

A TIMELINE OF EVENTS IN THE COURT PROCESS

WHEN A COMPLAINT IS FILED AND CUSTODY IS REMOVED, WITHIN 72 HOURS A HEARING IS HELD; THE HEARING IS KNOWN AS THE “PRELIMINARY PROTECTIVE HEARING (PPH).” Court decides if a child in danger AND where a child should stay until the adjudicatory hearing.

- After the Preliminary Protective Hearing, a dependency petition has to be filed, or the complaint will be dismissed.
- If the child is placed in state custody (foster care), a petition must be filed in 5 days.
- If the child is not in state custody, a petition must be filed within 30 days.
- Saturdays, Sundays and legal holidays do not count in the 72 hours.

WITHIN 5 OR 30 DAYS A PETITION IS FILED:

- If the child is in state custody, the Court will hold an ADJUDICATORY HEARING within 10 days of the filing date.
- If the child is not in state custody, the Court will hold an ADJUDICATORY HEARING within 60 days of the filing date.

WITHIN 10 OR 60 DAYS AN ADJUDICATORY HEARING IS HELD:

- The judge listens to testimony and other evidence, decides the facts of the case and makes a ruling about whether or not the child is dependent.
- If the judge finds the child is not dependent, the case will be dismissed.
- If the judge finds that a child is dependent, a DISPOSITION HEARING will be held either immediately or within a reasonable period of time.

IF DEPENDENCY IS FOUND, A DISPOSITIONAL HEARING IS HELD:

- The Court determines who should get custody or temporary custody of the child.
- Custody may be returned back to the parent or given to another guardian or custodian such as a relative.
- DFCS may get temporary custody.
- If DFCS gets temporary custody, they determine where the child is placed. The order giving DFCS temporary custody is valid for 1 year starting from the day the child was removed from the home.

(continued on back panel)

REVIEW HEARINGS

JUDICIAL REVIEW HEARINGS- a hearing before the judge to review your progress on the case plan and determine how to proceed with your case.

- All cases of children in DFCS custody shall be initially reviewed within 75 days following a child adjudicated as a dependent child.
- An additional periodic review shall be held within four months following the initial review and shall be conducted by the court or by judicial citizen review panels established by the court.

CITIZEN PANEL REVIEW – a group of trained community members who review your progress on the case plan and make recommendations to the judge about how the case should continue. It is in your best interest to attend all reviews.

PERMANENCY PLAN HEARING

- The court shall hold a permanency plan hearing to determine the future permanent legal status of each child in DFCS custody.
- A permanency plan hearing, which considers in-state and out-of-state placement.
- No later than 30 days after DFCS has submitted a written report to the court which does not contain a plan for reunification services;
- For children under seven years of age at the time a petition is filed, no later than nine months after such child has entered foster care;
- For children seven years of age and older at the time a petition is filed, no later than 12 months after such child has entered foster care; or
- For a child in a sibling group whose members were removed from the home at the same time and in which one member of the sibling group was under seven years of age at the time a petition for dependency was filed, the permanency plan hearing shall be held no later than nine months after such child has entered foster care.

After the initial permanency plan hearing has occurred, a permanency plan hearing shall be held not less frequently than every six months during the time a child adjudicated as a dependent child continues in DFCS custody or more frequently as deemed necessary by the court until the court determines that such child's permanency plan and goal have been achieved.

FULTON COUNTY JUVENILE COURT INFORMATION PAMPHLET

DEPENDENCY

THIS PAMPHLET WILL TELL YOU:

- **A timeline of the events in the court process**
- **Information about attorneys for parents and children**
- **Information about parents' legal rights**
- **How to legitimate your child**
- **Why mediation can be a better way to resolve a dependency case**
- **Information about protective orders**

The MISSION of the Fulton County Juvenile Court is: *Our mission is to first protect children and the community in matters brought before the court, to rehabilitate children, and second to restore families; and to create opportunities for the community, partners, and stakeholders to actively engage in this mission.*

THIS PAMPHLET IS INTENDED TO OFFER GENERAL INFORMATION ONLY. IT SHOULD NOT BE TAKEN AS LEGAL ADVICE.

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INFORMATION ABOUT ATTORNEYS

RESPONSIBILITIES OF AN ATTORNEY

- An attorney knows the court process and will handle the legal requirements of the case.
- An attorney knows your rights and will help protect them.
- An attorney knows what to expect and will help prepare you for the hearing.

GENERAL INFORMATION

- Mother and fathers may want to consider having separate attorneys. It is not always necessary, but in some cases, parents may need separate representation to avoid conflicts of interest.
- An attorney will be assigned to represent the child from the Child Attorney Office.
- The child's attorney investigates the situation independently from attorneys for DFCS or the parents.
- The child's attorney lets the judge know what the child wants. The judge may appoint a Guardian ad litem or a Court Appointed Special Advocate (CASA) on the case to recommend to the judge what is the best outcome for the child.

PARENT ATTORNEY OFFICE

- In the state of Georgia, parents have the right to an attorney in all dependency proceedings.
- The court will appoint an attorney for the parents if they meet certain income requirements, or the court will continue the case in order for a parent to hire an attorney if the parent does not meet the income requirements.
- The Parent Attorney Office provides legal representation to defend indigent parents and/or legal custodians in cases of alleged neglect or abuse of a child filed by DFCS.
- The parent attorneys act as advocates for the parents to promote family reunification as the goal of the case and to promote the earliest possible return of children to the parents whenever possible.
- In the alternative, the parent attorneys work with the parents to secure placement of a child with a relative agreeable to the parent.
- The parent attorneys help parents obtain visitation of the children as well as counseling and other services.

INFORMATION FOR FATHERS

THE DIFFERENT KINDS OF "FATHERS"

BIOLOGICAL FATHER: The man related to a child by blood.

Note: Naming a man as the biological father on the birth certificate or ordering him to pay child support does not necessarily make him a legal father.

PUTATIVE FATHER: Man who is alleged to be the biological father of a child; putative fathers have no legal rights to the child, but can establish those rights by legitimating the child.

LEGAL FATHER: a man who has a legal right to be included in the upbringing and care of a child; a legal father is one of the following:

1. A man who is married to the mother at the time of conception or birth.
2. A man who is not married to the mother, but acknowledges paternity and legitimates the child.
3. A man who marries the mother after a child is born and recognizes such child as his own.
4. A man who signs, along with the mother, a voluntary acknowledgment of paternity that includes a statement of legitimation before the child's first birthday.
5. A man who has been determined to be the father of a child by a final paternity order.
6. A man who has legally adopted the child.

DEPENDENCY MEDIATION

THE DEPENDENCY MEDIATION PROGRAM

- Mediation is an opportunity for family members to work on their issues and form agreements without having to go to a judge.
- In a mediation hearing, you will sit down with the other parties involved in your case, including DFCS, relatives and sometimes attorneys. You will discuss the situation and try to come to an agreement.
- A mediator will lead the session and will guide discussions, answer questions, and offer solutions.
- The session is informal and confidential.
- Issues like visitation, family reunification, services, the case plan and placement of the children are discussed.
- Any agreement made in mediation is presented to a judge, who can make that agreement an official order of the Court.

FATHER'S LEGAL RIGHTS:

- The right to be included in the upbringing of the child.
- Legal father has custody rights over third parties like relatives.
- The right to seek visitation and custody.

If you are the biological father of a child, but not the child's legal father and wish to seek custody or visitation rights, you have no legal claim to the child until that child has been legitimated by you.

NOTES ABOUT CHILD SUPPORT

- Even if you have not legitimated a child, you may be ordered to pay child support.
- Becoming a legal father will not release you from your child support obligations.

Merely having a blood test (paternity test) showing you are the biological father does not mean you are the legal father.

HOW TO LEGITIMATE A CHILD IN JUVENILE COURT:

- You can file a petition to legitimate a child in Juvenile Court if there is a dependency proceeding in process for that child.
- You must file the petition in Juvenile Court where the dependency proceeding is pending.
- A legitimation petition can also be filed in Superior Court

NOTE: When both the mother and father freely agree and consent, the child may be legitimated by a statement indicating a voluntary acknowledgement of the legitimation. This paperwork is available at many hospitals at the child's birth.

THE ADVANTAGES OF MEDIATION

- YOU get to be directly involved in the outcome.
- All parties have the chance to tell their side of the story.
- There may be more options available to the parties than a court may otherwise order.
- There is a quicker resolution of the issues and a faster receipt of services
- The purpose of mediation in the place of a formal court hearing is to avoid blame and to create the best possible cooperative solution.
- Both your needs and your child's needs are considered in a mediation hearing.
- Nobody will order you to do something you have not agreed to do.
- Because you have made an agreement, the outcome is likely to be supported by all the participants.

NOTE: If an agreement is not reached in mediation, the case is not closed; it will proceed before a judge for formal hearing.