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COURTS Juveniles: Provide for Court Placement of Deprived, Abused, or Neglected Children

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COURTS

Juveniles: Provide for Court Placement of Deprived, Abused, or Neglected Children

CODE SECTION: O.C.G.A. § 15-11-20 (amended)
BILL NUMBER: HB 501
ACT NUMBER: 575
SUMMARY: The Code is amended so that when a juvenile who is allegedly abused, deprived, or neglected is removed from the home, the juvenile court judge or the judge's designee must approve the specific placement of the child.
EFFECTIVE DATE: July 1, 1987

History

Juvenile court judges in Georgia have recently become alarmed at the number of allegedly abused children who, upon emergency removal from an abusive home situation, were placed with close relatives who have put pressure on the child not to testify to the abuse.¹ Concerned that the Department of Human Resources sometimes placed children with relatives whose primary concern was to keep the family intact and to protect the family from embarrassment, the Council of Juvenile Court Judges unanimously sought a change in the placement procedures through HB 501.² Representative Bobby Long, when asked to sponsor the legislation, was pleased to do so in order to provide a better, safer living situation for deprived, abused, or neglected children.³

The Department of Human Resources, Division of Child Protective Services, believed that such legislation was unnecessary, maintaining that basically, it had been following the newly mandated procedures since July 1986. The Department, however, did not oppose HB 501.⁴ The new law has simply meant that a previously existing section of their manual has

1. Telephone interview with Chris Perrin, Executive Director, Council of Juvenile Court Judges (July 7, 1987) [hereinafter Perrin Interview].

2. *Id.*

3. Telephone interview with Representative Bobby Long, House District No. 142 (July 5, 1987) [hereinafter Long Interview].

4. Telephone interview with Dorothy Sullivan, Child Protective Services Consultant (July 7, 1987) [hereinafter Sullivan Interview].

now been underlined for emphasis.⁵

HB 501

The current procedure when a child is in immediate danger because of hazardous circumstances or desertion requires that a Child Protective Services worker from the Department of Family and Children Services remove the child from the home. The juvenile court judge's approval is obtained prior to this action.⁶ A deprived child may be placed only in "[a] licensed foster home or a home approved by the court which may be a public or private home or the home of the noncustodial parent or of a relative; [or a] facility operated by a licensed child welfare agency";⁷ or "in a shelter care facility operated by the court."⁸

The Child Protective Services worker will contact the juvenile court judge or his designee by telephone and subsequent approvals relating to the child's specific placement will also probably take place by telephone. Within seventy-two hours of taking the child into custody, a due process hearing must take place.⁹

A specific concern of the judge or the judge's designee in the placement will be the preservation of testimony of the child should such testimony be needed to prove the abuse, neglect, or deprivation of the child.¹⁰ The additional safeguard that the new section 15-11-20(f) provides is that the judge or his designee will approve the specific placement with a view to preserving the testimony of the child for future court proceedings.

As introduced, HB 501 added the sentence, "The actual physical placement of a child pursuant to this subsection shall require the approval of the judge of the juvenile court,"¹¹ to O.C.G.A. § 15-11-20(f). As passed by committee amendment, the additional phrase, "or his designee" was added. The reason for including the juvenile court judge's designee is that intake decisions must be made twenty-four hours a day, and because of this demand, reality dictates that another person representing the court could also be able to act.¹²

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5. *Id.*

6. *Id.*; O.C.G.A. §§ 15-11-17(a)(4), -18(4), -19(a)(2), -20(f) (Supp. 1987).

7. O.C.G.A. § 15-11-20(a)(1) and (2) (Supp. 1987).

8. O.C.G.A. § 15-11-20(f) (Supp. 1987).

9. O.C.G.A. § 15-11-21(c)(3) (Supp. 1987).

10. Perrin Interview, *supra* note 1.

11. O.C.G.A. § 15-11-20(f) (Supp. 1987).

12. Perrin Interview, *supra* note 1; Long Interview, *supra* note 3; Sullivan Interview, *supra* note 4.