

West's Code of Georgia Annotated

Title 15. Courts

Chapter 11. Juvenile Code (Refs & Annos)

Article 3. Dependency Proceedings (Refs & Annos)

Part 1. General Provisions (Refs & Annos)

Ga. Code Ann., § 15-11-105
Formerly cited as GA ST § 15-11-9.1.

§ 15-11-105. Factors to be considered by the guardian ad litem relating to the best interest of a child

Effective: April 28, 2014

[Currentness](#)

(a) A guardian ad litem shall advocate for a child's best interests in the proceeding for which the guardian ad litem has been appointed.

(b) In determining a child's best interests, a guardian ad litem shall consider and evaluate all of the factors affecting the best interests of a child in the context of a child's age and developmental needs. Such factors shall include:

- (1) The physical safety and welfare of such child, including food, shelter, health, and clothing;
- (2) The mental and physical health of all individuals involved;
- (3) Evidence of domestic violence in any current, past, or considered home for such child;
- (4) Such child's background and ties, including familial, cultural, and religious;
- (5) Such child's sense of attachments, including his or her sense of security and familiarity and continuity of affection for the child;
- (6) The least disruptive placement alternative for such child;
- (7) The child's wishes and long-term goals;
- (8) The child's community ties, including church, school, and friends;
- (9) The child's need for permanence, including his or her need for stability and continuity of relationships with a parent, siblings, and other relatives;

- (10) The uniqueness of every family and child;
 - (11) The risks attendant to entering and being in substitute care;
 - (12) The preferences of the persons available to care for such child; and
 - (13) Any other factors considered by the guardian ad litem to be relevant and proper to his or her determination.
- (c) Unless a child's circumstances render the following duties and responsibilities unreasonable, a guardian ad litem shall at a minimum:
- (1) Maintain regular and sufficient in-person contact with the child and, in a manner appropriate to his or her developmental level, meet with and interview such child prior to custody hearings, adjudication hearings, disposition hearings, judicial reviews, and any other hearings scheduled in accordance with the provisions of this chapter;
 - (2) In a manner appropriate to such child's developmental level, ascertain such child's needs, circumstances, and views;
 - (3) Conduct an independent assessment to determine the facts and circumstances surrounding the case;
 - (4) Consult with the child's attorney, if appointed separately, regarding the issues in the proceeding;
 - (5) Communicate with health care, mental health care, and other professionals involved with such child's case;
 - (6) Review case study and educational, medical, psychological, and other relevant reports relating to such child and the respondents;
 - (7) Review all court related documents;
 - (8) Attend all court hearings and other proceedings to advocate for such child's best interests;
 - (9) Advocate for timely court hearings to obtain permanency for such child;
 - (10) Protect the cultural needs of such child;
 - (11) Contact the child prior to any proposed change in such child's placement;
 - (12) Contact the child after changes in such child's placement;

- (13) Request a judicial citizen review panel or judicial review of the case;
 - (14) Attend judicial citizen panel review hearings concerning such child and if unable to attend the hearings, forward to the panel a letter setting forth such child's status during the period since the last judicial citizen panel review and include an assessment of the DFCS permanency and treatment plans;
 - (15) Provide written reports to the court and the parties on the child's best interests, including, but not limited to, recommendations regarding placement of such child, updates on such child's adjustment to placement, DFCS's and respondent's compliance with prior court orders and treatment plans, such child's degree of participation during visitations, and any other recommendations based on the best interests of the child;
 - (16) When appropriate, encourage settlement and the use of any alternative forms of dispute resolution and participate in such processes to the extent permitted; and
 - (17) Monitor compliance with the case plan and all court orders.
- (d)(1) Except as provided in Article 11 of this chapter, a guardian ad litem shall receive notices, pleadings, or other documents required to be provided to or served upon a party and shall be notified of all court hearings, judicial reviews, judicial citizen review panels, and other significant changes of circumstances of a child's case which he or she is appointed to the same extent and in the same manner as the parties to the case are notified of such matters.
- (2) A guardian ad litem shall be notified of the formulation of any case plan of a child's case which he or she is appointed and may be given the opportunity to be heard by the court about such plans.
- (e) Upon presentation of an order appointing a guardian ad litem, such guardian ad litem shall have access to all records and information relevant to a child's case to which he or she is appointed when such records and information are not otherwise protected from disclosure pursuant to [Code Section 19-7-5](#). Such records and information shall not include records and information provided under Article 11 of this chapter or provided under Chapter 4A of Title 49.
- (f) All records and information acquired or reviewed by a guardian ad litem during the course of his or her appointment shall be deemed confidential and shall not be disclosed except as ordered by the court.
- (g) Except as provided in [Code Section 49-5-41](#), regarding access to records, any guardian ad litem who discloses confidential information obtained during the course of his or her appointment, in violation of law, shall be guilty of a misdemeanor. A guardian ad litem shall maintain all information and records regarding mental health, developmental disability, and substance abuse according to the confidentiality requirements contained in [Code Section 37-3-166](#), [37-4-125](#), or [37-7-166](#), as applicable.
- (h) In the event of a change of venue, the original guardian ad litem shall, as soon as possible, communicate with the appointed guardian ad litem in the new venue and shall forward all pertinent information to the new guardian ad litem.

Credits

Laws 2013, Act 127, § 1-1, eff. Jan. 1, 2014; Laws 2014, Act 635, § 1-7, eff. April 28, 2014.

Notes of Decisions (2)

Ga. Code Ann., § 15-11-105, GA ST § 15-11-105
Current through Acts 343 to 669 of the 2014 Regular Session.

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.