent of the child</li> <li>• aiding or abetting, attempting, conspiring, or soliciting to commit murder or voluntary manslaughter of another child of the parent</li> <li>• aiding or abetting, attempting, conspiring, or soliciting to commit murder or voluntary manslaughter of the other parent of the child</li> <li>• committing felony assault resulting in serious bodily injury to the child or to another child of the parent</li> </ul> </li> </ol>
TPR NOT in Child's Best Interests When	§15-11-233 (b)	<p>TPR may NOT be in child's best interests when</p> <ol style="list-style-type: none"> <li>1. Child is in a relative placement</li> <li>2. Compelling Reasons are documented, such as: <ol style="list-style-type: none"> <li>A. parent is successfully participating in reunification services</li> <li>B. Another permanency plan is more appropriate to meet the child's health &amp; safety needs: <ul style="list-style-type: none"> <li>• 14 &amp; older child - objects to TPR &amp; Court has personally questioned the child in chambers to confirm the child's objection is a voluntary &amp; knowing choice</li> <li>• 16 &amp; older child specifically requests emancipation be established the permanent plan</li> <li>• Child has a significant bond with a disabled parent &amp; child has an alternative committed caregiver who will facilitate visits with disabled parent &amp; committed to care for child till majority</li> <li>• Child lives in a residential facility specifically designed to meet his needs &amp; Court determines the child's needs could not be met in a less restrictive environment</li> </ul> </li> <li>C. Relative placement committed to long term placement but unwilling or unable to adopt &amp; removal from the relative would be detrimental to the child</li> <li>D. RE have not been provided by DFCS as determined by Court or Panel</li> <li>E. Child is unaccompanied refugee or there are international legal obligations or foreign policy reasons that would preclude TPR</li> </ol> </li> <li>3. DFCS has not provided the family with services necessary for reunification consistent with the specific time frames for the accomplishment of the case plan goals</li> </ol> <p>TPR not in best interest shall be based on present family circumstances &amp; shall not preclude a different recommendation if the family circumstances change</p>



<b>Part 13, Article 3</b>		
Permanent Guardianship Authorized  Child Support Authorized	§15-11-240	In addition to O.C.G.A. §15-11-13 & 14 Juvenile court can appoint a permanent guardian when the Court finds <ol style="list-style-type: none"> <li>1. RE for reunification would be <u>detrimental to the child</u> or the living parents of the child have consented to the permanent guardianship</li> <li>2. TPR &amp; adoption is not in the child's best interests</li> <li>3. The proposed permanent guardian can provide a safe &amp; permanent home for the child;</li> <li>4. Appointment of a Permanent Guardian &amp; the person chosen to be the permanent guardian are in the best interests of the child</li> <li>5. If the child is 14 or older, the child's selection of permanent guardian is in the child's best interest</li> </ol> The court may order child support from the parent, O.C.G.A. §15-11-212 (7)
Permanent Guardianship  Petition Contents	§15-11-241	Contents of Permanent Guardianship Petition <ol style="list-style-type: none"> <li>1. Factual basis of jurisdiction</li> <li>2. Name &amp; date of birth of the child adjudicated as a dependent child</li> <li>3. The name, address &amp; petitioner's county of domicile &amp; relationship to the child</li> <li>4. Statement that:               <ol style="list-style-type: none"> <li>A. RE to reunify would be detrimental to the child</li> <li>B. TPR &amp; adoption is not in the child's best interests</li> <li>C. The proposed permanent guardian can provide a safe &amp; permanent home for the child;</li> <li>D. Appointment of a Permanent Guardian &amp; the person chosen to be the permanent guardian are in the best interests of the child</li> <li>E. If the child is 14 or older, the child's selection of permanent guardian is in the child's best interest</li> </ol> </li> <li>5. Whether the child was born out of wedlock &amp; if so, the name &amp; address of the biological father, if known</li> <li>6. Whether, there are any other notarized or witnessed documents made by the parent of the child that deals with the guardianship of the child and the name &amp; address of any designee named in the document</li> <li>7. If the parent has not consented to the permanent guardianship then certain relatives of the child must be notified:               <ol style="list-style-type: none"> <li>A. Adult siblings of the child, no more than 3</li> <li>B. If no adult sibling of the child, then the grandparents of the child, no more than 3</li> <li>C. If no grandparent then, any 3 of the nearest adult relatives of the child pursuant to O.C.G.A. §53-2-1 (definitions of heirs)</li> </ol> </li> <li>8. Whether there are any other petitions for permanent or temporary guardians filed or being filed</li> <li>9. The reason why if there are any omissions in the permanent guardianship petition</li> </ol>

Permanent Guardianship Order No Reviews Visitation Oath  Reference to Probate Code Sections	§15-11-242	<u>Permanent guardianship orders</u> 1. Remain in effect until the child is 18 years old or becomes emancipated 2. Not subject to review by the court except as provided in O.C.G.A. §15-11-244 3. May establish a reasonable visitation schedule which allows the child & parents to maintain meaningful contact through personal visits, telephone calls, letters or other forms of communication OR specifically include any restriction on a parent's right to visitation.  • A permanent guardian shall have the rights and duties of a permanent guardian as provided in <u>O.C.G.A. §29-2-21, §29-2-22 &amp; §29-2-23</u> & shall take the Guardianship Oath required in <u>O.C.G.A. §29-2-24</u> – Reference to Probate Court
Notice of Permanent Guardianship  Best Interest Determination	§15-11-243	If the parents consent then no further notice required If the parents have not consented, then Notice to <ul style="list-style-type: none"> <li>• Adult siblings of the child</li> <li>• If no adult sibling of the child, then the grandparents of the child</li> <li>• If no grandparent of the child, any of the nearest adult relatives of the child pursuant to <u>O.C.G.A. §53-2-1</u></li> </ul> Juvenile Court permanent guardianship hearing shall be conducted in accordance to <u>O.C.G.A. §29-2-18</u> ( Probate Court) & determine best interests of the child by <u>O.C.G.A. §15-11-240</u>
Retain Jurisdiction over Permanent Guardianship  Modify, Vacate or Revoke Guardianship Standard	§15-11-244	<ul style="list-style-type: none"> <li>• Juvenile Court sole jurisdiction to modify, vacate, or revoke the guardianship &amp; appoint a new guardian</li> <li>• Superior Courts shall have concurrent jurisdiction for enforcement or modification of any child support or visitation order entered pursuant to <u>O.C.G.A. §15-11-240</u></li> <li>• Guardianship shall be modified, vacated, or revoked based on findings by clear &amp; convincing evidence of a material change in the circumstances of the child or guardian &amp; that modification, vacation, or revocation of the guardianship order &amp; the appointment of a new guardian is in the best interests of the child</li> <li>• Appointment of a new guardian subject to <u>O.C.G.A. §15-11-240</u> &amp; <u>15-11-241</u></li> </ul>

<b>Article 4      TERMINATION OF PARENTAL RIGHTS (TPR)</b>		
<b>Part 1, Article 4</b>		1.
Purpose of TPR	§15-11-260	2. To protect a dependent child from parent who is unwilling or unable to provide safety & care adequate to meet the child's physical, emotional & mental health needs by a judicial process for the termination of all parental rights & responsibilities; 3. To eliminate the need for a dependent child to wait unreasonable periods of time for the parent to correct the conditions which prevent the child's return to the family 4. To ensure that the continuing needs of a dependent child for proper physical, mental & emotional growth & development are the decisive considerations in all proceedings 5. To ensure that the constitutional rights of all parties are recognized & enforced in all TPR proceedings while ensuring that the fundamental needs of a child are not subjugated to the interests of others 6. To encourage stability in the life of a dependent child ensuring that all proceedings are

	§15-11-260 (cont)	conducted expeditiously to avoid delays in resolving the status of the parent & in achieving permanency for the child Only the parental rights of the parent who is subject to the TPR proceedings is affected
Effect of TPR On relationship between Child & • Parent • Sibling • Relatives	§15-11-261	A. TPR Order is without limit as to duration & divests the parent & the child of all legal rights, powers, privileges, immunities, duties & obligations with respect to each other EXCEPT 1. Child's right to child support until final order of adoption 2. Child's right to inheritance until final order of adoption 3. Child's right to pursue civil action against parent B. After TPR order, parent is not entitled to notice of adoption & loses right to object to adoption C. Sibling relationship is not severed until final order of adoption D. Relative relationships for the purpose of placement or a permanency plan are not severed until final order of adoption
Appointment of Attorneys in TPR  Child Attorney in TPR  GAL in TPR	§15-11-262	<ul style="list-style-type: none"> <li>• Child and any other party to a TPR have the right to an attorney at all stages</li> <li>• Court shall appoint an attorney for a child in a TPR as soon as practicable &amp; before the first court hearing that may substantially affect the interests of the child</li> <li>• Child's attorney owes to a child the duties imposed by the attorney-client relationship</li> <li>• GAL may be appointed at the request of the child's attorney or upon the court's own motion if GAL is necessary to assist the court in determining the best interests of the child <ul style="list-style-type: none"> <li>○ Child's attorney &amp; GAL may be the same person unless or until a conflict of interest</li> <li>○ GAL role same as O.C.G.A. §15-11-106</li> <li>○ Appointment through appeals unless excused by Court</li> <li>○ Neither child nor child representative can waive child's attorney</li> <li>○ Same child attorney when possible throughout dependency actions</li> </ul> </li> <li>• Parties other than child, may waive attorney, hire attorney or apply for court appointed</li> </ul>
Physical or mental Exam in TPR	§15-11-263	Court may require a physical or mental evaluation of the child, parent, stepparent, guardian, or legal custodian, upon request of a party or the Court's own motion Cost of evaluation paid by moving party unless otherwise apportioned by the Court
Discovery in TPR  Available to any party upon written request	§15-11-264 (a)	Same as O.C.G.A. §15-11-170(a) - Available to any party, upon written request to the party having actual custody, control, or possession of the material to be produced, have full access for inspection, copying, or photographing: 1. names & telephone numbers of each witness likely to be called to testify 2. formal written statement – child or witness 3. scientific or other report 4. drug screen 5. case plan 6. visitation schedule 7. Photographs 8. Copies of police incident reports 9. Any other relevant evidence not requiring consent or court order under O.C.G.A §15-11-264(b)

<p>Discovery In TPR</p> <p>Requires Court Order or Written Consent of Person Permitting Access to Protected Information</p>	<p>§15-11-264 (b)</p>	<p>Same as O.C.G.A. §15-11-170(b) - By court order or written consent from the appropriate person any party shall have access to the following for inspection, copying, or photographing:</p> <ol style="list-style-type: none"> <li>1. psychological, developmental, physical, mental or emotional health, or other assessments of the child or family, parent, guardian, or legal custodian</li> <li>2. school records of child</li> <li>3. medical records of child</li> <li>4. transcriptions, recordings &amp; summaries of oral statement of child or witness, except child abuse reports that are confidential O.C.G.A §19-7-5 (Child Abuse Reporting Statute) &amp; attorney work product</li> <li>5. Family Team Meeting (FTM) or Multidisciplinary Team Meetings (MDT) reports</li> <li>6. Supplemental police reports</li> <li>7. Child's immigration records</li> </ol>
<p>TPR Discovery</p> <p>Reciprocal Discovery Contents</p>	<p>§15-11-264(c)</p>	<p>Same as O.C.G.A. §15-11-170(c)</p> <p>If a party makes a discovery request, then that party shall provide all parties for inspection, copying &amp; photographing:</p> <ol style="list-style-type: none"> <li>1. names &amp; last known addresses &amp; telephone numbers of each witness to the party's defense</li> <li>2. Any scientific or other report which is intended to be introduced at the hearing or that pertains to physical evidence which is intended to be introduced</li> <li>3. Photographs &amp; any physical evidence which are intended to be introduced at the hearing</li> <li>4. copy of any written statement by any witness that relates to the testimony of the witness to be called during hearing</li> </ol>
<p>TPR Discovery</p> <p>Timing Continuing Discovery Response required</p>	<p>§15-11-264 (d)</p>	<p>Same as O.C.G.A. §15-11-170(d)</p> <ul style="list-style-type: none"> <li>• Prompt compliance required</li> <li>• not later than 5 days after request received or</li> <li>• at least 72 hours prior to hearing (depending on when request received)</li> <li>• if request less than 48 hours prior to hearing then response shall be timely</li> <li>• if new evidence found after discovery provided, then party shall promptly provide to other parties</li> </ul>
<p>TPR Discovery</p> <p>Motion for Discovery if Refusal</p> <p>Or Denial of Consent to Discoverable Information</p>	<p>§15-11-264 (e)</p>	<p>Same as O.C.G.A. §15-11-170(e) - If a request for discovery or consent for release is refused, then Motion for Discovery &amp; written Court Order required</p> <p>Discovery Motions to certify a good faith request for discovery or consent was made &amp; was unsuccessful</p> <p>An order granting discovery shall require reciprocal discovery &amp; Court may deny, limit or condition discovery response upon a sufficient showing that disclosure of the information would:</p> <ol style="list-style-type: none"> <li>1. Jeopardize the safety of a party, witness, or confidential informant</li> <li>2. Create a substantial threat of physical or economic harm to a witness or other person</li> <li>3. Endanger the existence of physical evidence</li> <li>4. Disclose privileged information</li> <li>5. Impede criminal prosecution of a minor who is being prosecuted as an adult or the prosecution of an adult charged with an offense arising from the same event</li> </ol>

Deposition of Child	§15-11-264 (f)	Same as O.C.G.A. §15-11-170(f) No deposition of child except by Court order
Sanction for Failure to Comply	§15-11-264 (g)	Same as O.C.G.A. §15-11-170(g) Failure to comply with discovery then court may grant a continuance, prohibit the use of the evidence or other order the Court deems just
Court May order Disclosure	§15-11-264 (h)	Same as O.C.G.A. §15-11-170(h) Court has authority to order disclosure of any information deemed necessary for proper adjudication
Restriction on use of Discovery	15-11-264 (i)	Same as O.C.G.A. §15-11-170(i) Information obtained through discovery shall only be used during pending case & use may be further limited by Court
Once TPR filed Parent Cannot Surrender to Others	§15-11-265	Once TPR filed parent cannot execute a surrender of parental rights except to DFCS AND consent to TPR

<b>Part 2, Article 4</b>		
TPR Venue	§15-11-270	TPR shall be commenced in the same county as underlying dependency action For convenience of parties Court may transfer TPR action to the parents' county of legal residence

<b>Part 3, Article 4</b>		
TPR Petition contents	§15-11-280	<ul style="list-style-type: none"> <li>• TPR petition style of case 'In the interest of _____, a child.', except upon appeal, when anonymity of the child shall be preserved by use of appropriate initials</li> <li>• TPR petition shall be written, verified &amp; endorsed by the court, same as Dependency Petition TPR petition shall <ol style="list-style-type: none"> <li>1. State clearly that an order for TPR is requested &amp; the effect of a TPR</li> <li>2. State the statutory ground for the TPR consistent with O.C.G.A. §15-11-310</li> <li>3. Set forth plainly &amp; with particularity: <ul style="list-style-type: none"> <li>• Jurisdiction &amp; Factual basis of the TPR</li> <li>• The name, age, DOB &amp; residence address of the child</li> <li>• Name &amp; address of parents, guardian or legal custodian / if unknown then adult relative residing within county or nearest to Court</li> <li>• Whether the child is in protective custody &amp; when child was placed in protective custody</li> <li>• Whether any of the required information is unknown</li> </ul> </li> </ol> </li> <li>• Putative Father Registry Certificate required if TPR involves a biological father who is not the legal father &amp; who has not surrendered his parental rights</li> <li>• A copy of a voluntary surrender or written consent, if any, previously executed by a parent</li> </ul>
TPR Summons	§15-11-281	<ul style="list-style-type: none"> <li>• Summons to the mother, legal father or biological father, guardian, legal custodian, attorney &amp; GAL &amp; any others who the Court deems proper or necessary parties to the proceeding</li> <li>• copy of TPR petition unless served by publication</li> <li>• 14 year or older child gets summons &amp; copy of TPR petition</li> </ul>

	§15-11-281 (cont)	<ul style="list-style-type: none"> <li>• Effect of TPR Notice consistent with O.C.G.A. §15-11-284</li> <li>• Party's right to an attorney or court appointed attorney</li> <li>• Except the child, party may waive summons by written stipulation or by voluntary appearance at the hearing</li> </ul>
TPR Service to Parties  Service by Publication Authorized	§15-11-282	<ul style="list-style-type: none"> <li>• If party is within this state &amp; can be found, then personal service asap &amp; at least 30 days before the TPR hearing</li> <li>• If party is within this state &amp; cannot be found but address known or known with due diligence, service at least 30 days before the TPR hearing by registered or certified mail or statutory overnight delivery, return receipt requested</li> <li>• If party is outside this state with known address or known with due diligence, then service at least 30 days before the TPR hearing by personal service or mail</li> <li>• If, after due diligence, whereabouts of a party are unknown then service by publication / TPR hearing shall not be earlier than 31 days after final publication – publication shall be 1 per week for 4 consecutive weeks</li> <li>• With 15 days after filing the order for service by publication, Clerk of Juvenile Court shall mail a copy of the TPR Notice, TPR petition &amp; Publication order to the absent parent's last known address</li> </ul>
TPR Service to Legal Father or Biological Father	§15-11-283	<p>Unless he has surrendered all parental rights to his child, summons shall be served on the legal father &amp; the biological father</p> <ul style="list-style-type: none"> <li>• Whose paternity was previously established in a judicial proceeding &amp; the father was a party</li> <li>• Whose identity is known to the petitioner or the petitioner's attorney</li> <li>• Who is a registrant on the Putative Father Registry &amp; has acknowledged paternity or has indicated possible paternity of the child</li> <li>• Who, has performed any of the following acts: <ul style="list-style-type: none"> <li>(A) Lived with the child</li> <li>(B) Contributed to child's support</li> <li>(C) Made any attempt to legitimate the child or</li> <li>(D) Provided support or medical care for the mother either during her pregnancy or during her hospitalization for the birth of the child</li> </ul> </li> </ul> <p>Notice to the biological or legal father shall be made as follows</p> <ul style="list-style-type: none"> <li>• If he is within this state &amp; can be found, then personal service asap &amp; at least 30 days before the TPR hearing</li> <li>• If he is outside this state with known address or known with due diligence, then service at least 30 days before the TPR hearing by personal or mail registered or certified mail or statutory overnight delivery, return receipt requested</li> <li>• If, after due diligence, his whereabouts of are unknown (either within or outside the state) then service by publication / TPR hearing shall not be earlier than 31 days after final publication – publication shall be 1 per week for 4 consecutive weeks <ul style="list-style-type: none"> <li>o Publication shall be made both in the county where the TPR is pending &amp; the last known county of residence of the biological father</li> </ul> </li> </ul>

Failure to File Legitimation after service of TPR  TPR Granted if Legitimation is not Granted	§15-11-283 (cont)	<ul style="list-style-type: none"> <li>o With 15 days after filing the order for service by publication, Clerk of Juvenile Court shall mail a copy of the TPR Notice, TPR petition &amp; Publication order to the absent father's last known address</li> <li>• Legitimation Notice to father - file legitimation with 30 days of receipt of TPR notice or he may lose his right to object to the TPR</li> <li>• Unknown identity of father – rebuttable presumption he is not entitled to notice of TPR, Court may require the mother to provide an affidavit as to the father's unknown identity</li> <li>• TPR may be granted against biological father who <ul style="list-style-type: none"> <li>o Who fails to file a timely petition to legitimate the child</li> <li>o Whose petition to legitimate is subsequently dismissed for failure to prosecute or</li> <li>o Whose petition to legitimate is not granted</li> </ul> </li> </ul>
TPR Notice of Effect to Parents	§15-11-284	Notice of Effect of Termination Judgment to Parents Contents of notice
TPR Rule Nisi for Failure to Appear	§15-11-285	If party properly served then Court may issue Rule Nisi for failure to appear or failure to bring child before the Court

<b>Part 4, Article 4</b>		
TPR Notice to Foster Parents or Caregivers	§15-11-300	At least 72 hours in advance of each TPR hearing, DFCS shall give written notice of the date, time, place & purpose of the hearing to the caregiver of the child, foster parents of the child, any preadoptive parent or any relative providing care for the child, including the right to be heard. The written notice shall be delivered to the recipient mail, e-mail, or hand delivery
Timing of TPR Hearing within 90 days of filing & Order within 30 days of TPR Hearing conclusion Recording of TPR proceedings	§15-11-301	<p>If no just cause has been shown for delay</p> <ul style="list-style-type: none"> <li>• TPR hearings shall be conducted within 90 days of the TPR filing</li> <li>• written finding of fact by the court, an order of disposition shall be issued by the juvenile court no later than 30 days after the conclusion of the hearing on the TPR petition</li> </ul> <p>Failure to comply with these time requirements are not grounds to invalidate an otherwise proper TPR unless the Court determines the delay resulted in substantial prejudice to a party</p> <p>All TPR hearings shall be recorded by stenographic notes or by electronic, mechanical, or other appropriate means capable of accurately capturing a full &amp; complete record of all words spoken during the hearing</p>
Use of TPR testimony in other actions	§15-11-302	Testimony in TPR hearing shall not be admissible against a party in any other action except in subsequent dependency or termination proceedings involving the same child or the same respondent / parent / caregiver
TPR Standard of Proof	§15-11-303	Clear & Convincing evidence of statutory grounds for TPR and child's best interest

Part 5, Article 4		
<p>Court Considerations in TPR</p> <p>5 Statutory Grounds for TPR</p> <p>Plus</p> <p>Child's Best Interest</p>	<p>§15-11-310</p>	<p>First consider statutory grounds for TPR</p> <ol style="list-style-type: none"> <li>(1) Parent has given written consent to TPR that is acknowledged by the court or has voluntarily surrendered the child for adoption</li> <li>(2) The parent has subjected the child to aggravated circumstances</li> <li>(3) The parent has wantonly &amp; willfully failed to comply with a child support order 12 months or longer</li> <li>(4) Child is abandoned by the parent OR</li> <li>(5) child is a dependent child <ul style="list-style-type: none"> <li>• due to lack of proper parental care or control by the parent, O.C.G.A. §15-11-311</li> <li>• reasonable efforts to remedy the circumstances have been unsuccessful or were not required</li> <li>• the cause of the child's dependency is likely to continue or will not likely be remedied &amp;</li> <li>• the continued dependency will cause or is likely to cause serious physical, mental, emotional, or moral harm to the child</li> </ul> </li> </ol> <p>(b) <u>If any</u> of the statutory grounds for TPR has been met, then the court shall consider whether TPR is in a child's best interests after considering the following factors:</p> <ol style="list-style-type: none"> <li>(1) child's sense of attachments, including sense of security &amp; familiarity &amp; the continuity of affection for the child</li> <li>(2) child's wishes &amp; long-term goals</li> <li>(3) child's need for permanence, including need for stability &amp; continuity of relationships with a parent, siblings &amp; other relatives</li> <li>(4) Any other factors, including the factors those stated in O.C.G.A. §15-11-26 (Best Interest of Child factors) considered by the court to be relevant &amp; proper</li> </ol> <p>TPR presumed in child's best interest when the court determines that a parent has subjected the child to aggravated circumstances because the parent has committed the murder of the other parent of the child</p>
<p>How to Determine Lack of Proper Parental Care in TPR</p>	<p>§15-11-311</p>	<p>Lack of proper parental care &amp; control, the court shall consider</p> <ol style="list-style-type: none"> <li>1. Medically verified deficiency of the parent's physical, mental, or emotional health that renders the parent unable to provide adequately for the child</li> <li>2. Excessive use of or history of chronic unrehabilitated substance abuse with the effect of rendering a parent incapable of providing adequately for the physical, mental, emotional, or moral condition &amp; needs of the child</li> <li>3. Felony conviction &amp; imprisonment of a parent for an offense which has a demonstrably negative effect on the quality of the parent-child relationship including, but not limited to, any of the following: <ol style="list-style-type: none"> <li>a. Murder of another child of the parent;</li> <li>b. Voluntary manslaughter of another child of the parent;</li> <li>c. Voluntary manslaughter of the other parent</li> <li>d. Aiding or abetting, attempting, conspiring, or soliciting to commit murder or voluntary manslaughter of another child of the parent;</li> </ol> </li> </ol>



Child not in parent custody	§15-11-311 (cont)	<p>e. Aiding or abetting, attempting, conspiring, or soliciting to commit murder or voluntary manslaughter of the other parent</p> <p>f. Committing felony assault that results in serious bodily injury the child or another child of the parent</p> <p>4. Egregious conduct or evidence of past egregious conduct of a physically, emotionally, or sexually cruel or abusive nature by the parent toward the child or toward another child of the parent</p> <p>5. Physical, mental, or emotional neglect of the child or evidence of past physical, mental, or emotional neglect by the parent of the child or another child of the parent; and</p> <p>6. Serious bodily injury or death of a sibling of the child under circumstances that constitute substantial evidence that such injury or death resulted from parental neglect or abuse.</p> <p><u>If the child is not in the parents' custody</u> then lack of proper parental care &amp; control, then the court shall also consider, whether such parent, without justifiable cause, has failed significantly for a period of 6 months prior to the date of the termination hearing:</p> <ol style="list-style-type: none"> <li>1. To develop &amp; maintain a parental bond with his or her child in a meaningful, supportive manner</li> <li>2. To provide for the care &amp; support the child as required by law or judicial decree &amp;</li> <li>3. To comply with a court ordered reunification plan</li> </ol> <p>Religious, nonmedical healing in lieu of medical care, shall not be the sole basis for determining a parent to be unwilling or unable to provide safety &amp; care adequate to meet the child's physical, emotional &amp; mental health needs</p>
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<b>Part 6 Article 4</b>		
TPR Court Order Contents	§15-11-320	<p>TPR granted when clear &amp; convincing evidence of statutory grounds for TPR plus finding that TPR is in the child's best interest</p> <p>TPR Order shall</p> <ol style="list-style-type: none"> <li>(1) Contain written findings, including factual basis for TPR grounds &amp; child's best interest</li> <li>(2) Be conclusive &amp; binding on all parties from the date of entry</li> <li>(3) Grant custody of the child pursuant to O.C.G.A. §15-11-321</li> <li>(4) Inform the TPRed parent of the right to use the services of the Georgia Adoption Reunion Registry</li> </ol> <ul style="list-style-type: none"> <li>• If TPR is not granted but the court finds there is clear &amp; convincing evidence that a child is a dependent child, the court may enter a Dependency Disposition Order</li> <li>• The court shall transmit a copy of every final TPR order to the Office of Adoptions of the Department within 15 days of the filing of the order</li> </ul>
Placement Following TPR	§15-11-321	<p>Placement following TPR or surrender of parental rights may be made upon the Court finding the placement is in the child's best interest considering:</p> <ol style="list-style-type: none"> <li>(1) The child's need for a placement that offers the greatest degree of legal permanence &amp; security</li> <li>(2) The least disruptive placement for the child</li> <li>(3) The child's sense of attachment &amp; need for continuity of relationships</li> <li>(4) The value of biological &amp; familial connections &amp;</li> <li>(5) Any other factors the court deems relevant</li> </ol>

	§15-11-321 (cont)	<ul style="list-style-type: none"> <li>• A guardian or legal custodian shall submit to the jurisdiction of the court for purposes of placement</li> <li>• A placement effected under this Code section shall be conditioned upon the person who is given custody or who is granted an adoption of a child agreeing to abide by the terms &amp; conditions of the order of the court</li> <li>• The Department has the authority to consent to the adoption of a child whose parents have had their parental rights terminated or surrendered</li> </ul>
<p>Post TPR Reviews</p> <p>If no adoption, Judicial Review every 6 months</p> <p>Guardianship Review following TPR or Surrender</p>	§15-11-322	<p>If an adoption is NOT filed within 6 months of TPR disposition Judicial Review of:</p> <ol style="list-style-type: none"> <li>1. The child's circumstances to determine what efforts have been made to assure that the child will be adopted</li> <li>2. Make written findings regarding whether RE have been made to move the child to permanency</li> <li>3. Evaluate whether the current permanency plan is still appropriate</li> <li>4. Enter orders necessary to further the child's permanency (adoption or another placement)</li> <li>5. Post TPR reviews continue at least every 6 months until the child is adopted or other permanency is achieved</li> </ol> <p>If child is placed with a guardian following TPR or surrender, then within 60 days of the guardian appointment &amp; annually thereafter, the guardian shall file with the court a personal status report of the child to include:</p> <ol style="list-style-type: none"> <li>1. A description of such child's general condition, changes since the last report &amp; the child's needs</li> <li>2. All addresses of the child during the reporting period &amp; the living arrangements for the child at each address &amp;</li> <li>3. Recommendations for any modification of the guardianship order</li> </ol>
<p>Reinstatement of Parental Rights following TPR if no adoption &amp; 3 Years Lapsed, exception</p> <p>Applies Retroactively</p>	§15-11-323	<p>Reinstatement of Parental Rights following TPR or Surrender IF</p> <ul style="list-style-type: none"> <li>• Child may petition the Court, if after 3 years from the TPR or surrender, the child is not adopted &amp; Court determines adoption is no longer the permanent plan, then use O.C.G.A. § 15-11-32 for modification of the TPR Order</li> <li>• Child may petition the Court for modification prior to the expiration of 3 years if DFCS or licensed child placing agency responsible for the child stipulate that the child is not likely to be adopted</li> <li>• Child 14 years of age or older shall sign the petition or showing of good cause as to why the child could not sign</li> <li>• Court to determine if it is in the child's best interests to reinstate the parental rights</li> <li>• Court shall order a hearing held &amp; notice to be served by United States mail to: <ul style="list-style-type: none"> <li>○ child</li> <li>○ DFCS</li> <li>○ the attorneys of record</li> <li>○ GAL</li> <li>○ foster parents</li> <li>○ the child's former parent whose parental rights were terminated or surrendered</li> </ul> </li> </ul>

	<p>§15-11-323 (cont)</p>	<ul style="list-style-type: none"> <li>• The former parent &amp; foster parents shall have a right to be heard at the hearing to reinstate parental rights but shall not be parties at this hearing, &amp; the hearing may be conducted in their absence.</li> <li>• A child's motion to reinstate shall be dismissed if the former parent cannot be located or if the parent objects to the reinstatement</li> <li>• Reinstatement granted if the Court finds by clear &amp; convincing evidence that a child is no longer likely to be adopted &amp; that reinstatement of parental rights is in the child's best interests</li> <li>• Is reinstatement in the child's best interests, the court shall consider:             <ol style="list-style-type: none"> <li>1. Whether a parent whose rights are to be reinstated is a fit parent &amp; has remedied the parental deficits evidenced in the record of the prior TPR proceedings &amp; prior TPR order</li> <li>2. Age &amp; maturity of the child &amp; the ability of the child to express his or her preference</li> <li>3. Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety &amp;</li> <li>4. Other material changes in circumstances that may have occurred which warrant the granting of the petition for reinstatement</li> </ol> </li> <li>• If granted then Court shall conduct a review hearing within 6 months</li> <li>• Court may order child be immediately placed in the custody of the parent or order a transition period with DFCS ordered to provide transition services to the family</li> <li>• An order of parental rights reinstatement shall be a recognition that the situation of the parent &amp; the child has changed since the time of the TPR &amp; reunification is now appropriate</li> <li>• This Code section is intended to be RETROACTIVE &amp; applied to any child who is under the jurisdiction of the court at the time of the hearing regardless of the date parental rights were terminated</li> </ul>
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**Article 5 Children in Need of Services – CHINS**  
 §15-11-380 to §15-11-451

**Article 6 Delinquency**  
 §15-11-470 to §15-11-630

**Article 7 Child Competency**  
 §15-11-650 to §15-11-660

<b>Article 8 Parental Notification Act</b>		
Article Cite as	§15-11-680	Parental Notification Act
Definitions	§15-11-681	<p><u>Abortion</u> - the use or prescription of any instrument, medicine, drug, or any other substance or device with the intent to terminate the pregnancy of a female known to be pregnant</p> <p><u>Proper identification</u> - any document issued by a governmental agency containing a description of the person, the person's photograph, or both, includes driver's license, identification card (40-5-100 to 40-5-104), or similar identification card issued by another state, a military ID card, a passport, or work authorization issued by the United States Immigration and Customs Enforcement Division of the Department of Homeland Security</p> <p><u>Unemancipated minor</u> - any person under the age of 18 who is not or has not been married or who is under the care, custody, and control of such person's parent or parents, guardian, or the juvenile court of competent jurisdiction</p>
Procedure to Notify parent or guardian of pending abortion Venue in any county	§15-11-682	<p>No physician or other person shall perform an abortion upon an unemancipated minor unless: parent or guardian properly noticed by physician, &amp; does not wish to consult with the minor on the abortion issue OR</p> <p>The minor may petition the juvenile court for a waiver of the Notice requirements to the parent or guardian</p>
Timing of hearing	§15-11-683	Within 3 days of filing excluding weekends if no hearing within 3 days, minor's petition deemed granted
Right to Attorney Complete Anonymity Expedited Hearing	§15-11-684 (a & b)	<p>Minor has the right to a court appointed attorney</p> <p>Proceeding &amp; court records to be processed with complete anonymity of minor</p>
Court to Decide IF Notice can be waived  Standard of Proof	§15-11-684 (c)	<p>Notice to parent or guardian may be waived if the Court finds</p> <ol style="list-style-type: none"> <li>1. minor is mature &amp; well informed enough to make the abortion decision with the physician independent of the wishes of the parent or guardian</li> <li>2. Notice to the parent or guardian would NOT be in the minor's best interest</li> </ol> <p>Preponderance of the evidence standard In re Doe, 319 Ga.App. 574, 737 S.E.2d 581 (Ga. App., 2013)</p>
Timing of Court Order	§15-11-684 (d)	Within 24 hours of hearing & certified copy given to the minor
No residency required	§15-11-685	Minor does not have to be a resident of Georgia just within the state
Medical emergency exception	§15-11-686	This article does NOT apply if in the best clinical judgment of the attending physician, a medical emergency exists that so complicates the condition of the unemancipated minor as to require an immediate abortion
Reliance on information from minor	§15-11-687	Physician who acts in good faith shall be justified in relying on the representations of the unemancipated minor or of any other person providing the information required under this article
Violation = misdemeanor	§15-11-688	Violation of this article is a misdemeanor & any person who intentionally encourages another to provide false information pursuant to this article shall be guilty of a misdemeanor

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<b>Article 9 Access to Hearings &amp; Records</b> §15-11-700 to §15-11-710		
Court may close dependency hearing in certain circumstances	§15-11-700	<p>Court may close a dependency proceeding only upon making a finding on the record &amp; issuing a signed order stating the reason for closing all or part of a hearing &amp; stating that:</p> <ol style="list-style-type: none"> <li>1. The proceeding involves an allegation of an act which, if done by an adult, would constitute a sexual offense under Chapter 6 of Title 16; or</li> <li>2. It is in the best interests of the child.</li> </ol> <p>Factors Court shall consider:</p> <ol style="list-style-type: none"> <li>A. The age of the child alleged or adjudicated as a dependent child</li> <li>B. The nature of the allegations</li> <li>C. The effect that an open court proceeding will have on the court's ability to reunite &amp; rehabilitate the family unit</li> <li>D. Whether the closure is necessary to protect the privacy of a child, a foster parent or other caretaker or a victim of domestic violence</li> </ol> <p>Court may close a hearing or exclude a person from a hearing in any proceeding on its own motion, by motion of a party to the proceeding, or by motion of the subject, child's attorney or GAL</p>

<b>Article 10 Emancipation</b>		
Emancipation Occurs When	§15-11-720	<p>emancipation occurs by operation of law when</p> <ol style="list-style-type: none"> <li>(1) a child is validly married</li> <li>(2) a child reaches the age of 18 years</li> <li>(3) a child is on active military duty</li> </ol> <p>OR</p> <p>By juvenile court order following a petition filed by the child</p>
Contents of Emancipation Petition	§15-11-721	<p>File in juvenile court where child resides, signed &amp; verified by petitioner, &amp; include:</p> <ol style="list-style-type: none"> <li>1. The petitioner's full name &amp; DOB, county &amp; state of birth</li> <li>2. certified copy of the petitioner's birth certificate</li> <li>3. name &amp; last known address of the petitioner's parent, guardian, or legal custodian &amp; if no parent, guardian, or legal custodian can be found, the name &amp; address of the petitioner's nearest living relative residing within this state</li> <li>4. petitioner's present address &amp; length of residency at that address</li> <li>5. declaration by the petitioner demonstrating the ability to manage his or her financial affairs together with any information necessary to support the declaration</li> </ol>

	§15-11-721 (cont)	<p>6. declaration by the petitioner demonstrating the ability to manage his or her personal &amp; social affairs together with any information necessary to support the declaration &amp;</p> <p>7. names of individuals who have personal knowledge of the petitioner's circumstances &amp; believe that emancipation is in the best interests of the petitioner: licensed physician, physician assistant, or osteopath, registered professional nurse or licensed practical nurse, licensed psychologist, licensed professional counselor, social worker, or marriage &amp; family therapist, school guidance counselor, school social worker, or school psychologist, school administrator, school principal, or school teacher, member of the clergy, law enforcement officer, an attorney</p>
Summons & Service	§15-11-722	Upon filing the petition, a copy of the petition for emancipation & a summons shall be served on all persons named in the petition & upon individuals who provided affidavit supporting emancipation, persons served may file an answer within 30 days of being served
Court Action When Emancipation Petition Filed	§15-11-723	<p>Court may:</p> <ol style="list-style-type: none"> <li>1. Appoint a GAL to investigate the allegations of the petition &amp; to file a report with the court, including a recommendation as to whether it is in the best interests of child that emancipation be granted</li> <li>2. Appoint an attorney for the petitioner</li> <li>3. Appoint an attorney for the petitioner's parent, guardian, or legal custodian if indigent &amp; if opposes the emancipation</li> </ol> <p>Court shall seek an affidavit from each person identified in the emancipation that describes why that person believes the petitioner should be emancipated</p>
Burden of Proof	§15-11-724	child has burden of showing by preponderance of evidence that emancipation should be granted
Emancipation Order	§15-11-725	<p>Emancipation Order if after hearing, Court finds emancipation is in best interest &amp; child establishes</p> <ol style="list-style-type: none"> <li>1. parent, guardian, or legal custodian does not object to the petition; or, if a parent, guardian, or legal custodian objects to the petition, that the best interests of the child are served by allowing the emancipation to occur by court order</li> <li>2. child is a resident of this state</li> <li>3. child has demonstrated the ability to manage his or her financial affairs, including proof of employment or other means of support (shall not include general assistance or aid received from means-tested public assistance programs such as TNAF or SSI)</li> <li>4. child has the ability to manage personal &amp; social affairs, including, proof of housing &amp;</li> <li>5. child understands his or her rights &amp; responsibilities as an emancipated child</li> </ol> <ul style="list-style-type: none"> <li>• Court retains copy of emancipation order till child becomes 25 years of age.</li> <li>• Emancipation obtained by fraud is voidable, but shall not affect an obligation, responsibility, right, or interest that arose during the period of time the emancipation order was in effect</li> <li>• Appeal to Court of Appeals of grant or denial of emancipation may be made by child or parent, guardian, or legal custodian</li> </ul>

Petition to Rescind Emancipation	§15-11-726	<ul style="list-style-type: none"> <li>• Emancipated child may petition the juvenile court that issued the emancipation order to rescind</li> <li>• Petition for rescission &amp; summons shall be served on parent, guardian, or legal custodian</li> <li>• Court shall rescind the order of emancipation if it finds:             <ol style="list-style-type: none"> <li>1. the petitioner is an indigent person &amp; has no means of support</li> <li>2. the petitioner &amp; the petitioner's parent, guardian, or legal custodian agree to rescind</li> <li>3. there is a resumption of family relations inconsistent with the existing emancipation</li> </ol> </li> <li>• If rescission is granted, the court shall issue an order rescinding the emancipation order &amp; retain a copy of the order until the petitioner becomes 25 years of age</li> <li>• Rescission of an emancipation order shall not alter any contractual obligations or property rights that arose during the period of time that the emancipation order was in effect.</li> <li>• Appeal to Court of Appeals of grant or denial of petition to rescind emancipation</li> </ul>
Rights & Responsibilities of Emancipated Youth	§15-11-727	<ul style="list-style-type: none"> <li>• Emancipated youth shall be considered to have the rights &amp; responsibilities of an adult, except for those specific constitutional &amp; statutory age requirements regarding voting, use of alcoholic beverages &amp; other health / safety regulations relevant to a child because of age</li> <li>• emancipated youth has the right to             <ul style="list-style-type: none"> <li>• enter into enforceable contracts, including apartment leases</li> <li>• sue or be sued in his or her own name</li> <li>• retain his or her own earnings</li> <li>• establish a separate domicile</li> <li>• act autonomously in all business relationships, including property transactions, obtaining accounts for utilities</li> <li>• earn a living, subject only to the health &amp; safety regulations designed to protect those under the age of 18 regardless of their legal status</li> <li>• authorize his or her own preventive health care, medical care, dental care &amp; mental health care, without parental knowledge or liability</li> <li>• apply for a driver's license or other state licenses for which he or she might be eligible</li> <li>• register for school</li> <li>• apply for medical assistance programs &amp; for other welfare assistance, if needed</li> <li>• make decisions &amp; give authority in caring for his or her own minor child</li> <li>• make a will</li> <li>• parent, guardian, or legal custodian of a emancipated youth are not be liable for any debts incurred by his or her child during the period of emancipation</li> </ul> </li> </ul>
Parental Duty to Support / Contract to Marry	§15-11-728	<p>parental duty to provide support for a child continues until an emancipation order is granted</p> <p>emancipated child shall not be considered a dependent child</p> <p>§19-3-2 regarding age limitations to contract for marriage apply to an emancipated child</p>