

10-Day Hearing

(Adjudicatory Hearing, Formal Hearing or Trial)

- Must be set on the calendar within 10 days of filing the petition if the child is detained. The main focus of this hearing is to determine whether the child was deprived at the time the deprivation complaint was signed. All persons with first hand knowledge of the issues have to personally testify. If the petition is true, the court makes a decision based on findings of fact and conclusions of law.

Custody

- The right to a child's care and control, carrying with it the responsibility of providing food, shelter, medical care, education and discipline. An agency may have custody of a child, but not be the primary caretaker or party giving day to day care.

Guardianship

- Term describing the legal status of a custodian of a juvenile which confers certain rights and responsibilities, including the requirement to provide for the child's physical, spiritual and mental needs, and the ability to register the child for school, obtain medical care and provide legal consent when needed. Guardianship may be granted by Probate Court or Juvenile Court. The guardian may be eligible for a financial subsidy from DFCS.



"A hundred years from now
it will not matter what my bank account was,
the sort of house I lived in,
or the kind of car I drove;
however, the world will be different
because I was important
in the life of a child."

Unknown

**Moving towards safety, stability
and meaningful permanency for
Fulton County's deprived children.**

Child Attorney's Name:

Investigator's Name:

Phone Numbers:

Notes: _____

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Office of the Child Attorney
395 Pryor Street, S.W., Suite 4098
Atlanta, Georgia 30312 - 2713
404-224-4756

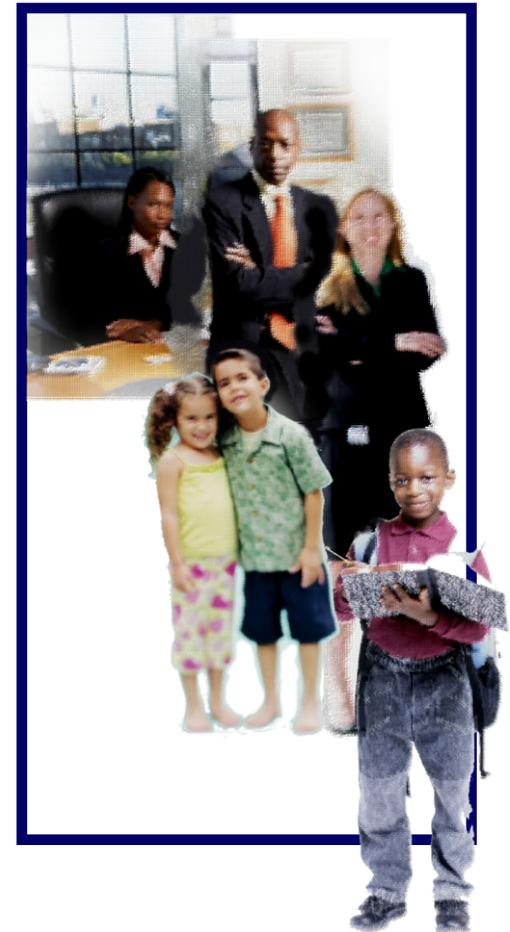


OFFICE OF THE CHILD ATTORNEY

Willie J. Lovett, Jr., Director

Office of the County Manager

395 Pryor Street, S.W., Suite 4098
Atlanta, Georgia 30312-2713
404-224-4756



FULTON COUNTY JUVENILE COURT

OUR MISSION

The mission of this Office of the Child Attorney is to zealously and effectively advocate for the legal rights and protections of child clients alleged to be abused and/or neglected throughout the entire deprivation process in Fulton County's Juvenile Court as mandated by *Kenny A. v. Perdue*, the Georgia Constitution and Georgia law.



History of the Office of the Child Attorney

The Office of the Child Attorney dates back to the early 1990's when "Child Advocate Attorneys" were managed by the Fulton County Juvenile Court.

In 2006, the *Kenny A.* Consent Decree resolved ongoing litigation over the representation of children in Fulton County Juvenile Court. During that time the Office was managed by the Public Defender's Office. In 2007, the management of the Office of the Child Attorney was transferred to the Fulton County Manager's Office, with oversight by the five member Child Attorney Board. The Office of the Child Attorney has strategically grown since being placed under the Office of the County Manager.

The Office of the Child Attorney currently employs a multi-disciplinary staff which includes eighteen attorneys, four investigators, one social worker, one educational advocate, and four administrative staff persons, all under the guidance of a Director.

Facts and Figures on Child Abuse and Neglect¹

- In 2007, Georgia had 63,621 total referrals for child abuse and neglect. Of those, 48,965 reports were referred for investigation.
- In 2007, 35,729 children were substantiated or indicated as abused or neglected in Georgia, a rate of 14.1 per 1,000 children, and representing a 10.2% decrease from 2006. Of these children, 21,689 were neglected, 2,873 were physically abused, and 1,080 were sexually abused.
- In 2007, 61 children in Georgia died as a result of abuse or neglect.
- In 2007, 12,236 children in Georgia lived apart from their families in out-of-home care, compared with 13,175 children in 2006. In 2007, 4,672 of the children living apart from their families were age 5 or younger, and 1,778 were age 16 or older.
- Of the 9,606 children exiting out-of-home care in Georgia in 2007, 45.1% were reunited with their parents or other family members.
- In 2008, approximately 111,608 Georgia grandparents had primary responsibility caring for their grandchildren.
- In 2007, 1,267 children were legally adopted through the public child welfare agency in Georgia, a 1.4% increase from 1,250 in 2006.

References

1. <http://www.cwla.org/advocacy/statefactsheets/2010/georgia.pdf>

Program Targets

Child Involvement in Court Proceedings:

Ensure that every child client's voice is heard in every court proceeding which affects the child's life.

Provide effective advocacy to children at all times:

Ensure that every partner in the child welfare system has the necessary information and training to put every child client's safety and well-being above all else.

Strive to provide reasonable efforts for stability, safety, reunification and a decreased removal rate:

Ensure that Georgia's child welfare laws reflect the needs of our children and are a model for the nation.

Services Available from the Fulton County Office of the Child Attorney

- ✓ Client Directed Advocacy
- ✓ Trial Advocacy
- ✓ Educational Advocacy
- ✓ Child Interviews
- ✓ Referral for General Social Services
- ✓ Referral for Home Assessments
- ✓ Referral for Investigative Services
- ✓ Referral for Community Resource Matching

Terms Commonly Heard in Juvenile Court Proceedings

Child:

Any individual who is:

- Under the age of 17 years;
- Under the age of 21 years, who committed an act of delinquency before reaching the age of 17 years, and who has been placed under the supervision of the court or on probation to the court; or
- Under the age of 18 years, if alleged to be a "deprived child."

Deprived Child

- A child without proper parental care or control, failing to meet educational needs based on the law or without other care or control necessary for the child's moral, physical, mental or emotional health.
- A child placed for care or for adoption in violation of the law.
- A child abandoned by parents or other legal custodian; or without a parent, guardian or custodian.

72-Hour Hearing

(Probable Cause Hearing, Detention Hearing)

- Must be held within 72 hours after the juvenile is taken into state custody (excluding weekends and holidays.) Also called the emergency shelter care hearing (in deprivation proceedings.) This hearing allows the court to determine whether there is "reasonable cause to believe that the allegations of the complaint are true." Parents are made aware of what is on the complaint and are given the option to obtain an attorney.

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