

**RULE 1. PREAMBLE**

**RULE 2. DEFINITIONS**

**RULE 3. BENCHBOOK/ UNIFORM RULES COMMITTEE**

**RULE 4. CONTINUING JUDICIAL EDUCATION**

**RULE 5. DOCKETING GUIDELINES**

**RULE 6. UNIFORM FORMS**

**RULE 7. COURT RECORDS**

**RULE 8. COMMENCEMENT OF PROCEEDINGS**

**RULE 9. HEARINGS AND MOTIONS**

**RULE 10. CITIZEN REVIEW PANELS**

**RULE 11. PARENTAL NOTIFICATION OF ABORTION**

**RULE 12. TELEPHONE AND VIDEO CONFERENCING**

**RULE 13. USE OF ELECTRONIC DEVICES IN COURTROOMS AND RECORDING OF JUDICIAL PROCEEDINGS**

**RULE 14. APPEALS**

**RULE 15. CONTEMPT**

**RULE 16. ATTORNEYS**

**RULE 17. RECUSAL**

**RULE 18. MAINTENANCE OF EVIDENCE**

## **RULE 1. PREAMBLE**

Pursuant to the inherent powers of the Court and Article VI, Section IX, Paragraph 1 of the Georgia Constitution of 1983, and in order to provide for the speedy, efficient and inexpensive resolution of disputes and prosecutions, these rules are promulgated. It is not the intention, nor shall it be the effect of these rules to conflict with the Constitution or substantive law, either per se or in individual actions and these rules shall be so construed an in case of conflict shall yield to substantive law. It is the intention of these rules and the policy of this State that these rules prevail over local practices and procedures and shall be in force ultimately throughout the State.

### **Rule 1.1 Repeal of Local Rules**

Based upon order of the Supreme Court, all local rules expired as of December 31, 2010.

## **RULE 2. DEFINITIONS**

### **Rule 2.1 Judge**

The word “judge” as used in these rules means the judge of the court exercising jurisdiction over juvenile matters as defined in O.C.G.A. § 15-11-2 (40). All rules apply to full time judges, part time judges, associate judges and senior judges unless otherwise stated.

### **Rule 2.2 Attorney**

The word “attorney” as used in these rules refers to any person, admitted to practice in the State of Georgia, and to any person who is permitted, in accordance with law, to represent a party in an action pending in Juvenile Court of the State of Georgia, and to any person proceeding pro se in an action pending in juvenile court. The word “attorney” is synonymous with “counsel” in these rules.

### **Rule 2.3 Clerk**

The word “clerk” as used in these rules refers to the clerk of any of the juvenile courts in this state and to the staff members serving as deputy clerks.

## **RULE 3. BENCHBOOK / UNIFORM RULES COMMITTEE**

There shall be a standing committee of the Council of Juvenile Court Judges designated as the Benchbook, Uniform Rules Committee. The membership of said committee and the chairperson or co-chairpersons thereof shall be appointed by the president of the Council of Juvenile Court Judges on an annual basis; and such members may be appointed or reappointed in the discretion of the president.

The duties of this standing committee shall be to propose for the Council's vote, after study, any amendments to the uniform rules which may be desirable or which may

become necessary as a result of legislative changes in statutory law, to be submitted to the Supreme Court as provided by law. It is also the responsibility of the Committee to maintain the Benchbook for use by the Council of Juvenile Court Judges.

## **RULE 4. CONTINUING JUDICIAL EDUCATION**

### **Rule 4.1 Education / Certification Committee**

The Council of Juvenile Court Judges shall maintain an Education/Certification Committee whose Chair and Co-Chair shall be appointed by the President of the Council. The Education/Certification Committee shall determine judicial certification of judges and associate judges and grant or deny requests for an extension to meet certification requirements.

### **Rule 4.2 Certification of judicial officers**

For the purposes of this rule, judicial officers shall include judges and associate judges. The Council of Juvenile Court Judges shall certify the attendance of juvenile court judicial officers; the Council of Superior Court Judges shall certify the attendance of superior court judges who sit as juvenile court judges. Determination of certification will be based upon the completion of the requirements for certification set out in O.C.G.A. §15-11-59. Each Council shall notify each judicial officer of that class of courts of his or her status relative to certification. Failure to provide written notification to the judicial officer shall not affect the judicial officer's authority to exercise jurisdiction. The period of certification shall begin on January 1 of the year following completion of the requirements and shall extend through December 31st of that same year. If, on January 1 of each year, certification has not been attained by a judicial officer, the appropriate Council of Judges may in hardship cases only grant an extension until the completion of the next seminar for the judicial officer to become certified.

The following procedure shall be followed when a judicial officer fails to meet the training requirements for certification required by this Rule and O.C.G.A. 15-11-59.

1. Within twenty (20) days of the last day of the Fall Judges Conference, a judicial officer who will not meet the training requirements for annual certification shall make application, in writing, to the Chair of the Council of Juvenile Court Judges Education/Certification Committee. Said written application shall cite with particularity the deficiency, including the number of training hours completed (if any) and the number of training hours needed for certification in the applicable calendar year. Said written application shall include a short, concise statement as to the hardship giving rise to the applicant's failure to complete the training requirements for certification. The application shall also include a short, concise remedial plan for addressing the deficiency in the most expeditious method possible.
2. Within ten (10) days of receiving an application as referenced in Paragraph (c)(1) above, the Chair of the Council of Juvenile Court Judges Education/Certification

- Committee, or his/her designee, shall distribute a copy of said application to each member of the Committee.
3. Within thirty (30) days of distributing the application to Committee members, the Chair of the Education/Certification Committee, or his/her designee, shall convene a meeting of the Committee for the purpose of discussing and voting on the application. The decision of the Committee as to whether the application shall be denied, approved as submitted, or approved without modification, shall be by simple majority vote of those members present for the meeting, so long as a quorum of Committee members is present for the meeting.
  4. In the discretion of the Committee Chair, or his/her designee, the meeting of the Education/Certification Committee required in Paragraph (c)(3), above, may be: (1) in person at such place and time as set by the Chair or his/her designee, or (2) by telephone conference call, or (3) by electronic mail, provided, however, that the applicant may request to personally appear before the Committee, in which case the Committee shall meet in person.
  5. Within two (2) business days after the decision of the Committee is made, the Chair of the Committee, or his/her designee, shall mail written notification to the applicant of the Committee's decision. Written notification shall also be provided to the Presiding Judge of the Juvenile Court in which the applicant sits and the Chief Superior Court Judge of the judicial circuit in which the applicant's court is located.
  6. In the event the applicant is dissatisfied with the decision of the Education/Certification Committee, he/she shall have the right to file a request for a review of the decision by a committee composed of the Officers on the Executive Committee of the Council of Juvenile Court Judges within (30) days of receipt of the decision of the Education/Certification Committee. The request shall be made to the President of the Council of Juvenile Court Judges, and may include additional written information that may be pertinent to the review. The Committee conducting the review shall consider the written decision of the Education/Certification Committee and any other information included in the request for review. The President of the Council shall notify the applicant, the Presiding Judge of the Juvenile Court and the Chief Judge of the Superior Court of the judicial circuit in which the applicant's office is located of the decision following the review.

#### **Rule 4.3 Judge Pro Tempore Education Requirements**

For purposes of this rule, judge pro tem is defined as stated in the Georgia Code of Judicial Conduct. Any judge pro tempore who sits as juvenile court judge for at least thirty (30) days during a calendar year, in order to serve in the capacity in the following calendar year, must attend at least one twelve hour seminar of the type described in O.C.G.A. 15-11-59.

#### **Rule 4.4 New judge orientation training.**

Each newly appointed judicial officer exercising juvenile court jurisdiction shall be required to complete 12 hours of New Judge Orientation Training on or before the expiration of two years from the date of his/her initial appointment. The New Judge

Orientation Training shall be composed of three four hour blocks of training in the following areas: self-study; personal consultation; and group meetings. The Education / Certification Committee of the Council of Juvenile Court Judges shall be responsible for recommending appropriate training and course materials to satisfy the requirements of each four hour block of study which shall be approved by the Council of Juvenile Court Judges.

#### **RULE 5. DOCKETING GUIDELINES**

Each juvenile court shall keep juvenile docketing information and follow the instructions of the Docketing Guidelines in Appendix A. The clerk shall make the docketing information available for review by a representative of the Council of Juvenile Court Judges upon the Council's request.

#### **RULE 6. UNIFORM FORMS**

All court shall use the forms prescribed by these rules. Use of the Complaint Forms shall be required. All other forms listed below (and attached in Appendix B) shall be used as provided or in another form which is in substantial conformity with the one provided below:

- FORM 1- Delinquency Complaint
- FORM 2- Dependency Complaint
- FORM 3- CHINS Complaint
- FORM 4- Summons & Process
- FORM 5- Subpoena
- FORM 6- Subpoena to Produce
- FORM 7- Transfer to Superior Court
- FORM 8- Application for Bail
- FORM 9- Affidavit and Warrant
- FORM 10- Acknowledgement of Pre-Trial Rights
- FORM 11- Informal Adjustment Agreement
- FORM 12- Detention Order (Following a Hearing)
- FORM 13- Order of Commitment
- FORM 14- Social History Format & Face Sheet

- FORM 15- Dependency Removal Order
- FORM 16- Motion to Access a Juv. Proceeding
- FORM 17- Order in Resp. to Motion to Access (Granting)
- FORM 18- Order in Resp. to Motion to Access (Denying)
- FORM 19- Request to Install Equipment in the Courtroom
- FORM 20- Order Granting Request to Install Equipment
- FORM 21- Order on Motion to Close a Dependency Proceeding
- FORM 22- Order on Motion to Exclude Persons
- FORM 23- Parental Notification of Abortion
- FORM 24- Parental Notification of Abortion (more than 24 hrs.).
- FORM 25- Parental Notification of Abortion (failure to appear).
- FORM 26- Parental Notification of Abortion (hearing held).

All prescribed forms, written reports, motions, brief, pleadings, and other documentary evidence used in the juvenile courts shall be on letter size paper, 8 ½” x 11” in size.

Any pleadings, motions, or briefs not filed on the forms adopted shall be styled in the same manner and shall contain the same information as contained on the petition forms prescribed under these rules.

It shall be incumbent upon the clerk of the juvenile court to make available copies of all forms prescribed by Rule 6.

## **RULE 7. COURT RECORDS**

### **Rule 7.1 Removal of papers from clerk's office.**

Attorneys, court reporters and other persons allowed to have access to official court records shall not remove such records from the clerk's office except upon written order of the judge.

### **Rule 7.2 Sealing**

Pursuant to O.C.G.A. §15-11-701 (a) a case that is sealed may be reflected within case histories by case number, date filed, and date sealed. Cases sealed pursuant to a dismissal of

charges shall not reflect the charges in the case history. Cases sealed pursuant to informal adjustments, mediation, or other non-adjudicatory procedure may retain the charges sealed in the case history. Case histories containing information of sealed cases shall be available only to Judges, intake personnel whose duties include the determination of how to direct subsequent cases filed, and to parties in any subsequent proceedings. Case histories released to any other person or entity shall be redacted to remove all references to sealed cases.

## **RULE 8. COMMENCEMENT OF PROCEEDINGS**

### **Rule 8.1 Informal adjustment**

- (a) **Disposition by informal adjustment.** After completion of informal adjustment, the court or its designee shall inform the clerk of court of the disposition of the case.
- (b) **Notification of judge.** The case files or a report of informally adjusted cases shall be sent by the intake officer or intake supervisor for review to the juvenile court judge on a regular basis.
- (c) **Informal adjustment agreement.** An informal adjustment agreement shall be prepared on each case adjusted by a court officer, and filed with the clerk of juvenile court by the officer adjusting the case. A copy of said agreement shall be furnished to the child and the child's attorney and/or legal guardian.

### **Rule 8.2 Dismissal of complaint.**

A complaint may only be dismissed by the judge.

### **Rule 8.3 Transfer of custody and support questions from superior court.**

Following the matter of an investigation and a report back, the juvenile court clerk shall send a copy of the report and record of the investigation to the referring superior court judge. Following the matter of an investigation and determination, the juvenile court clerk shall file the original order of the juvenile court, shall make a certified copy thereof for filing with the clerk of superior court and shall also furnish a copy of the final order to the referring superior court judge.

(a) **Docketing the Transfer Order.** Upon receiving the order of transfer, the clerk shall docket said order and incorporate it as a part of the juvenile court record. Upon docketing, the clerk shall notify all parties and schedule the matter for a hearing.

(b) **Assessment of Costs for Investigations in Custody and Support Matters.** The judge of the juvenile court may assess reasonable costs against the party or parties for conducting investigations in custody and support matters as referred by the Superior Court.

(c) **Filing of Complaint Form in Custody or Support Matters.** In all cases referred to the juvenile court by the Superior Court for investigation and report or determination, the clerk of superior court shall, within 10 days of the date of the order, forward to the clerk of the juvenile court the order of transfer together with the superior court file or a certified copy thereof in its entirety. In modifications and habeas corpus cases, in addition to the foregoing, the complaint form shall be completed by and filed by

the plaintiff's attorney. Upon the receipt of the above stated documents, the juvenile court clerk shall file the transfer.

(d) **Attorney Appointments** Any child attorney and / or GAL appointment shall be made as soon as practicable.

#### **Rule 8.4 Transfer of delinquency case from Superior Court.**

(a) **Prior to indictment.** Whenever the prosecution of delinquency charges are to be lodged in the juvenile court by the district attorney pursuant to the discretion provided in O.C.G.A. 15-11-560 (d), the district attorney shall commence the case in the juvenile court by filing with the clerk of the juvenile court a fully completed complaint form.

(b) **After indictment.** Whenever the prosecution of delinquency charges are to be lodged in the juvenile court by order of the superior court, the Clerk of superior court shall within three [3] working days of the entry of the order, file with the clerk of the juvenile court certified copies of the order of transfer, indictment, and all motions, orders and other pleadings and documents contained in the file. The clerk of the juvenile court shall cause a fully completed complaint form to be filed within 24 hours of receipt of the documents from the clerk of the superior court as outlined in O.C.G.A. 15-11-560 (e) and (f).

### **RULE 9. HEARINGS AND MOTIONS**

#### **Rule 9.1 Withdrawal of petition.**

If it appears after a petition has been filed that an informal adjustment rather than an adjudication would be in the best interest of the child, the petitioner may move to withdraw the petition. The petition shall be withdrawn upon approval by the judge. Such approval does not result in a dismissal of the case, but only in the substitution of informal adjustment for a formal adjudication.

#### **Rule 9.2 Responsive pleadings and motions.**

No answer to the petition or any other pleading need be filed by any child, parent or legal guardian. A party may file a written pleading or motion to the allegations of the petition before the hearing. Copies of such pleadings shall be made available to the other parties to the case.

#### **Rule 9.3 Motions**

All motions, with the exception of discovery motions, must be made in writing and filed not later than three (3) days, excluding weekends and holidays, before the hearing at which the motion will be considered, unless otherwise permitted by the court. The written motion and notice of the hearing shall be served not later than three (3) days,



excluding weekends and holidays, before the time specified for the hearing, unless specifically ordered otherwise by the court. All motions shall be served as required by these rules upon all parties, and any other person to whom the court directs, or their legal counsel, if so represented.

#### **Rule 9.4 Adjudication**

At the time of entering a plea, if an admission is made, the child shall sign a waiver of his or her right to a contested hearing on the merits of the petition. The matter may be disposed of at that time, or it may be scheduled for a dispositional hearing at a later time.

The child may enter a plea under Alford v. North Carolina. The judge may use his or her discretion as to whether or not to accept an Alford plea.

### **RULE 10. CITIZEN REVIEW PANELS**

#### **Rule 10.1. Creation of judicial citizen review panels.**

A chief judge of a juvenile court or a chief superior court judge in a county where a superior court judge has juvenile court jurisdiction may elect to create judicial citizen review panels. If a judge elects to create judicial citizen review panels, he or she shall file a statement of intent with the Council of Juvenile Court Judges (hereinafter referred to as the "Council"). The Council shall then determine if there are adequate staff and resources available for the creation and operation of a judicial citizen review panel program and shall notify the court in writing of its determination within a reasonable time from receiving the statement of intent. If the Council determines that there are adequate resources to establish judicial citizen review panels, the Council shall notify the court in writing of this, and such written notice shall serve as the formal creation of a judicial citizen review panel program. Such panels shall be conducted in the manner set forth in O.C.G.A. § 15-11-216, -217, and -218 and shall employ the standards and procedures as mandated by such statute, these rules, and program guidelines approved by the Council standing committee on permanency planning (hereinafter referred to as "Program Guidelines"). Only those courts which agree to operate under such terms and conditions shall be deemed to be in compliance with O.C.G.A. § 15-11-216, -217, and -218.

#### **Rule 10.2. Program guidelines.**

A current copy of the Program Guidelines shall be maintained in the clerk's office of every court that has a judicial citizen review panel program in place and shall be available for review upon request during the court's normal business hours.

#### **Rule 10.3. Appointments; term of service; vacancies; and removal from office.**

(a) *Appointments.* The judge shall screen, select and appoint individuals to serve on local judicial citizen review panels. The judge shall seek to select persons who

represent a cross-section of the community with respect to race, economic status, gender, and ethnic background. Any person employed by DFCS, any juvenile court except for the person designated by the judge as the local program coordinator, or any person who serves as a legal guardian or custodian of a child in temporary foster care shall not be eligible to serve on any local judicial citizen review panels; provided, however, that any person serving as a member of a local judicial citizen review panel on July 1, 1991, who would be ineligible to serve under these rules may continue to do so until the judge appoints a qualified replacement.

(b) *Term of Service.* Judicial citizen review panel members shall serve at the pleasure of the judge for a term of one (1) year. The panel member may continue to serve as long as the panel member meets the requirements of the Program Guidelines.

(c) *Vacancies.* In the event that a vacancy arises, the judge shall appoint a qualified individual to serve the remainder of the unexpired term.

(d) *Removal from Office.* The judge may remove a panel member for: (1) failure to meet the certification requirements as provided in the Program Guidelines; (2) displaying any behavior which hinders the overall effectiveness of the panel; (3) violating the oath of confidentiality; or (4) conviction of a crime involving moral turpitude.

#### **Rule 10.4. Training and certification.**

Before any person may serve on a judicial citizen review panel, they shall successfully complete an initial training course provided by professional staff employed by the Council. Each year thereafter, judicial citizen review panel members are required to complete additional training as prescribed by the Program Guidelines. Council staff shall certify completion of the required training to the court and the Council standing committee on permanency planning.

#### **Rule 10.5. Panel composition; quorum; and emergency substitution procedure.**

(a) *Panel Composition.* Each judicial citizen review panel shall be set up in accordance with the Program Guidelines.

(b) *Quorum.* A quorum shall be as defined in the Program Guidelines.

(c) *Emergency Substitution Procedure.* Emergency substitution procedures shall be handled as provided in the Program Guidelines.

#### **Rule 10.6 Confidentiality of proceedings.**

All information discussed during a judicial citizen review panel review related to the cases reviewed shall remain confidential. The release of any case-related information must first be approved by the court.

#### **Rule 10.7. Conflict of interest.**

Whenever a judicial citizen review panel member has a potential conflict of interest in a case being reviewed, the panel member shall advise the other panel members and persons present of the potential conflict prior to participating in the case review. If any party to the case believes that the potential conflict may prevent the panel member from fairly and objectively reviewing the case, such panel member shall be excused from participating in the review. The potential conflict of interest shall be duly recorded in the panel's findings and recommendations.

**Rule 10.8. Workload of the panels.**

The workload of the panels at any given time may not exceed the maximum or fall below the minimum number set forth in the Program Guidelines.

**Rule 10.9. Access to case information; time frames.**

(a) *Access to Case Information.* Each judicial citizen review panel, each juvenile court, and Council staff shall have access to all records and information of the court and the local DFCS office that is pertinent to the case being reviewed.

(b) *Time Frames.* DFCS shall submit progress reports and updated case information to the local program coordinator at least five (5) working days before the date of the judicial citizen review panel review. Any supplemental information requested by the judicial citizen review panels from the local DFCS office must be submitted within five (5) working days from the date the request is received. All other information requested by judicial citizen review panels from other individuals and agencies shall be submitted within the time frames set forth in the Program Guidelines.

**Rule 10.10. Panel review.**

(a) *Case Review.* A judicial citizen review panel may elect to hear from any person who formally requests to be heard during a foster care case review, as long as such person has specific knowledge of the case and can assist the panel in the review process. Parents and children may be accompanied to the review by a representative of their choice and such representative may be permitted to provide information.

(b) *Presence of the Child.* In the case where a child is present, any panel member may request of the chairperson that the panel members, Council staff, and other persons meet privately with the child if it is determined that this would facilitate the child's ability to communicate with the panel members.

(c) *Persons Who Shall Receive Notice of Reviews.* The following persons shall be given written notice of the judicial citizen review panel reviews: all parties and specified nonparties listed in O.C.G.A. § 15-11-108 and 15-11-109 as well as Council staff.

(d) *Persons Who May Participate in Reviews.* The following persons may participate in judicial citizen review panel reviews at the invitation of the panel: family members of the child, legal counsel for the parent(s) or the child, GAL, CASA and

professionals and other citizens having specific knowledge of the case or special expertise which would benefit the panel review process.

(e) *Exclusion from the Review.* The panel chairperson may remove any person from any review on his or her initiative or at the request of any participant if the panel chairperson determines that such removal is necessary for an orderly and thorough review of the case.

(f) *Oath of Confidentiality.* Prior to participating in a judicial citizen review panel review, each person shall affirm by oath that he or she shall keep confidential all information disclosed during the panel review and any information related to the case and that such information may be disclosed only when authorized by law. In the event that any person violates the oath of confidentiality, such person shall be subject to the contempt powers of the court as provided by law.

#### **Rule 10.11. Placement agency attendance.**

Unless excused from doing so by the judicial citizen review panel, DFCS and any other agency directly responsible for the placement, care, and custody of the child whose case is under review shall require the presence of the employee designated as responsible under the case plan or his or her immediate supervisor. The judicial citizen review panel may request the presence of other specific employees of the DFCS office or other agency at the panel review.

#### **Rule 10.12. Additional procedures and practices.**

The Council may adopt such other administrative practices and procedures not inconsistent with the provisions of law and these rules as may be necessary from time to time for the operation of judicial citizen review panels.

#### **Rule 10.13 Records of citizen review panels.**

All findings, reports, documents, recommendations, and other records created for or by the judicial citizen review panels constituted pursuant to O.C.G.A. § 15-11-217, other than those records already maintained in the clerk's file, shall be maintained by the Court as judicial records. These records shall be maintained in accordance with state record retention schedule.

### **RULE 11. PARENTAL NOTIFICATION OF ABORTION**

#### **Rule 11.1. Style of the case**

The petition and all other documents in a proceeding under Article 3, Chapter 11, Title 15 of the Official Code of Georgia shall be as provided for by statute.

#### **Rule 11.2. Appointment of guardian ad litem.**

Whenever an unemancipated minor petitions the court for relief under Article 3, Chapter 11, Title 15 of the Official Code of Georgia, the court shall appoint a guardian ad litem to protect the interests of the unemancipated minor. The guardian ad litem appointment may be separate from the unemancipated minor's right to counsel as outlined in O.C.G.A. § 15-11-684 (a).

## **RULE 12. TELEPHONE AND VIDEO CONFERENCING**

### **Rule 12.1 Telephone Conferencing**

The court on its own motion or upon the request of any party may in its discretion conduct pre-adjudication or post-adjudication proceedings in civil actions by telephone conference with attorneys for all affected parties. The trial judge may specify:

- (A) The time and the person who will initiate the conference;
- (B) The party which is to incur the initial expense of the conference call, or the apportionment of such costs among the parties, while retaining the discretion to make an adjustment of such costs upon final resolution of the case by taxing same as part of the costs; and
- (C) Any other matter or requirement necessary to accomplish or facilitate the telephone conference.

### **Rule 12.2 Video-conferencing.**

- (A) At the discretion of the court, any Juvenile Court matter may be conducted by video-conference with the following exceptions:
  - 1. Formal adjudicatory hearings on Petitions alleging the delinquency of a child, or that a child is in need of services; and
  - 2. Hearings alleging the violation of a juvenile court protective order which may result in the loss of liberty of the person alleging to have violated the protective order.

Notwithstanding any other provisions of this rule, a judge may order a party's personal appearance in court for any hearing. Furthermore, in civil matters transferred from the superior court to the juvenile court, the court may require compliance with Uniform Superior Court Rule 9.2.

(B) Confidential Attorney-Client Communication. Provision shall be made to preserve the confidentiality of attorney-client communications and privilege in accordance with Georgia law. In all delinquency matters, cases involving children in need of services, and traffic offense proceedings, the child and his or her attorney shall be provided with a private means of communications when in different locations.

- (C) Witnesses. In any pending matter, a witness may testify via video-conference.
  - 1. Any party desiring to call a witness by video-conference shall file a notice of intention to present testimony by video-conference.

- a. For a proceeding that occurs prior to the filing of the petition, the notice shall be provided as soon as practicable before such proceeding.
  - b. For a ten-day adjudicatory hearing, notice shall be provided at least five (5) days prior to the hearing.
  - c. For a hearing regarding the termination of parental rights, notice shall be provided at least fifteen (15) days prior to the hearing.
  - d. For all other proceedings, notice shall be provided at least ten (10) days prior to the proceeding.
2. Any other party may file an objection to the testimony of a witness by video-conference within three (3) days of the filing of the notice of intention if the child is in detention or within five (5) days of the filing of the notice of intention otherwise. In a delinquency or CHINS matter, such objection by the child shall be sustained; however, such objection shall act as a motion for continuance and shall toll the applicable time limits; no such continuance or tolling shall exceed ten (10) days from the date of the objection if the child is in detention or thirty (30) days from the date of the objection otherwise.
3. The court may modify these requirements upon a showing of good cause and the parties may waive their right to timely notice. The discretion to allow testimony via video-conference shall rest with the judge.

(D) Recording of Hearings. A record of any proceedings conducted by video-conference shall be made in the same manner as all such similar proceedings not conducted by video-conference. However, upon the consent of all parties, that portion of the proceedings conducted by video conference may be recorded by an audio-visual recording system and such recording shall be part of the record of the case and transmitted to courts of appeal as if part of a transcript.

(E) Technical Standards. Any video-conferencing system utilized under this rule must conform to the following minimum requirements:

1. All participants must be able to see, hear, and communicate with each other simultaneously;
2. All participants must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceedings, either by video, facsimile, or other method;
3. Video quality must be adequate to allow participants to observe each other's demeanor and nonverbal communications; and
4. If the proceeding is one from which the general public may not be excluded as provided by O.C.G.A. §15-11-700, the location from which the judge is presiding shall be accessible to the public to the same extent as such proceeding would if not conducted by video conference. In any such case, the court shall accommodate any request by interested parties to observe the entire proceeding.

## **RULE 13. USE OF ELECTRONIC DEVICES IN COURTROOMS AND RECORDING OF JUDICIAL PROCEEDINGS**

### **Rule 13. 1 Purpose.**

#### **(A) Overview.**

Open courtrooms are an indispensable element of an effective and respected judicial system. It is the policy of Georgia's courts to promote access to and understanding of court proceedings not only by the participants in them but also by the general public and by news media who will report on the proceedings to the public. This must be done, however, while protecting the legal rights of the participants in the proceedings and ensuring appropriate security and decorum.

Except as otherwise required by law, this rule governs the use of devices to record sounds or images in a courtroom and comports with the standards provided in OCGA § 15-1-10.1 regarding the use of devices to record judicial proceedings.

This rule similarly governs the use of electronic devices, including mobile phones and computers, in a courtroom for purposes other than recording sounds and images. Such use is generally allowed by lawyers, by employees of lawyers, and by self-represented parties, but to ensure decorum and avoid distraction, such use is generally prohibited by ~~jurors~~, witnesses, parties, and spectators, including representatives of the news media. Such persons may, however, use their devices by stepping outside the courtroom, and nothing in this rule prevents a judge from permitting parties and spectators to use their devices for non-recording purposes as the judge may allow in his or her discretion.

A court must use reasonable means to advise courtroom visitors of the provisions of this rule and must make the form in Exhibit A available in its clerk's office and on the court's website.

#### **(B) Definitions.** The following definitions apply in this rule:

(1) "Recording device" means a device capable of electronically or mechanically storing, accessing, or transmitting sounds or images. The term encompasses, among other things, a computer of any size, including a tablet, a notebook, and a laptop; a smart phone, a cell phone or other wireless phone; a camera and other audio or video recording devices; a personal digital assistant (PDA); and any similar devices.

(2) "Recording" means electronically or mechanically storing, accessing, or transmitting sounds or images. <sup>2</sup>"Record" means to electronically or mechanically store, access, or transmit sounds or images, including by photographing, making an audio or

video recording, or broadcasting. Nothing in this rule prohibits making written notes and sketches pertaining to any judicial proceedings.

(3) “Courtroom” means the room in which a judge will conduct a court proceeding and the areas immediately outside the courtroom entrances or any areas providing visibility into the courtroom.

**(C) ~~W~~Jurors, witnesses, parties, and spectators, including representatives of the news media.**

The following restrictions apply to use of recording devices ~~by jurors, including grand jurors and prospective jurors,~~ by witnesses, by parties, and by spectators, including representatives of the news media.

~~(1) Jurors: Jurors shall turn the power off to any recording device while present in a courtroom and while present in a jury room during the jury’s deliberations and discussions concerning a case. Jurors may use their devices during breaks as authorized by the judge. Jurors shall not record proceedings.~~

-

(12) *Witnesses:* Witnesses shall turn the power off to any recording device while present in a courtroom and may use a device while testifying only with permission of the judge. Witnesses shall not record proceedings.

(23) *Parties and spectators:* Parties and spectators may use recording devices to record proceedings only as specifically authorized by the court pursuant to this rule. All parties and spectators shall turn the power off to any recording device while present in a courtroom, unless the judge allows orally or in writing the use of recording devices in the courtroom for purposes other than recording sounds and images, which the judge may freely do when he or she believes such use would not be disruptive or distracting and is not otherwise contrary to the administration of justice. When such use is allowed, recording devices must be silenced and may not be used to make or receive telephone calls or for other audible functions without express permission from the judge.

**(D) Attorneys, employees of attorneys such as paralegals and investigators, and self-represented parties (pro se litigants).**

(1) *Use of recording devices to record:* Unless otherwise ordered by the court, attorneys representing parties in a proceeding and self-represented party may make audio recordings of the proceeding in a nondisruptive manner after announcing to the court and all parties that they are doing so. Recordings made pursuant to this paragraph may be used only in litigating the case or as otherwise allowed by the court or provided by law. Attorneys and self-represented parties may also seek authorization to record proceedings pursuant to paragraph (E) of this rule.

(2) *Use of recording devices for non-recording purposes:* Attorneys and their employees such as paralegals and investigators may use recording devices in a courtroom



for purposes other than recording sounds and images, including word processing, storing or retrieving information, accessing the internet, and sending or receiving messages or information. Self-represented parties may do the same but only in direct relation to their proceedings. Recording devices must be silenced and may not be used to make or receive telephone calls or for other audible functions without express permission from the judge.

(3) *Limitation:* Any allowed use of a recording device under paragraph (D) is subject to the authority of the judge to terminate activity that is disruptive or distracting or is otherwise contrary to the administration of justice.

**(E) Celebratory or ceremonial proceedings, or when the court is not in session.**

Notwithstanding other provisions of this rule, a person may request orally or in writing, and a judge or judge's designee may approve orally or in writing, use of a recording device in a courtroom to record a celebratory or ceremonial proceeding or use of a recording device in a courtroom when the court is not in session.

**(F) Other persons or organizations desiring to record.** Any other persons or organizations, including representatives of the news media, desiring to record a court proceeding shall make application to the judge on the form in Exhibit A following this rule.

(1) *Submission of a request:* The person or organization must submit the request to the judge or to an officer of the court designated to receive requests under this rule. The request should address any logistical issues that are expected to arise.

(2) *Time limit for submitting a request:* The person or organization must submit the request sufficiently in advance of the proceeding--at least 24 hours where practicable under the circumstances--to allow the judge to consider it in a timely manner.

(3) *Notice and hearing:* The court will notify the parties of its receipt of a request for recording. Parties shall then notify their witnesses. The prosecutor of a criminal case shall notify alleged victims. The judge will promptly hold a hearing if the judge intends to deny the request or a portion of the request, or if a party, witness, or alleged victim object to a request. The hearing under this paragraph shall be part of the official record of the proceeding.

(4) *Time for a party, witness, or alleged victim to object to a request:* A properly notified party, witness, or alleged victim waives an objection to a request for recording of a proceeding if the party, witness, or alleged victim does not object to the request in writing or on the record before or at the start of the proceeding.

**(G) Denial or limitation of recording.** A properly submitted request for recording should generally be approved, but a judge may deny or limit the request as provided in this paragraph. A judge's decision on a request, or on an objection to a request, is reviewable as provided by law.

(1) *Denial of recording:* A judge may deny a request if the proceeding is a closed proceeding as outlined in Article 9 of the Juvenile Code. If the proceeding is open to the

general public. ~~a~~A judge may deny a request for recording only after making specific findings on the record that there is a substantial likelihood of harm arising from one or more of the following factors, that the harm outweighs the benefit of recording to the public, and that the judge has considered more narrow restrictions on recording than a complete denial of the request:

- (a) The nature of the particular proceeding at issue;
- (b) The consent or objection of the parties, witnesses, or alleged victims whose testimony will be presented in the proceedings;
- (c) Whether the proposed recording will promote increased public access to the courts and openness of judicial proceedings;
- (d) The impact upon the integrity and dignity of the court;
- (e) The impact upon the administration of the court;
- (f) The impact upon due process and the truth finding function of the judicial proceeding;
- (g) Whether the proposed recording would contribute to the enhancement of or detract from the ends of justice;
- (h) Any special circumstances of the parties, witnesses, alleged victims, or other participants such as the need to protect children or factors involving the safety of participants in the judicial proceeding; and
- (i) Any other factors affecting the administration of justice or which the court may determine to be important under the circumstances of the case.

(2) *Limitation of recording*: Upon his or her own motion or upon the request of a party, witness, or alleged victim, a judge may allow recording as requested or may, only after making specific findings on the record based on the factors in the preceding paragraph, impose the least restrictive possible limitations such as an order that no recording may be made of a particular criminal defendant, civil party, witness, alleged victim, law enforcement officer, or other person, or that such person's identity must be effectively obscured in any image or video recording, or that only an audio recording may be made of such person.

**(H) Manner of recording.** The judge should preserve the dignity of the proceeding by designating the placement of equipment and personnel for recording the proceeding. All persons and affiliated individuals engaged in recording must avoid conduct or appearance that may disrupt or detract from the dignity of the proceeding. No person shall use any recording device in a manner that disrupts a proceeding.

**(I) Pooling of recording devices.** The judge may require pooling of recording devices if appropriate. The persons or organizations authorized to record have the responsibility to implement proper pooling procedures that meet the approval of the judge.

**(J) Prohibitions.** The following uses of recording devices are prohibited:

(1) *No use of recording devices while the judge is outside the courtroom:* Except as provided in paragraph (E) of this rule, a person may use a recording device in a courtroom only when the judge is in the courtroom, and use of a recording device must terminate when the judge leaves the courtroom.

~~(2) *Recording of jurors:* Recording devices must be placed to avoid recording images of jurors or prospective jurors in any manner. Audio recordings of jurors' or prospective jurors' statements or conversations are also prohibited, except that the jury foreperson's announcement of the verdict or questions to the judge may be audio recorded.~~

~~(23) *No recording of privileged or confidential communications:* In order to preserve the attorney-client privilege and client confidentiality as set forth in the Georgia Rules of Professional Conduct and statutory or decisional law, no person shall make a recording of any communication subject to the attorney-client privilege or client confidentiality.~~

~~(34) *No recording of bench conferences:* No person other than the court reporter may record a bench conference, unless prior express permission is granted by the judge.~~

**(K) Recording not official court record.** No recording of a judicial proceeding made pursuant to this rule may be used to modify or supplement the official court record of that proceeding without express permission of the judge pursuant to OCGA § 5-6-41(f).

**(L) Disciplinary authorities.** This rule does not apply to disciplinary authorities acting in the course of their official duties.

**(M) Enforcement.** Persons who violate this rule may be removed or excluded from the courtroom. A willful violation of this rule may be punishable as contempt of court.

### **Credits**

~~Amended effective May 15, 1997; October 9, 1997; May 1, 2018.~~

IN THE ~~JUVENILE~~**SUPERIOR** COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

(STYLE OF CASE/CALENDAR)

CASE NO. ....

**REQUEST TO USE A RECORDING DEVICE PURSUANT TO RULE 1322 ON RECORDING OF JUDICIAL PROCEEDINGS.**

Pursuant to Rule 1322 of the Uniform Rules for ~~Juvenile~~ Superior Court regarding Use of Electronic Devices in Courtrooms and Recording of Judicial Proceedings, the undersigned hereby requests permission to use a recording device in Courtroom \_\_\_\_\_ in order to record images and/or sound during (all) (the following portions) of the proceedings in the above captioned case/calendar.

Consistent with the provisions of the rule, the undersigned desires to use the following described recording device(s): \_\_\_\_\_. The proceedings that the undersigned desires to record commence on (date). Subject to direction from the court regarding possible pooled coverage, the undersigned wishes to use this device in the courtroom on (date). The personnel who will be responsible for the use of this recording device are: (identify appropriate personnel).

The undersigned hereby certifies that the device to be used and the locations and operation of such device will be in conformity with Rule 1322 and any guidelines issued by the court.

The undersigned understands and acknowledges that a violation of Rule 1322 and any guidelines issued by the court may be grounds for removal or exclusion from the courtroom and a willful violation may subject the undersigned to penalties for contempt of court.

This \_\_\_ day of \_\_\_\_\_, 20 \_\_\_.

\_\_\_\_\_

(Individual Signature)

\_\_\_\_\_

(Representing/Firm)

\_\_\_\_\_

(Position)

APPROVED: \_\_\_\_\_

\_\_\_\_\_

Judge, ~~Juvenile~~ Superior Court

\_\_\_\_\_ Judicial Circuit

~~Uniform Superior Court Rule 22, GA R UNIF SUPER CT Rule 22~~  
~~Current with amendments received through November 1, 2018.~~

End of Document

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## **RULE 14. APPEALS**

### **Rule 14.1 Filing of Judgements**

Except when otherwise specifically provided by statute, all judgments shall be signed by the judge and filed with the clerk, and, for the purposes of appeal, shall not be considered as entry of judgment until stamped as filed by the clerk.

#### **Rule 14.2 Costs of Transcription**

Appellant shall pay all costs for transcribing the recording of a case on appeal. However, upon filing of a pauper's affidavit with the clerk and showing to the court that the appellant is unable without undue financial hardship to pay the cost of transcribing the record, the court shall authorize payment of such costs from county funds.

### **RULE 15. CONTEMPT**

Upon the filing of a petition alleging that a party has willfully and intentionally failed to abide by an order of the court, or on the court's own motion, the court shall issue a show cause order, or rule nisi, commanding the party to appear before the court at a designated time to show cause why said party should not be held in contempt of court.

### **RULE 16. ATTORNEYS**

#### **Rule 16.1. Leaves of absence.**

This rule shall be in conformity with Superior Court Rule 16.

#### **Rule 16.2. Withdrawal of counsel.**

This rule shall be in conformity with Superior Court Rule 4.3.

#### **Rule 16.3. Entry of appearance and Pleadings.**

No attorney shall appear in that capacity before a juvenile court until he or she has entered an appearance by filing a signed entry of appearance form or by filing a signed pleading in a pending action, except those representing the state or appointed by the court. An entry of appearance and all pleadings shall include:

1. The style and number of the case;
2. the identity of the party for whom the appearance is made;
3. the name, assigned state bar number, and current office address and telephone number of the attorney; and
4. an affidavit or verified petition attached to the pleadings disclosing any related matters pending before another court and acknowledging the on-going obligation to notify the court regarding any such related matters.

The filing of any pleading shall contain the information required by this paragraph and shall constitute an appearance by the person(s) signing such pleading, unless otherwise specified by the court.

Any attorney who has been admitted to practice in this state but who fails to maintain active membership in good standing in the State Bar of Georgia and who makes or files any appearance or pleading in a juvenile court of this state while not in good standing shall be subject to the contempt powers of the court.

Within forty-eight (48) hours after being retained, an attorney shall mail to the court and opposing counsel or file with the court the entry of his or her appearance in the pending matter. Failure to timely file shall not prohibit the appearance and representation by said counsel.

#### **Rule 16.4. Conflicts.**

This rule shall be in conformity with Superior Court Rule 17.

### **RULE 17. RECUSAL**

#### **Rule 17.1. Motions.**

All motions to recuse or disqualify a judge presiding in a particular case or proceeding shall be timely filed in writing and all evidence thereon shall be presented by accompanying affidavit(s) which shall fully assert the facts upon which the motion is founded. Filing and presentation to the judge shall be not later than 5 days after the affiant first learned of the alleged grounds for disqualification, and not later than 10 days prior to the hearing or trial which is the subject of recusal or disqualification, unless good cause be shown for failure to meet such time requirements. In no event shall the motion be allowed to delay the trial or proceeding.

#### **Rule 17.2. Affidavit.**

The affidavit shall clearly state the facts and reasons for the belief that bias or prejudice exists, being definite and specific as to time, place, persons and circumstances of extra-judicial conduct or statements, which demonstrate either bias in favor of any adverse party, or prejudice toward the moving party in particular, or a systematic pattern of prejudicial conduct toward persons similarly situated to the moving party, which would influence the judge and impede or prevent impartiality in that action. Allegations consisting of bare conclusions and opinions shall not be legally sufficient to support the motion or warrant further proceedings.

#### **Rule 17.3. Duty of the trial judge.**

When a judge is presented with a motion to recuse, or disqualify, accompanied by an affidavit, the judge shall temporarily cease to act upon the merits of the matter and shall immediately determine the timeliness of the motion and the legal sufficiency of the affidavit, and make a determination, assuming any of the facts alleged in the affidavit are true, whether recusal would be warranted. If it is found that the motion is timely, the affidavit sufficient and that recusal would be authorized if some or all of the facts set forth in the affidavit are true, another judge shall be assigned to hear the motion to recuse.

The allegations of the motion shall stand denied automatically. The trial judge shall not otherwise oppose the motion. In reviewing a motion to recuse, the judge shall be guided by Canon 2, rule 2.11 of the Georgia Code of Judicial Conduct.

**Rule 17.4. Procedure upon a motion for disqualification.**

The motion shall be assigned for hearing to another judge, who shall be assigned in the following manner:

- A. If within a single-judge court, the Council of Juvenile Court Judges District Representative for the Judicial District in which the trial court is located shall assign the judge;
- B. If within a two-judge court, the other judge, unless disqualified, shall hear the motion.
- C. If within a multi-judge court, composed of three (3) or more judges, section shall be made by use of the circuit's existing random, impartial case assignment method. If the circuit does not have random, impartial case assignment rules, then assignment shall be made as follows:
  - a. The chief judge, or if no chief judge is designated the most senior judge, of the circuit shall assign a judge within the circuit to hear the motion, unless the chief judge, or if no chief judge is designated the most senior judge, is the one against whom the motion is filed; or
  - b. In the event the chief judge, or if no chief judge is designated the most senior judge, is the one against whom the motion is filed, the assignment shall be made by the judge of the circuit who is the most senior in terms of service other than the chief judge and who is not also a judge against whom the motion is filed: or
  - c. When the motion pertains to all active judges in the circuit, the District Representative shall assign a judge outside the circuit to hear the motion.
- D. If the District Representative is the one against whom the motion is filed, the judge within the district senior in time of service (or next senior in time of service if the District Representative is the one senior in the time of service) shall serve in this assignment process instead of the District Representative.
- E. If all judges within a judicial administrative district are disqualified, including the District Representative, the matter shall be referred by the disqualified District Representative to the District Representative of an adjacent district for the assignment of a judge who is not a member of the district to preside over the motion or case.

**Rule 17.5. Selection of judge.**

In the instance of any hearing on a motion to recuse or disqualify a judge, the challenged judge shall neither select nor participate in the selection of the judge to hear



the motion; if recused or disqualified, the recused or disqualified judge shall not select nor participate in the selection of the judge assigned to hear further proceedings in the involved action.

**Rule 17.6. Findings and ruling.**

The judge assigned may consider the motion solely upon the affidavits, but may, in the exercise of discretion, convene an evidentiary hearing. After consideration of the evidence, the judge assigned shall rule on the merits of the motion and shall make written findings and conclusions. If the motion is sustained, the selection of another judge to hear the case shall follow the same procedure as established in Rule 27.4 above. Any determination of disqualification shall not be competent evidence in any other case or proceedings.

**Rule 17.7. Voluntary recusal.**

If a judge, either on the motion of one of the parties or the judge's own motion, voluntarily disqualifies, another judge, selected by the procedure set forth in Rule 27.4 above, shall be assigned to hear the matter involved. A voluntary recusal shall not be construed as either an admission or denial to any allegations which have been set out in the motion.

**RULE 18. MAINTENANCE OF EVIDENCE**

The Clerk of Court, Court Reporter, or other designated court personnel shall maintain a log or inventory of all items admitted as evidence in a juvenile court proceeding. Such log or inventory shall include the relevant case number, the names of the parties, the name and official position of the custodian of the items, the location where the items are stored, and a description of each item. Each item included in the log or inventory shall be individually identified with the case number and the exhibit number. The designated custodian shall update the log or inventory upon any change of the custodian or the location of the items.

During court proceedings, dangerous or contraband items shall be maintained by the designated custodian in the courthouse or other such location as allowed by law, and made available to the Court Reporter, if applicable. At all other times, such items shall be in the custody of the Sheriff's office or other appropriate law enforcement officer along with a copy of the log or inventory. The Sheriff or other law enforcement officer shall acknowledge transfer of the item(s) from the designated custodian with a signed receipt, and the receipt shall be retained with that individual's log or inventory.

In all cases, the Court Reporter shall be granted the right of access to all items admitted as evidence necessary to complete the transcript of the case.

Evidence in the possession of the designated custodian shall be maintained in accordance with the law. In the event that an item of evidence is to be released, the designated custodian shall be responsible for recording on the evidence log the name of the individual to whom the item is to be released, the date of the release, and the type of action taken for the release. The designated custodian shall also be responsible for the destruction of any item of evidence as ordered by the court.

The Clerk of Court, Court Reporter, Prosecutor, Sheriff, or other individual who is the custodian of an item of original evidence shall petition the court prior to making a substitute reproduction of such item. Upon grant of such petition, the court shall enter the order for substitution into the log or inventory.

Within thirty days after disposition of the case, the designated custodian of the items of evidence which are the subject of this rule shall transfer the items of evidence along with the evidence log or inventory to the Clerk of Court of the originating court.

Any personal property found to be in the possession of the court which is no longer necessary for evidence at trial is found to be unclaimed or abandoned shall be disposed of in accordance with O.C.G.A. Section 17-5-54 with the exception of (1) personal property which is subject to civil forfeiture which shall be disposed of in accordance with O.C.G.A. Section 9-16-1 et. seq.; (2) personal property which has been alleged to be stolen, embezzled or otherwise unlawfully obtained or seized shall be disposed of in accordance with O.C.G.A. Sections 17-5-50 through 17-5-53; (3) abandoned motor vehicle in accordance with O.C.G.A. Section 40-11-1 et. seq., and (4) Evidence used in delinquent cases shall be disposed of in accordance with O.C.G.A. Section 17-5-55.

Uniform Juvenile Court APPENDIX A  
JUVENILE DOCKET SHEET INSTRUCTIONS

Revised October 23, 2017

Uniform Juvenile Court Rule 5 requires that each juvenile court clerk keep juvenile docketing information. The juvenile docketing information must include a completed complaint form (Form JUV-16) for each new case referred to the court. The clerk is required to follow the instructions below in completing the docket forms and maintaining the docketing information.

The clerk shall make docketing information available for review by a representative of the Council of Juvenile Court Judges upon the Council's request. The information may be maintained in a juvenile docket book or may be maintained electronically in a format approved by the Council of Juvenile Court Judges.

**Docket Entries**

**1. Case Number**

- a. Procedure: Enter the case number assigned by the court for each child referred to the juvenile court by way of a complaint.
  - i. A case is opened when an offense or group of offenses (delinquent or CHINS offenses) are referred to the court against the child. A case contains all offenses arising out of the same conduct, transaction, or event within the same jurisdiction, regardless of the number of offenses involving the same child.
  - ii. A case is opened when a complaint is filed alleging dependency.
  - iii. A case is opened when a petition for termination of parental rights is filed.
  - iv. A case is opened when a motion or petition defined as a special proceeding is filed.
  - v. A case is opened when a traffic citation is filed.
- b. Specific Information and Examples
  - i. Several children who participate in one or more offenses together should be counted separately. Make a separate case entry for each child. Each child is assigned a separate case number. Every hearing date is given a suffix as -01. Arraignment is case number #101-01, Adjudication is #101-02, Disposition is #101-03, CHINS review hearing is #101-04.
  - ii. Multiple offenses within the same case must be docketed. For example, Adam Smith is charged with two counts of burglary. One case number is assigned - count one is listed as #101-A, count two is listed as #102-B.
  - iii. The most serious offense out of series of connecting offenses dictates if the case will be classified as delinquent, CHINS, or traffic. If a youth is

charged with DUI (delinquent charge) and Following too Closely (traffic charge) both offenses will appear on a delinquent petition and it will be counted as a delinquent case.

- iv. Violations of probation are considered new cases and are assigned new case numbers. Petitions to revoke probation shall reference the original case number and the revocation hearing shall be given an additional suffix.
  - v. A termination of probation order is not assigned a new case and is not assigned a suffix number unless a hearing occurs.
  - vi. In dependency cases involving more than one child, separate case entries and case numbers are assigned for each child even though the children are listed on the same petition. This enables one to track individual case dispositions on each child. Each hearing is given a suffix as outlined below. For instance, the Court enters a Dependency Removal Order for one child. That child is assigned case # 202. The PPH hearing is assigned #202-01, the adjudication is assigned #202-02, the disposition is assigned #202-03, the initial periodic review hearing is assigned #202-04, a motion for modification is assigned #202-05. The case number stays with the child until the dependency matter is closed or a termination of parental petition is filed.
2. **Name**. Enter the full name of the child in the following order: last name, first name and middle name.
  3. **Address**. Enter the child's complete address.
  4. **Race**. Mark the appropriate box.
  5. **Age**. Enter the age of the child as shown on the complaint form.
  6. **Date of Birth "DOB"**. Enter the child's date of birth.
  7. **Gender**. Mark the appropriate box.
  8. **Parents Names**. Enter each parent's complete name (if known). Include the mother's maiden name.
  9. **Complaint Procedure**. The complaint includes proceedings against or on behalf of a child, regardless of whether a petition has been filed.
    - a. **Delinquent, CHINS, or Traffic offenses** – Enter the written description of the offense and reference relevant code section of the Official Code of Georgia, local ordinance or federal statute. (Example: O.C.G.A. § 16-8-2)
    - b. **Dependency Cases** – Enter a written description as to how child is abused or neglected. In the event a Dependency Removal Order has been filed outlining the dependency issues, "see attached order" may be stated.
    - c. **TPR cases** – Enter a written description as to the circumstances that bring the child before the court for a termination of parental rights hearing. If a petition for termination of parental rights is being filed at the same time as the complaint, "see attached petition" may be stated.

- d. Special Proceedings – Enter a written description as to the circumstances that bring the child before the court for a special proceeding. If a petition or motion is filed outlining those circumstances, “see attached petition” or “see attached motion” may be stated. Specify the type of special proceeding, as defined in 10 (e)(1) listed below, that is being filed.

#### **10. Type of Case**

- a. Procedure – Mark the appropriate box which classifies the case type. All cases must be classified as one of the following types:
  - i. Delinquency (include whether offense is a felony or misdemeanor)
  - ii. CHINS
  - iii. Dependency
  - iv. Termination of Parental Rights
  - v. Special Proceedings
  - vi. Traffic
- b. Only one type may be designated per complaint. The most serious offense shall determine case type. **EXAMPLE:** If a youth is charged with a delinquent offense and traffic offenses the matter shall be considered a delinquent offense.

#### **11. Opening of a Case and Hearing Count**

- a. Delinquency Cases
  - i. The following occurrences will result in the opening of a delinquency case:
    - 1. A complaint alleging delinquency is filed
    - 2. A Georgia Natural Resources / Game and Fish Division Notice of Summons is filed.
    - 3. A delinquency case is received from the superior court by superior court order or transfer by the district attorney pursuant to O.C.G.A. § 15-11-560 and § 15-11-567 for either adjudication or disposition.
    - 4. A delinquency case is received from another juvenile court (within Georgia or another state) for disposition pursuant to O.C.G.A. § 15-11-490.
    - 5. A delinquency case is received from another juvenile court (within Georgia or another state) for supervision of probation.
  - ii. Each hearing conducted shall be assigned a hearing suffix listed after the case number as -01, -02, -03, and so forth until the matter is closed or transferred. Hearings that are rescheduled shall NOT be assigned a new hearing suffix. The following matters are examples of hearings that will be given a hearing suffix:
    - 1. Detention Hearing.
    - 2. Adjudication Hearing.
    - 3. Disposition Hearing. (if separate from adjudication)

4. Any hearing that resulted in a continuance order.
5. Any review hearing conducted by the court.
6. A hearing as to a petition to modify / vacate a previous order arising out of a delinquency case, including a petition to revoke probation.
7. A hearing as to a motion to extend probation arising out of delinquency case.
8. A hearing on any post-dispositional motion arising out of a delinquency case excluding contempt.

b. Children in Need of Services “CHINS” cases.

- i. The following occurrences will result in the opening of a CHINS case:
  1. A complaint alleging CHINS conduct is filed
  2. A CHINS case is received from another juvenile court (within Georgia or another state) for disposition.
  3. A CHINS case is received from another juvenile court (within Georgia or another state) for supervision of probation.
- ii. Each hearing conducted shall be assigned a hearing suffix listed after the case number as -01, -02, -03, and so forth until the matter is closed or transferred. Hearings that are rescheduled shall NOT be assigned a new hearing suffix. The following matters are examples of hearings that will be given a hearing suffix:
  1. Continued Custody Hearing.
  2. Adjudication.
  3. Disposition. (if separate from adjudication)
  4. CHINS review.
  5. Any review hearing conducted by the court, such as truancy review.
  6. Any hearing that resulted in a continuance order.
  7. A hearing as to a petition to modify / vacate a previous order arising out of a CHINS case, including a petition to revoke probation.
  8. A hearing as to a motion to extend probation arising out of CHINS case.
  9. A hearing on any post-dispositional motion arising out of a CHINS case excluding contempt.

c. Dependency Cases.

- i. The following occurrences will result in the opening of a Dependency case:
  1. A complaint alleging dependency is filed.
  2. Upon the Court sua sponte issuing a dependency removal order.

3. A determination is made pursuant to O.C.G.A. § 15-11-14 (c) that requires the transferred probate court case proceed as a dependency matter.

\*Note: Any review of the original dependency complaint or petition shall NOT result in the opening of a new case or assigning a new case number. The initial periodic review, the four month review, all permanency hearings, and any motion for review filed shall not generate a new case number.

- ii. Each hearing conducted shall be assigned a hearing suffix listed after the case number as -01, -02, -03, and so forth until the matter is closed or transferred. Hearings that are rescheduled shall NOT be assigned a new hearing suffix. The following matters are examples of hearings that will be given a hearing suffix:

1. Preliminary Protective Hearing
2. Adjudication
3. Disposition (if separate from adjudication)
4. Initial Periodic Review
5. Citizen Review Panel Hearing
6. Four Month Review
7. Permanency Hearing
8. Any hearing that resulted in a continuance order
9. A hearing on any motion filed by any party, including a motion to intervene.
10. Over 18 reviews

d. Termination of Parental Rights Cases

- i. The following occurrences will result in the opening of a termination of parental rights case:

1. A complaint seeking termination of parental rights or a petition for termination of parental rights is filed pursuant to O.C.G.A. § 15-11-280.
2. A complaint seeking reinstatement of parental rights or a petition for reinstatement of parental rights is filed pursuant to O.C.G.A. § 15-11-323.

- ii. Each hearing conducted shall be assigned a hearing suffix listed after the case number as -01, -02, -03 and so forth until the matter is closed or transferred. Hearings that are rescheduled shall NOT be assigned a new hearing suffix. The following matters are examples of hearings that will be given a hearing suffix:

1. Pre-Trial Hearing/Status Hearing as the Petition of Termination of Parental Rights

2. Hearing on the petition for termination of parent rights.
3. Any continued court reviews as required by O.C.G.A. § 15-11-322.
4. Citizen Review Panel Hearings
5. Any hearing on a petition to reinstate parental rights
6. Any hearing that resulted in a continuance order
7. Over 18 reviews

e. Special Proceeding Cases

- i. The following occurrences will result in the opening of a special proceeding case:
  1. A motion for contempt is filed pursuant to O.C.G.A. § 15-11-31.
  2. A motion / request to inspect court records is filed pursuant to O.C.G.A. § 15-11-704.
  3. A case is transferred to juvenile court pursuant to O.C.G.A. § 15-11-15 for determination or investigation of custody and support.
  4. A case involving temporary guardianship received upon transfer from probate court pursuant to O.C.G.A. § 15-11-14.
  5. A petition for legitimation is filed in juvenile court pursuant to O.C.G.A. § 15-11-11.
  6. A legitimation petition is transferred to the juvenile court by order of the superior court.
  7. A court order finding a child unrestorably incompetent pursuant to O.C.G.A. § 15-11-658.
  8. An application to marry is filed pursuant to O.C.G.A. § 15-11-10 (3)(A).
  9. An application to enlist in the army is filed pursuant to O.C.G.A. § 15-11-10 (3)(A).
  10. An application to unseal a child's previously sealed records is filed pursuant to O.C.G.A. § 15-11-701.
  11. A petition for waiver of parental notification requirement for an abortion is filed pursuant to O.C.G.A. § 15-11-682.
  12. A petition for return on personal property is filed.
  13. A request for records for statistical purposes is filed pursuant to Article 9 of the Juvenile Code.
  14. A petition to proceed against a parent or guardian pursuant to O.C.G.A. § 20-2-766.1 is filed by a local school board. (See O.C.G.A. § 15-11-10 (3)(G).
- ii. Each hearing conducted shall be assigned a hearing suffix listed after the case number as -01, -02, - 03 and so forth until the matter is closed or transferred. Hearings that are rescheduled shall NOT be assigned a new



hearing suffix. Any further review hearings shall be provided a hearing suffix.

- f. **Traffic Cases**
- i. The following occurrences result in the opening of a traffic case:
    1. A uniform traffic citation is issued or a complaint alleging a traffic violation is filed. O.C.G.A. § 15-11-630.
  - ii. Each hearing conducted shall be assigned a hearing suffix listed after the case number as -01, -02, -03, and so forth until the matter is closed or transferred. Hearings that are rescheduled shall NOT be assigned a new hearing suffix. The following matters are examples of hearings that will be given a hearing suffix:
    1. Adjudication
    2. Disposition (if separate from adjudication)
    3. Hearings on petitions to modify / vacate a previous order arising out of a traffic case.
    4. Any review hearing conducted by the court.
12. **Referral Source.** Enter the referral source for the complaint, such as “Atlanta PD,” “DFCS,” “Parent,” “Court,” etc. This information is also contained on the complaint form under “complainant.”
13. **Child’s Attorney Type** – Indicate the child’s attorney type by checking the appropriate box (appointed or retained).
14. **Date of Bond, Type, Amount.** If the court sets bond for the child, indicate the date, type, and amount. For example: Date 01/10/91, Type: Cash, Amount \$150.00
15. **Date Complaint Received** – Enter the date the complaint was physically received by the court.
16. **Date Child Taken Into Custody** – Enter the date that the child was physically taken into custody by law enforcement or DFCS. If the child was not taken into custody, leave the space blank.
17. **Date When and Location Where Child was Detained or Placed.** Enter the date the child was detained or placed, and place an “X” in the appropriate box: ( ) RYDC, ( ) Non-secure placement( ) Foster Care, ( ) Shelter Care, ( ) Other.
18. **Detention Hearing / Continued Custody Hearing Date.** If a detention hearing or continued custody hearing was held, enter the date.
19. **Released to.** If the child was taken into custody, enter the date and to whom the child was released, regardless of whether or not there was a detention or continued custody hearing.  
Example:       Date child was taken into custody: 04/11/91  
                      Released to: Jane Smith  
                      Relationship: Mother
20. **Date Petition Filed.** Enter the date the petition was filed in the clerk’s office.

21. **Date of Arraignment**. Enter the arraignment for delinquency and CHINS offenses. If the court has a judicial process, other than a separate formal arraignment hearing, in which the child is informed of the charge(s) against him/her, his/her rights are explained, and pleas is entered, this can be considered an arraignment for practical purposes and the date of that proceeding should be entered. If the case is dismissed or withdrawn prior to adjudication, enter the date of dismissal or withdraw.
22. **Adjudicatory Hearing Date**. Enter the date of the adjudicatory hearing or the first date of a multi-day adjudicatory hearing.
23. **Date of Disposition**. Enter the date the court makes a final disposition. If the court orders that the child be placed on probation in a delinquency or CHINS case, enter the date the child is placed on probation as the date of disposition.
24. **Case Disposition**. Check the appropriate box to indicate the case disposition or court action for each offense.
- a. If the case type is delinquency or CHINS, the case disposition will be one of the following:
- i. Adjudicated – Check this option if the court find the child committed the offense (by admission or after trial)
  - ii. Dismissed – Check this option if the complaint or petition is dismissed for any reason prior to trial or the court finds at trial that the child is not delinquent or a CHINS.  
Examples: 1) If the court found the child delinquent but found that the child was not in need of rehabilitation and dismissed the case. 2) If the court held the disposition open for a period of time and eventually dismissed the case. 3) If the court diverted the case.
  - iii. Transferred to another juvenile court – Check this option if the court transfers the case to another juvenile court for trial.
  - iv. Transferred to superior court – Check this option if the court transfers the case to superior court for trial
  - v. Informal Adjustment – Check this box if the offense is disposed of informally. If this option is selected, the “case disposition” will also be “informally adjusted.”
  - vi. CHINS – Check this box if the offense is handled through the CHINS protocol and no petition is filed. If this option is selected, the “case disposition” will also be “CHINS protocol.”
- b. If the case type is dependency, the case disposition will be one of the following:
- i. Adjudicated – Check this option if the court finds the child is dependent.
  - ii. Dismissed – Check this option if the court dismisses the case for any reason prior to trial or finds that the child is not dependent at trial.
  - iii. Order entered – Check this option if the court enters an order following any hearing, other than the adjudication hearing, on a dependency case.

- c. If the case type is termination of parental rights, the case disposition will be one of the following:
    - i. Granted – Check this option if the court grants the petition for termination of parental rights.
    - ii. Denied – Check this option if the court denies the petition for termination of parental rights.
    - iii. Dismissed – Check this option if the petition for termination of parental rights is dismissed for any reason prior to trial. Example: petition is withdrawn by DFCS
    - iv. Order Entered – Check this option if the court enters an order following a review of the matter.
  - d. If the case type is special proceedings, the case disposition will be one of the following:
    - i. Granted – Check this option if the court grants the petition.
    - ii. Denied – Check this option if the court denies the petition.
    - iii. Dismissed – Check this option if the court dismisses the petition for any reason prior to hearing the petition on the merits.
    - iv. Order Entered – Check this option if the court enters an order following a review of the matter.
  - e. If the case type is traffic, leave the case disposition will be following:
    - i. Adjudicated – Check this option if the court find the child committed the offense (by admission or after trial)
    - ii. Dismissed – Check this option if the complaint or petition is dismissed for any reason prior to trial or the court finds at trial that the child has not committed the traffic offense.
    - iii. Informal Adjustment – Check this box if the offense is disposed of informally. If this option is selected, the “case disposition” will also be “informally adjusted.”
25. **Offense Disposition.** Mark the appropriate box to indicate the type of disposition for each offense.
- a. For CHINS offenses, mark the appropriate box(es) to indicate the type of disposition for each offense:
    - i. Informal Adjustment – Check this box if the case is informally adjusted and no petition is filed.
    - ii. CHINS Protocol – Check this box if the case if handled through the local CHINS protocol and no petition is filed.
    - iii. Dismissed. Check this box if the offense was ultimately dismissed by the court. Example: any individual count of a multi-court petition is dismissed pursuant to plea negotiations or the State cannot prove an individual count.

- iv. Home without Conditions – Check this box if the child remains with his or her caregiver without limitations or conditions
- v. Home with Conditions – Check this box if the child remains with his or her caregiver subject to limitations and conditions as the court may prescribe.
- vi. Probation / Supervision- Check this box if probation or supervision with official court action is ordered by the judge.
- vii. Community Service- Check this box if the child is ordered to complete community service.
- viii. Restitution – Check this box if the child is ordered to pay restitution.
- ix. Fine – Check this box if the child is ordered to be a fine.
- x. Local Court Approved Program- Check this box if the child is ordered to attend a local court approved program.\*NOTE: Each local jurisdiction may have additional, more specific offense disposition codes dependent upon the services available in their community.
- xi. Protective Order – Check this box if the court issues a protective order under O.C.G.A. § 15-11-29.1.
- xii. Counseling / Counsel and Advice – Check this box if the child is ordered to participate in counseling or in counsel and advice.
- xiii. High School Diploma / Equivalent – Check this box if the child is ordered to obtain a high school diploma or its equivalent
- xiv. License Suspension – Check this box if the child’s license is suspended.
- xv. Transferred to other Juvenile Court. Check this box if final disposition is to transfer the case to another juvenile court. If the case is transferred to another juvenile court, enter the name of the court, ex. Fulton County Juvenile Court.
- xvi. Dismissed – Unrestorably Incompetent Check this box if the court dismisses the petition and find the child unrestorably incompetent pursuant to O.C.G.A. § 15-11-658.
- xvii. Competency Remediation- Check this box if the child is found incompetent to proceed but the child’s incompetence may be remediated.
- xviii. Custody Other. Check this box if custody is granted to a person or agency other than DFCS and indicate the name of the person or agency to whom custody is granted. If custody is granted to a person, specify his/her relationship to the child.
- xix. Custody to DFCS. Check this box if the court orders that the child be placed in the custody of the Department of Family and Children Services.
- xx. Appealed. Check whether or not the disposition was appealed and enter the date the notice of appeal was filed with the court.

- xxi. Date of Remittitur. Enter the date the remittitur is received if case is being appealed.
- xxii. Findings. Enter the findings on appeal. Example: Affirmed in part.
- b. For Delinquent offenses, mark the appropriate box(es) to indicate the type of disposition for each offense:
  - i. Informal Adjustment – Check this box if the case is informally adjusted and no petition is filed.
  - ii. Dismissed. Check this box if the offense was ultimately dismissed by the court. Example: any individual count of a multi-court petition is dismissed pursuant to plea negotiations or the State cannot prove an individual count.
  - iii. Counseling / Counsel and Advice – Check this box if the child is ordered to participate in counseling or in counsel and advice.
  - iv. Probation / Supervision- Check this box if probation or supervision with official court action is ordered by the judge.
  - v. High School Diploma / Equivalent – Check this box if the child is ordered to obtain a high school diploma or its equivalent
  - vi. Community Service- Check this box if the child is ordered to complete community service.
  - vii. Restitution – Check this box if the child is ordered to pay restitution.
  - viii. Fine – Check this box if the child is ordered to be a fine.
  - ix. License Suspension – Check this box if the child’s license is suspended.
  - x. Detention under O.C.G.A. § 15-11-601. Check this box if the court orders that the child be detained for up to 30 days in a YDC.
  - xi. Committed. Check this box if the child is committed to DJJ, regardless of whether the child is placed in a YDC or alternative placement with the exception that if the child is committed under the designated felony statute, check the box “Committed – Designated Felony.”
  - xii. Committed- Designated Felony with no Restrictive Custody. Check this box if the child is committed to DJJ as a designated felon and no restrictive custody is ordered by the court.
  - xiii. Committed – Designated Felony with Restricted Custody. Check this box if the child is committed to DJJ as a designated felon. Enter the number of months of restrictive custody ordered by the court.
  - xiv. Transferred to Superior Court. Check this box if the court orders that the case be transferred to the superior court.
  - xv. Dismissed – Unrestorably Incompetent Check this box if the court dismisses the petition and finds the child unrestorably incompetent pursuant to O.C.G.A. § 15-11-658.

- xvi. Competency Remediation- Check this box if the child is found incompetent to proceed but the child's incompetence may be remediated.
  - xvii. Custody Other. Check this box if custody is granted to a person or agency other than DFCS and indicate the name of the person or agency to whom custody is granted. If custody is granted to a person, specify his/her relationship to the child.
  - xviii. Custody to DFCS. Check this box if the court orders that the child be placed in the custody of the Department of Family and Children Services.
  - xix. Appealed. Check whether or not the disposition was appealed and enter the date the notice of appeal was filed with the court.
  - xx. Date of Remittitur. Enter the date the remittitur is received if case is being appealed.
  - xxi. Findings. Enter the findings on appeal. Example: Affirmed in part
- c. Traffic. Check this box if the court finds that the child has committed the traffic offense.
- i. Reprimand / Counsel / Warn - Check this box if the child is reprimanded, counseled, or warned.
  - ii. Probation / Supervision- Check this box if probation or supervision with official court action is ordered by the judge.
  - iii. License Suspension – Check this box if the child's license is suspended.
  - iv. Traffic School - Check this box if the child is required to attend a traffic school approved by DDS
  - v. Substance Abuse Program – Check this box if the child is required to attend a substance abuse clinic or program
  - vi. Fine – Check this box if the child is ordered to be a fine.
  - vii. Community Service- Check this box if the child is ordered to complete community service.

Uniform Juvenile Court APPENDIX B  
UNIFORM RULES

FORM 1-	Delinquency Complaint
FORM 2-	Dependency Complaint
FORM 3-	CHINS Complaint
FORM 4-	Summons & Process
FORM 5-	Subpoena
FORM 6-	Subpoena to Produce
FORM 7-	Transfer to Superior Court
FORM 8-	Application for Bail
FORM 9-	Affidavit and Warrant
FORM 10-	Acknowledgement of Pre-Trial Rights
FORM 11-	Informal Adjustment Agreement
FORM 12-	Detention Order (Following a Hearing)
FORM 13-	Order of Commitment
FORM 14-	Social History Format & Face Sheet
FORM 15-	Dependency Removal Order
FORM 16-	Motion to Access a Juv. Proceeding
FORM 17-	Order in Resp. to Motion to Access (Granting)
FORM 18-	Order in Resp. to Motion to Access (Denying)
FORM 19-	Request to Install Equipment in the Courtroom
FORM 20-	Order Granting Request to Install Equipment
FORM 21-	Order on Motion to Close a Dependency Proceeding
FORM 22-	Order on Motion to Exclude Persons
FORM 23-	Parental Notification of Abortion
FORM 24-	Parental Notification of Abortion (more than 24 hrs.).
FORM 25-	Parental Notification of Abortion (failure to appear).
FORM 26-	Parental Notification of Abortion (hearing held).

