

Disposition and Reviews

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Disposition O.C.G.A. §15-11-210

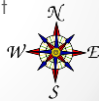
- If not held in conjunction with an adjudication hearing, a disposition hearing shall be held and completed within 30 days after the conclusion of an adjudication hearing.
- The Court may consider any evidence, including hearsay evidence, that the court finds to be relevant, reliable, and necessary to determine the needs of a child adjudicated as a dependent child and the most appropriate disposition.

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What is the goal?

- To consider and approve a case plan which will become the court ordered case and permanency plan.
- To ensure that appropriate referrals have been given to the parents to complete the goals of the case plan.
- To consider and approve a Diligent Search.
- To determine the child(ren)'s placement



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What is the Court considering?

- The Social Study Report made by DFCS (CCFA)
- Diligent Search
- GAL/CASA Report
- Case Plan
- Trauma Assessments or Psychologicals

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What should you be doing in advance of hearing?

- Review case plan (due by DFCS within 30 days of removal and no less than 48 hours before hearing)
 - Make sure goals are addressing the reasons child(ren) were adjudicated dependent.
 - Make sure goals are individualized to meet the needs of this family
 - Does the parent have the referrals for services required in plan?
 - VISITATION
 - Presumption for unsupervised visits unless the court finds that unsupervised visitation is not in a child's best interest. O.C.G.A. §15-11-112(b)

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- Ask for any evaluations or reports that you know have been completed and have or will be presented to the Court.
 - O.C.G.A. §15-11-210(d) : Prior to a disposition hearing, and upon request, the parties and their attorneys shall be afforded an opportunity to examine any written reports received by the Court.
- Subpoena Witnesses
 - O.C.G.A. §15-11-210(e)(2) Parties and their attorneys shall be given the opportunity to controvert written reports received by the court and cross-examine individuals making such reports.
- Ensure attendance of any proposed placement resource and prepare them for presentation as placement.

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Disposition Options

- Continued placement in DFCS
- Placement with a relative through DFCS
- Direct Placement with Relative
- Placement with Parent with Protective Order

Placement with Relative

- | | |
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| <p><u>Through Foster Care</u></p> <ul style="list-style-type: none"> • DFCS is driving the case • DFCS responsible for child and services • \$\$\$ to relatives • Relatives must go through home evaluation process • Red tape for relatives | <p><u>Direct Placement</u></p> <ul style="list-style-type: none"> • Child Attorney / CASA driving the case • Relative responsible for child and services • No \$\$\$ unless child support ordered • Child Attorney / CASA or parent attorney must evaluate and present • No red tape |
|---|---|

Diligent Search a/k/a Relative Search

O.C.G.A. §15-11-211

- Needs to include every known relative.
- Parent must be prepared to provide as much contact information as possible and to be prepared to articulate why that person should or should not be considered placement.

Notice Sent to Relatives

The image shows two forms side-by-side. The left form is titled 'Diligent Search Notification' and contains fields for 'NAME', 'ADDRESS', and 'PHONE'. It includes a section for 'DILIGENT SEARCH' with a list of relatives to be searched. The right form is titled 'Diligent Search Notification (Relative Search)' and contains a section for 'DILIGENT SEARCH' with a list of relatives to be searched. It also includes a section for 'DILIGENT SEARCH' with a list of relatives to be searched.

Findings necessary

- Final Dispositional placement of child(ren)
- Approved case plan.
- Approved diligent search.
- Order of temporary child support
- Finding that substance abuse is or is not a cause of dependency.
 - Court **may** order that custody not be transferred back unless parent undergoes substance abuse treatment and random screens and those screens remaining negative for minimum of six consecutive months. O.C.G.A. §15-11-212(f)
- Reasonable Efforts to prevent removal
- Schedule IPR hearing and Permanency hearing.

Initial Periodic Review (IPR)

O.C.G.A. §15-11-216

- To be held within 75 days of removal
 - Likely to be at or very shortly after dispositional hearing.
- Considerations:
 - Is child still dependent?
 - Is the case plan still the best case plan or are changes needed to be made?
 - Compliance with case plan by all parties
 - Are services being provided to both parents and children
 - Is DFCS making reasonable efforts
 - Pay attention to concurrent permanency plans
 - Is visitation appropriate or are changes needed?
- To be scheduled: 4 Month Review

Four Month Review

O.C.G.A. §15-11-216

- To be held within 4 months of Initial Periodic Review.
- Can be Citizen Panel Review
- Same review as IPR

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Move to Permanency

- New code intended to move to permanency for children quickly.
- Parents and DFCS must act immediately

If at any review subsequent to the initial 75 day review the court finds that there is a lack of substantial progress towards completion of the case plan, the court shall order DFCS to develop a case plan for nonreunification or a concurrent case plan contemplating nonreunification.
O.C.G.A. §15-11-216(d)

Within 30 days of the court finding that there is a lack of substantial progress towards completion of a case plan, the court shall review the terms of visitation and determine whether the terms continue to be appropriate for a child or whether the terms need to be modified. O.C.G.A. §15-11-112(c)

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Practice Points

- Always clarify if your appointment continues to the next hearing.
- Always tickle your file to make sure that attempts to communicate with client to ensure that they are receiving services and there are no barriers to reaching reunification.
- Communicate with CASA/GAL and child's attorney to identify relatives or appropriate third party placements.

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What to do when DFCS isn't holding its end of the bargain

- File Motion or argue at any review hearing that DFCS is not making reasonable efforts to reach permanency.
 - Doesn't mean child goes home but does mean that child, if federally funded, will lose federal funding and DFCS will have to pay for child out of state money.



- Ask to hold in DFCS in contempt.
- Threaten that child is dependent in the State's custody.

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Thank you!

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