

House Bill 324

By: Representatives Wiedower of the 119th, Gaines of the 117th, Reeves of the 34th, Oliver of the 82nd, Hutchinson of the 107th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia
2 Annotated, relating to general provisions regarding dependency proceedings, so as to provide
3 that interested parties may intervene and participate in dependency proceedings under certain
4 circumstances by filing a motion for order to show cause; to provide for a definition; to
5 provide for requirements; to provide for a form by the Council of Juvenile Court Judges; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
10 relating to general provisions regarding dependency proceedings, is amended by adding a
11 new Code section to read as follows:

12 "15-11-114.

13 (a) As used in this Code section, the term 'interested party' includes physicians, counselors,
14 psychologists, teachers, court appointed special advocates, a child's attorney, and
15 caregivers, including, but not limited to, relatives of a child and foster parents of a child.

16 (b) At any time after 18 months of the initiation of a proceeding pursuant to this article,
17 any interested party that is not otherwise provided for under this article with a right to
18 intervene or to participate in such proceeding may file a motion for an order to show cause
19 with the clerk of the juvenile court pursuant to any of the grounds provided for under
20 subsection (c) of this Code section. The Council of Juvenile Court Judges shall create,
21 design, maintain, and make available a form that may be used by an interested party to file
22 such motion. Upon receipt of the motion, the clerk of the juvenile court shall have five
23 days to serve all parties. After the expiration of the five-day period, the court shall have
24 15 days to deny the motion, request briefing on the motion, or set a hearing on the motion
25 and such order from the court shall contain specific written findings of fact in support of
26 the court's ruling and shall be available to interested parties and parties to the case.

27 (c) A motion for an order to show cause may be filed pursuant to this Code section on the
28 following grounds:

29 (1) A dependent child has been in out of home care for at least 18 months, and counsel
30 for the child or DFCS have not made adequate efforts to finalize the child's permanency
31 plan;

32 (2) Existence of aggravated circumstances;

33 (3) Parental noncompliance with beginning services and continued services after a period
34 of noncompliance for six or more months;

35 (4) Circumstances exist that are critical to the child's well-being or DFCS is not
36 adequately protecting the child and the child's best interests;

37 (5) The record not accurately reflecting the condition of the child in the areas of mental,
38 physical, or emotional health; or

39 (6) For any other reason articulated to the court necessitating a reason that furthers the
40 best interests and safety of a dependent child.

41 (d) If as a result of the hearing on the motion to show cause the court finds that a child has
42 been a dependent child for 18 months or longer under paragraphs (1) through (3) of

43 subsection (c) of this Code Section, then the child's case plan shall change to
44 nonreunification at the hearing, and DFCS shall have 30 days after such finding to file for
45 termination of parental rights.

46 (e) The clerk of the juvenile court shall be immediately informed if the issues in a motion
47 for an order to show cause resolve prior to the court's response."

48 **SECTION 2.**

49 All laws and parts of laws in conflict with this Act are repealed.