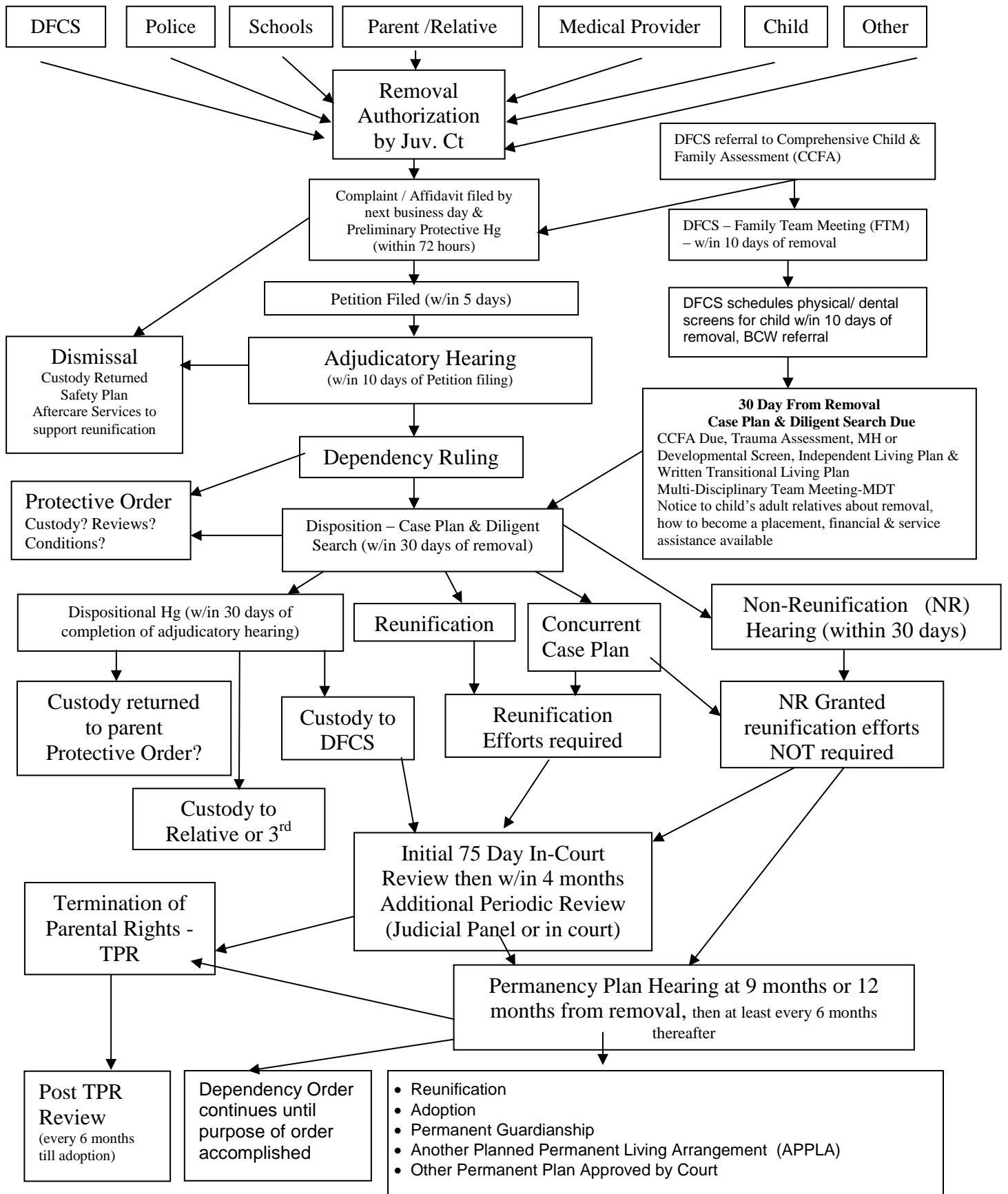


Dependency Case Flowchart



Timelines for a Dependency Case

Event	Timing	Time Waivable?	O.C.G.A.
Removal Authorization / Date Entered Foster Care	immediate at time of removal	NO (IV-E required)	§ 15-11-132
Removal by law enforcement	Immediate notice to juvenile court		§ 15-11-133(a)(2)
Sworn complaint or affidavit supporting removal	At least by next business after removal		§ 15-11-132(b)
Preliminary Protective Hg w/ child removed	72 Hours of removal – if weekend then next business day	NO	§ 15-11-102(a) & § 15-11-145(a)
Preliminary Protective Hg w/OUT child removed	No reference in current but some juvenile courts might schedule		
Reasonable Efforts	At every Hearing	NO	§ 15-11-202
Contrary to the Welfare	At Preliminary Protective Hearing & every other setting	NO	§ 15-11-134
Continued Preliminary Protective Hearing	Every 72 Hours from removal –	YES, if all parties present & waive	§ 15-11-110
Petition Filing w/ child removed	Within 5 days of Preliminary Protective Hearing	Maybe w/ good cause § 15-11-151	§ 15-11-102(c) & § 15-11-151(a)
Petition Filing w/OUT child removed or child was returned at the PPH	Within 30 days of Preliminary Protective Hearing	Maybe w/ good cause § 15-11-151	§ 15-11-102(b) & § 15-11-151(b)
Amending the dependency petition	Anytime to cure defects of form & prior to adjudication (may require additional service)		§ 15-11-153
Adjudication Hg W/ Ch Removal	Within 10 days of Petition Filing	YES, if all parties present & waive	§ 15-11-102(c) & § 15-11-181(a)
Adjudication Hg w/OUT child removed	Within 60 days of Petition Filing	YES, if all parties present & waive	§ 15-11-102(b) & § 15-11-181(a)
Continued Adjudication Hearing w/ child removal	Within 60 days of removal or dismissed without prejudice		§ 15-11-181(a)
service of summons timing requirements for dependency action	<ul style="list-style-type: none"> Personal service at least 72 hours before adjudication Registered, certified mail at least 5 days before adjudication Publication, 4 times in 4 weeks, hearing may be held no earlier than 5 days from the last published notice 		§ 15-11-161
Disposition Hearing w/ child removed	Within 30 days of completion of Dependency Hearing		§ 15-11-102(c) & § 15-11-210
Disposition Hearing w/OUT child removed	Within 30 days of completion of Dependency Hearing		15-11-102(b) & § 15-11-210
CCFA – Comprehensive Child & Family Assessment	Referral made within in 24 hours of Preliminary Protective hearing		DFCS Policy
FTM - Family Team Meeting	Within 3-9 days after a child enters FC		DFCS Policy
Physical Health Screen	Within 10 days of a child's entry into FC		DFCS Policy
Dental Health Screen	Within 10 days of a child's entry into FC		DFCS Policy
Multidisciplinary Meeting (MDT)	Within 25 days of a child's entry into FC		DFCS Policy
Case Plan	Within 30 days of a child's removal	NO	§ 15-11-102(c) & § 15-11-200(a)
Initial Periodic Review – In Court	Within 75 days of child's removal		§ 15-11-102(d) & § 15-11-216
Additional Period Review – Judicial Citizen Panel or Court	Within 4 months of the Initial 75 Day Periodic Review – approximately 195 days from removal – and at any time chosen sua sponte by the Court		§ 15-11-102(c), § 15-11-212(d) & § 15-11-216 & 217

Timelines for a Dependency Case			
Event	Timing	Time Waiveable?	O.C.G.A.
Permanency Plan Hearing Timing for first setting of Permanency Plan Hearing	<ol style="list-style-type: none"> 1. within 30 days of DFCS submitting plan with no reunification services 2. within 9 months of removal if child under 7 years at time of petition filed 3. within 12 month of removal if child 7 years or older at time petition is filed 		§15-11-102(e) & §15-11-230
Permanency Plan Hearing Timing for subsequent Permanency Plan Hearings	Every six month or sooner if the court directs		§15-11-102(e) & §15-11-230
DFCS permanency planning report filed with the court	At least 5 days prior to the permanency plan hearing		§15-11-231
Supplemental Order Adopting Permanency Plan	Within 30 days if court determines reunification services are no longer required		§15-11-102(f)
Non-Reunification Hearing	within 30 days of report by DFCS that reunification plan is not appropriate	NO	§15-11-204
WTLP - Written Transitional Living Plan	at Case Plan if child over 14 years	NO	§15-11-201(b)(17)
Transition Plan for youth turning 18 years old or exiting foster care	Within 90 days child turns 18 years or within 90 days of planned exit from foster care if child remained in foster care after 18 years old	NO	§15-11-201(b)(16)
CCFA due, CCFA used during MDT & case plan development	Within 30 days of a child's entry into FC		DFCS Policy
Trauma Assessment – Mental Health Screen for Child 4 yrs. & older	Discretionary and determined based on child's needs, GAL or child attorney may also request as part of case plan		Discretionary with DFCS or part of case plan
Babies Can't Wait Referral for child 4 years & under A Developmental Assessment for purposes of a Babies Can't Wait referral may be required	BCW referral immediately.		DFCS Policy
Diligent Search	<ul style="list-style-type: none"> • Initiated at outset of case & continuing throughout case • within 30 Days from Removal • must be completed before final disposition 	NO	§15-11-211
Notice by DFCS to child's adult relatives about the child's removal, how to become a placement resource, financial & service assistance available if a placement resource	<ul style="list-style-type: none"> • within 30 Days from Removal • Must be documented in writing & filed with the court 	NO	§15-11-211(d & e)
Notice to Foster Parents	72 hours advance written notice for all hearings except the PPH	NO	§15-11-109
Termination of Parental Rights – TPR Filing	<ul style="list-style-type: none"> • Child has been in foster care 15 out of 22 months • Court has determined parents subjected child to "aggravating circumstances" • Parent has been convicted of certain crimes listed at §15-11-233(a)(3) 	NO Except in circumstances listed at §15-11-233(b)	§15-11-233(a)
Termination of Parental Rights – TPR Hearing & Order	If no "just cause" TPR hearing must be held within 90 days of TPR Petition filing & TPR Order must be signed within 30 days of close of evidence	YES, If Court makes findings on record of "just cause exception"	§15-11-301

Timelines for a Dependency Case			
Event	Timing	Event	Timing
TPR Reviews	at least every 6 months, court may schedule more frequent	NO	§15-11-322
Reinstatement of Parental Rights following TPR - Petition filing	<ul style="list-style-type: none"> • If no adoption after 3 years & statutory requirements are met • Exception to 3 year limit if DFCS or licensed agency stipulate “child is no longer likely to be adopted” 	YES, if exception established	§15-11-323
Petition to Modify	Anytime upon filing of a petition & statutory grounds		§15-11-32
Protective Order	Anytime upon application of a party or the court’s own motion		§15-11-29
Permanent Guardianship	Anytime following judicial finding that reunification services would be detrimental or living parent consents		§15-11-240
Probate Court Transfer	Juvenile Court shall hold hearing within 30 days of receipt of case from probate court		§15-11-14
Mediation referral	Anytime during a proceedings		§15-11-20
Mediation Process	Should be scheduled as soon as practicable & within 30 days of mediation referral		§15-11-23
Legitimation	<ul style="list-style-type: none"> • Anytime during the pendency of a dependency proceeding • if TPR filed then w/in 30 of service of TPR 		§15-11-11 & §15-11-283
Visitation – Parent	DFCS policy within 1st week & bi monthly & case plan provisions		§15-11-112 §15-11-201(b)(7)
Visitation - Sibling	Case plan provisions to consider sibling visitation when siblings not placed together		§15-11-135(e) §15-11-201(b)(8)
Visitation reviewed & possible modification of visitation terms – determine progress on case plan	Within 30 days of court finding “lack of substantial progress towards completion of case plan”		15-11-112(c)
Placement with Siblings	Case plan provisions to ensure reasonable efforts to place siblings together & exceptions		§15-11-201(b)(11)
Educational Stability	Case plan provisions to promote educational stability for foster children		§15-11-201(b)(12)
Change of Placement Notification	<ul style="list-style-type: none"> • not less than 5 days in advance of proposed placement change, except if emergency • if emergency then notice within 24 hours • hearing to be held within 5 days of notice 		§15-11-215
IEP - Individualized Educational Plan	Ongoing depending on the need of the child		
Emancipation	<ul style="list-style-type: none"> • petition may be filed at 16 years with statutory grounds or • by operation of law – 18 years, marries or active duty military or emancipation order 		§15-11-720
Parental Notification Act	<ul style="list-style-type: none"> • hearing within 3 days of petition filings • court order with 24 hours 		§15-11-684

Timelines for a Dependency Case			
Event	Timing	Event	Timing
DFCS emergency care & supervision without court order as a result of caretaker emergency	Cannot exceed 7 days, then DFCS must begin dependency process		§15-11-130
Physician exercising emergency protective custody	<ul style="list-style-type: none"> • Physician to notify DFCS as soon as possible • Not later than 24 hours, physician to contact juvenile court, or law enforcement • Within 6 hours of notice to DFCS, then DFCS take physical custody 		§15-11-131
Discovery & Reciprocal Discovery Responses	<ul style="list-style-type: none"> • Request shall be complied with • Promptly • Not later than 5 days after request is received or • 72 hours prior to any hearing 		§15-11-170(d)
Immigration Issues	ongoing, must complete before 18 th birthday, in ILP & WTLP, youth must achieve SIJS before 18 years old to receive continued ILP services		

Internet Resources:

www.childwelfare.net

www.gaccchildlaw.org

<http://w2.georgiacourts.org/cj4c/>

check for webcasts of Georgia Child Welfare Legal Academy & Appellate Case Summaries