

**IN THE JUVENILE COURT OF FULTON COUNTY
STATE OF GEORGIA**

IN THE INTEREST OF

FILE NO. [REDACTED]

[REDACTED]

CASE NO.
[REDACTED]

Child under the age of 18.

REQUEST FOR DISCOVERY

COMES NOW, [REDACTED], mother of the child in the above-styled case, by and through the undersigned counsel, pursuant to Official Code of Georgia Annotated Section 15-11-170, files this request for discovery, including, the production of documents.

Parent/Guardian most respectfully requests that this Court order the Department of Family and Children's Services (DFCS) and the Fulton County Office of the Child Advocate to produce the following discovery, or order the production of discovery from any third party. In support of the request, the Parent/Guardian shows the following:

1.

Definition:

- a. Parent includes, but is not limited to legal guardian, legal custodian, physical custodian, mother, father, or any relative or fictive kin who custody was removed from at the time of dependency.

2.

In accordance with OCGA 15-11-170 Dependency or OCGA §15-11-264 Termination, the Mother requests the following discovery from the Department and the Child's attorney:

- a. Name, current address, and telephone numbers of each witness to the occurrence which forms the basis of the Petition for Deprivation or Termination.

- b. A copy of any written statement made by the child and/or any siblings and/or any witnesses or other persons related to the subject matter concerning the testimony of any witness that the Department or the Child's Attorney intends to call as a witness in any hearing and/or trial of this matter.
- c. Any scientific or other report, which is intended to be introduced at the hearing or that pertains to physical evidence, which is intended to be introduced.
- d. Any drug screen concerning the alleged dependent child or his or her parent.
- e. Any case plan regarding the alleged dependent child or his or her parent.
- f. Any visitation schedule related to the child.
- g. Photographs of the child taken at the time the child came into custody or at any time the child has been in custody and any physical evidence intended to be introduced at trial.
- h. Copies of any police reports and supplemental police reports regarding an occurrence from which forms part or all of the basis of the petition
- i. The admission or denial of the existence of a video and/or audio tape, or other media, which could be admitted into evidence in said case, and any and all statements indicating the following: (a) the agency and/or person who produced the item, and (b) the location of the item.
- j. Any and all documents/records pertaining to the medical and mental health of the child.
- k. Any school records of the child.
- l. Transcriptions, recordings, and summaries of any oral statement of the child or of any witness except work product of counsel.
- m. Immigration records concerning the alleged dependent child.

3.

In accordance with OCGA §15-11-170(d) or OCGA §15-11-264(d), the Department and Child's Attorney has five days to respond to this request or if the hearing is less than five days away 72 hours or if the hearing is less than 48 hours the discovery shall be produced in a timely manner prior to the hearing.

Respectfully submitted this ____ day of _____, 20__.

Emma Brown-Bernstein
 Attorney, Office for the Public Defender
 Parent Attorney Division

Office of the Public Defender
 Parent Attorney Division
 395 Pryor Street, Suite 4135
 Atlanta, Georgia 30312
 PHONE: 404-613-4750
 FAX: 404-893-6525

IN THE JUVENILE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN THE INTEREST OF

FILE NO. [REDACTED]

[REDACTED]

CASE NO.
[REDACTED]

Child under the age of 18.

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing document by hand delivery or by email upon the following:

Lytia Brown & Associates
PO Box 428
Lithia Springs, Georgia 30122

James H. Norman
395 Pryor Street, Suite 4098
Atlanta, Georgia 30312

This _____ day of _____, 20____.

Attorney, Office for the Public Defender
Parent Attorney Division

Office of the Public Defender
Parent Attorney Division
395 Pryor Street Suite 4135
Atlanta, Georgia 30312
PHONE: 404-613-4750
FAX: 404-893-6525

IN THE JUVENILE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN THE INTEREST OF

FILE NO. [REDACTED]

[REDACTED]

CASE NO.
[REDACTED]

Child under the age of 18.

RULE NISI

The above action is set for a hearing in the Fulton County Juvenile Court, located at 395 Pryor Street, Atlanta, Georgia 30312, on the ___ of _____ 20__, at _____.m. o'clock before the Honorable [REDACTED]

This the _____ day of _____, 201__.

Fulton County Juvenile Court

Order Prepared By:
Emma Brown-Bernstein
Attorney for Respondent
Georgia Bar No. 317733
Office of the Public Defender
Atlanta Judicial Circuit
100 Peachtree Street, Suite 1600
Atlanta, Georgia 30303

**IN THE JUVENILE COURT OF FULTON COUNTY
STATE OF GEORGIA**

IN THE INTEREST OF

FILE NO.

CASE NOs.

Children under the age of 18.

**MOTION FOR PERMISSION TO INSPECT DFACS FILES
PURSUANT TO *JJ v. LEDBETTER*, CV180-84 S.D. Ga. 1985
AND SOCIAL SERVICE MANUAL 1040 AND 1040.1
AND *IN RE M.M.A.*, 166 Ga.App. 620, 625 (1983).**

COMES NOW, , Respondent in the Petition for Termination of Parental Rights filed by the Department of Family and Children Services (DFACS) on November 20, 2015, and said petition has not been heard before this Court. Additionally, pursuant to URJC Sections 7.1 through 7.9 and O.C.G.A. Sections 9-11-26 through 9-11-37, you are hereby commanded, that, laying all other business aside, you are to appear at the Juvenile Court of Fulton County, Georgia, for the purpose of producing certain documents relating to the above styled-action, and respectfully shows the Court as follows:

1.

The Respondent herein is the mother of the above named children in this matter. As such, she is entitled to access to certain records in order to adequately present evidence and respond to the allegations in the above mentioned Termination Petition.

2.

In preparation for this matter, it is of paramount importance that the Respondent obtains discovery of all information learned by DFCS as it relates to the above-mentioned Petition.

3.

Specifically, the Respondent seeks any and all information, reports, investigations, statements, videotaped interviews, contact sheets, evaluations, social histories, summaries, case plans, previous orders of the court, home studies, visitation summaries, placement plans, relative or non-relative investigations, CCFA reports, medical records, X-rays, psychological or psychiatric examinations of the Respondent, and their child, criminal history, drug or alcohol treatment program reports, etc., as it relates to the allegations of the above mentioned Petition.

4.

Any and all information regarding payments to service providers for the family and children, itemization of cost of services, itemization of the time allotted for each service provided, itemization of cost for living expenses, transportation, educational expense, food, clothing, as well as copy of disbursements, copy of IRS reporting fact sheets.

5.

This motion is made under the authority of *JJ v. Ledbetter*, CV 180-84 (S.D. Ga. 1985), which requires certain disclosures to be made by DFCS. This motion is made under the additional authority of the Department of Social Services Manual Chapters 1040 and 2101.7, which require disclosure of: 1) contact sheets (Form 452) summarizing information observed or given orally by parents and others by and to service workers; 2) home evaluations; 3) psychological reports; 4) other summary reports prepared by DFACS' staff; and 5) pictures of abuse or neglect.

6.

Further, as stated in *In Re M.M.A.*, 166 Ga.App. 620 at 625, one has "the right to face one's accuser and to know the nature of [the] evidence against [him]."

7.

The Respondent is prepared to accept reasonable constraints on her right to discovery, in order to protect the privacy interest of the public as required in the discretion of the Juvenile Court.

WHEREFORE, the Respondent prays that the Court inquire into the merits of this motion and order disclosure in such a manner as not to delay the hearing set for **February 24, 2016**.

This ___ day of _____, 2015.

Respectfully submitted,

Emma Brown-Bernstein
Attorney for Respondent
Bar No. 317733

Office of the Public Defender
Attn: Parent Attorney Division
100 Peachtree Street Suite 1600
Atlanta, Georgia 30303
404-612-0130
404-893-6525

**IN THE JUVENILE COURT OF FULTON COUNTY
STATE OF GEORGIA**

IN THE INTEREST OF

**FILE NO.
CASE NOs.**

Children under the age of 18.

RULE NISI

COMES NOW, the Respondent, , in the above described action and respectfully requests the court to set this matter on for a hearing on _____, 201 __, at _____ .m., for the Department to show cause why said motion should not be granted.

This ____ day of _____, 201__.

Fulton County Juvenile Court

**IN THE JUVENILE COURT OF FULTON COUNTY
STATE OF GEORGIA**

IN THE INTEREST OF

FILE NO.

CASE NOs.

Minor Children.

CERTIFICATE OF SERVICE

I hereby certify that I have served a filed copy of the Motion for Permission to Inspect DFCS Files Pursuant to JJ v. Ledbetter upon the following parties via hand delivery and/or electronic mail.

Mr. Sam Olens, State Attorney General
Office of the Attorney General
40 Capital Square, SW
Atlanta, Georgia 30334

SO CERTIFIED this ____ day of _____, 2015.

Emma Brown-Bernstein, Attorney for
Respondent
Georgia Bar No. 317733
Office of the Public Defender
Atlanta Judicial Circuit
100 Peachtree Street, Suite 1600
Atlanta, GA 30303



Vernon S. Pitts, Jr.
Circuit Public Defender

*Office of the Public Defender
Atlanta Judicial Circuit*

Wednesday, December 30, 2015

Re: In the Interest of _____ and In the Interest of _____

Dear _____ :

This letter is my written request for all of the Structured Narratives/Contact Sheets/452s in my DFCS file as well as a copy of the Comprehensive Child and Family Assessment (CCFA). This request for all Structured Narratives and the CCFA is being made in accordance with Georgia Department of Human Resources Social Services Manual Section 1013.2 and the J.J. v. Ledbetter consent order (CV #180-084, S.D. Ga., August 27, 1984).

In accordance with Section 1013.2, please mail all Structured Narratives and the CCFA to me at the address listed below within ten (10) days of receiving this request:

c/o Emma Brown-Bernstein, Esq.
Office of the Public Defender
4th Floor Suite 4135
395 Pryor Street
Atlanta, GA 30312

Please inform me immediately if there will be a charge for providing me with these items.
Thank you in advance for your cooperation.

Sincerely,

Emma Brown-Bernstein, Esq.,
Attorney for Ms. Campbell