

















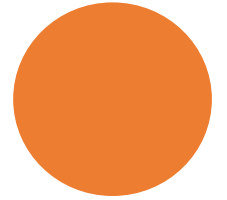


Disposition O.C.G.A. § 15-11-210

Sometimes Disposition and Case Planning seems more like a scavenger hunt with arbitrary goals to complete, versus the straightforward plan towards permanency for the family.

SCAVENGER HUNT

- | | | | |
|--------------------------|---|--------------------------|--|
| <input type="checkbox"/> |  RED CAR | <input type="checkbox"/> |  DOOR WREATH |
| <input type="checkbox"/> |  DOG | <input type="checkbox"/> |  MOTORCYCLE |
| <input type="checkbox"/> |  MAILBOX | <input type="checkbox"/> |  A YELLOW HOUSE |
| <input type="checkbox"/> |  KIDS | <input type="checkbox"/> |  FLOWERS |
| <input type="checkbox"/> |  BLUE DOOR | <input type="checkbox"/> |  SPRINKLERS |
| <input type="checkbox"/> |  BICYCLE | <input type="checkbox"/> |  BIRD |
| <input type="checkbox"/> |  FLAG | <input type="checkbox"/> |  A BUSH |
| <input type="checkbox"/> |  HOSE | <input type="checkbox"/> |  PACKAGE |
| <input type="checkbox"/> |  FENCE | <input type="checkbox"/> |  A CAT |
| <input type="checkbox"/> | | <input type="checkbox"/> | |



Keep an Eye Out for the Case Plan



Case Plans

- 15-11-201
- Case plan shall be **developed** by DFCS and the parent, guardian, or legal custodian of the alleged dependent child and, when appropriate, such child.
- Specific time-limited goals and related activities designed **to enable the safe return** of such child to his or her home, or, in the event that return to his or her home is not possible, activities designed to result in permanent placement or emancipation.
- A **schedule of visits** between such child and his or her siblings and other appropriate family members and an explanation if no visits are scheduled.
- A statement that the parent, guardian, or legal custodian of such child and the child have had an **opportunity to participate** in the development of the case plan, to review the case plan, to sign the case plan, and to receive a copy of the plan, or an explanation about why such persons were not able to participate or sign the case plan.

Leading up to the Disposition Hearing



If not held along with the Adjudication Hearing, they must be held within 30 days afterwards adjudication. O.C.G.A. § 15-11-210(a)



Hearsay is allowed, but remember, it must be relevant, reliable, and necessary. O.C.G.A. § 15-11-210(b)



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. O.C.G.A. § 15-11-210(d)



Parties and their attorneys shall be given the opportunity to controvert written reports received by the court and to cross-examine individuals making such reports. O.C.G.A. § 15-11-210(d)(2)



Preparing for Disposition

Client
Witnesses
Documents
Parties

Avoid Cookie Cutter Case Plans

- The goals in your client's Case Plan should relate specifically to what will address his/her needs and the needs of his/her family.



The goals included in the Case Plan should only relate to the issues that were adjudicated in the final Adjudication Hearing Order.

Take Two!!

If a party or the court want to add to the Case Plan and the goal does not directly relate to the issues adjudicated. Then the party will need to file an amended Petition for Dependency alleging the new issue(s), and there will need to be another adjudication hearing on the issue(s). O.C.G.A. § 15-11-153





Lego pieces

Various forms of Disposition (O.C.G.A. § 15-11-212)

- Permit child to remain with parent, subject to conditions and limitations (“Protective Order”)
- Transfer jurisdiction over child in accordance with ICPC
- Order parent and child to participate in services established in the Case Plan
- Child support
- If a child’s dependency is found to have been the result of substance abuse by the parent, the court shall be authorized to order that legal custody of the child may not be transferred back to the parent unless the parent undergoes substance abuse treatment and random substance abuse screenings, and screens are negative for no less than 12 consecutive months; or successful completion of family treatment court. (See also O.C.G.A. § 15-11-181(h))




Concurrent Case Plans Are NOT Required Under the Juvenile Code

- Concurrent case planning is pursued by DFCS as one of their policies.
- If there is no clear basis for a concurrent Case Plan, then object to any secondary prong.
- If DFCS presses for a prong that would result in non-reunification, then see 15-11-204/216 regarding “Non-reunification Hearings”





Disposition Order

- 
- 15-11-213
 - Shall contain written findings of fact to support the disposition and case plan ordered