

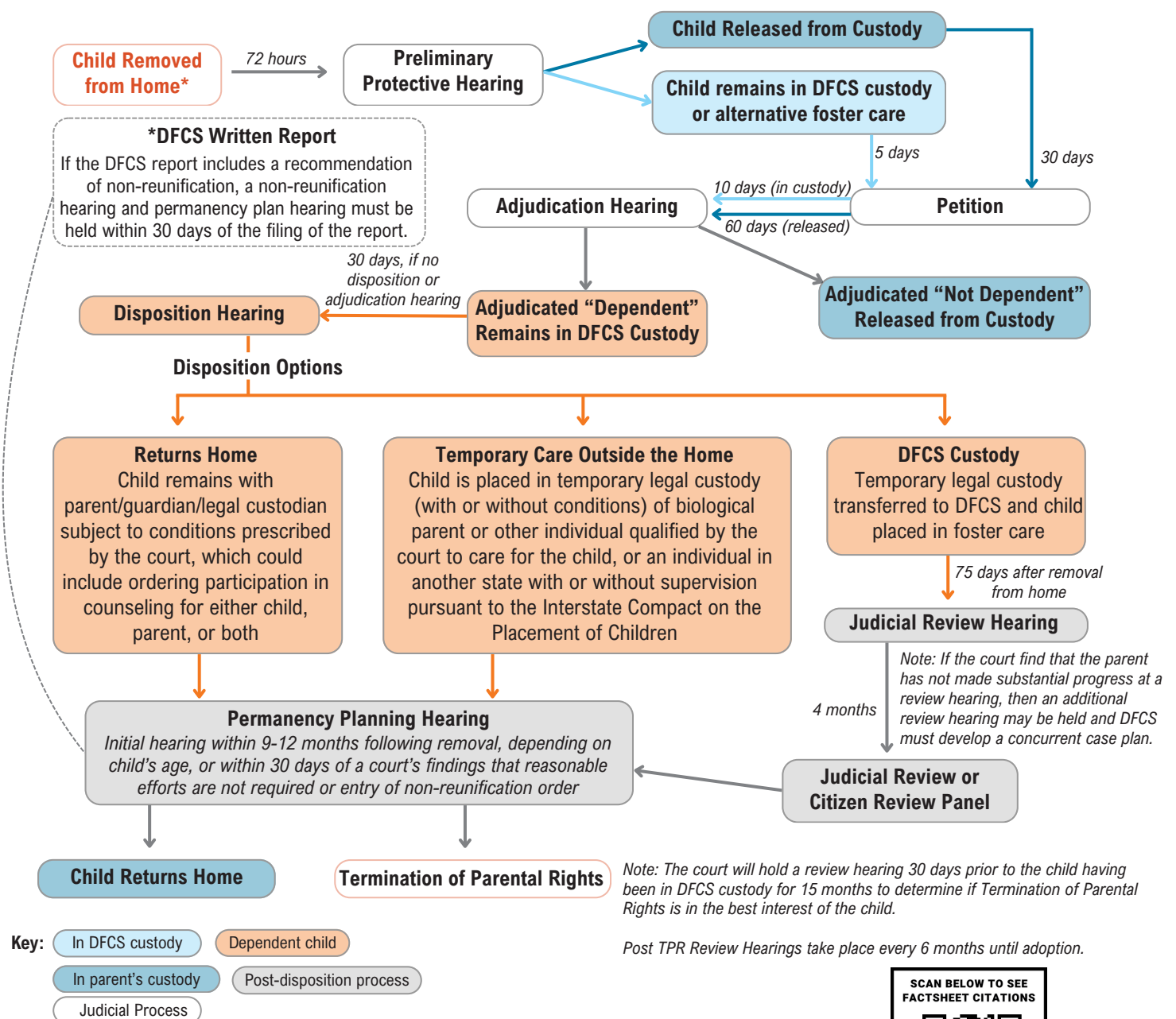
A GUIDE TO **DEPENDENCY** IN GEORGIA'S JUVENILE JUSTICE PROCESS

A child may come in contact with the juvenile justice system through a delinquency, dependency, or a Child in Need of Services (CHINS) complaint.

WHO IS CONSIDERED A DEPENDENT?

A dependent child is one whose physical or mental health and welfare is substantially at risk of harm from abuse, neglect, or exploitation, and who may be further threatened by the conduct of others, such as a parent, caregiver, or other person inside the home. (GA Code § 15-11-100)

HOW THE PROCESS WORKS: A DEPENDENT CHILD IN DFCS CUSTODY



TERMS TO KNOW

Adjudication Hearing: Fact-finding proceeding to determine whether the facts alleged in the petition or other pleadings are true. This is the juvenile court equivalent to a trial in civil cases. Standard of proof in delinquency is beyond a reasonable doubt. (OCGA § 15-11-181; GA Code § 15-11-441; GA Code § 15-11-582)

Dependency Petition: A legal document that alleges that a child is abused, neglected, or abandoned. A Dependency Petition can be filed by DFCS, a guardian ad litem, or any other person who has knowledge of the facts alleged. (GA Code § 15-11-150)

DFCS Written Report: Within 30 days from the date that the child is removed from the home, DFCS must submit a written report which includes details of the reasons for removal, the reunification plan, and the reasons for non-reunification (GA Code § 15-11-200)

Disposition Hearing: Proceeding to determine which placement is best suited to the protection and physical, mental, and moral welfare of a child adjudicated dependent, delinquent, or “child in need of services”. In Delinquency and CHINS cases, the disposition proceeding will also determine if the child is in need of treatment, rehabilitation, or supervision and may include community service and/or restitution. (GA Code § 15-11-210; GA Code § 15-11-600; GA Code § 15-11-442)

Guardian ad Litem: for an alleged dependent child's best interest throughout the dependency process. The Guardian ad Litem attends all court hearings and provides written reports to the court and the parties, including recommendations regarding the placement of such child. (GA Code §§ 15-11-104 - 15-11-105)

Judicial Review Hearing: Within 75 days of a child being adjudicated as a dependent child, the court shall hold a review hearing to determine:

1. Whether a child adjudicated as a dependent child continues to be a dependent child;
2. Whether the existing case plan is still the best case plan for such child;
3. The extend of compliance with the case plan by all participants;
4. The appropriateness of any recommended changes to such child's placement;
5. Whether appropriate progress is being made on the permanency plan;
6. Whether all legally required services are being provided to a child adjudicated as a dependent child, his or her foster parents if there are foster parents, and his or her parent, guardian, or legal custodian;
7. Whether visitation is appropriate and, if so, approve and establish a reasonable visitation schedule;
8. Whether, for a child adjudicated as a dependent child who is 14 years of age or older, the services needed to assist such child to make a transition from foster care to independent living are being provided; and,
9. Whether reasonable efforts continue to be made to prevent or eliminate the necessity of such child's removal from his or her home and to reunify the family after removal of a child adjudicated as a dependent child, unless reasonable efforts were not required. (GA Code §15-11-216)

Permanency Planning Hearing: Proceeding to determine permanent goal/plan for child. Subsequent permanency planning hearings are held every 6 months.

Preliminary Protective Hearing: If a child is removed from the home, the court shall hold a preliminary protective hearing within 72 hours of removal to determine whether or not the child will remain in DFCS custody or be returned to the home. (GA Code § 15-11-145)

Termination of Parental Rights: An order divesting a parent and his or her child of all legal rights, powers, privileges, immunities, duties, and obligations with respect to each other; based on legal grounds or length of time in foster care (exceptions apply); clear and convincing evidence standard. (GA Code § 15-11-261)

SCAN BELOW TO SEE
FACTSHEET CITATIONS

