

GEORGIA	Legal Authority
<p>1. General Duties: <i>Timely appointment, mandatory or discretionary, attorney or lay person, represent child’s interests, undertake basic obligations, address conflict situations, address special needs and disabilities, and accommodate client preferences.</i></p>	<p align="center">GENERAL DUTIES AND ACTIVITIES OF THE CHILD’S LEGAL REPRESENTATIVE</p> <p>- “Except as otherwise provided...a party is entitled to representation by legal counsel at all stages of any proceedings alleging...deprivation ...Counsel must be provided for a child not represented by the child’s parent, guardian, or custodian. If the interests of two or more parties conflict, separate counsel shall be provided for each of them.” Ga. Code Ann. § 15-11-6(b).</p> <p>- The court at any stage of a proceeding under this article, on application of a party or on its own motion, shall appoint a GAL for a child who is a party to the proceeding if the child has no parent, guardian, or custodian appearing on the child's behalf or if the interests of the parent, guardian, or custodian appearing on the child's behalf conflict with the child's interests or in any other case in which the interests of the child require a guardian. A party to the proceeding or the employee or representative of a party to the proceeding shall not be appointed.... Ga. Code Ann. § 15-11-9(b).</p> <p>- In any proceeding for terminating parental rights or any rehearing or appeal thereon, the court shall appoint an attorney to represent the child as the child's counsel and may appoint a separate GAL or a GAL who may be the same person as the child's counsel. Ga. Code Ann. § 15-11-98(a).</p> <p>- “When a client’s ability to make adequately considered decisions in connection with the representation is impaired, whether because of age...the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.” Ga. R. & Regs. St. Bar Rule 1.14(a).</p> <p>Court appointed special advocate” or “CASA” means a community volunteer who:</p> <ul style="list-style-type: none"> (A) Has been screened and trained regarding deprivation, child development, and juvenile court procedures; (B) Has met all of the requirements of an affiliate court appointed special advocate program; (C) Is being actively supervised by an affiliate court appointed special advocate program; and (D) Has been appointed as a lay guardian ad litem by the court in a juvenile court deprivation proceeding. Ga. Code Ann. § 15-11-9.1(a)(1). <p>“Affiliate court appointed special advocate program” means a locally-operated program...which screens, trains, and supervises volunteers to advocate for the best interest of abused and neglected children in deprivation proceedings. Ga. Code Ann. § 15-11-9.1(a)(2).</p> <p>If a juvenile court judge determines that a child involved in a deprivation proceeding needs a CASA, the judge shall have the authority to appoint a CASA, and in such circumstance shall sign an order appointing a CASA at the earliest possible stage of the proceedings. Such order shall impose on a CASA all the duties, rights, and responsibilities set forth in this Code section. Ga. Code Ann. § 15-11-9.1(b)(2).</p> <p>The role of a CASA in juvenile court deprivation proceedings shall be to advocate for the best interests of the child. Ga. Code Ann. § 15-11-9.1(c).</p> <p>As a lay guardian ad litem, a CASA shall not be required to:</p> <ul style="list-style-type: none"> (1) Engage in activities which could reasonably be construed as the practice of law; or

	<p>(2) Obtain legal counsel or other professional services for a child. Ga. Code Ann. § 15-11-9.1(e). - As a lay guardian ad litem, a CASA shall not be required to engage in activities which could reasonably be construed as the practice of law or obtain legal counsel or other professional services for a child. Ga. Code Ann. § 15-11-9.1(e).</p> <p>The court may remove a CASA from a case upon finding that the CASA has acted in a manner contrary to the child's best interest, or if the court otherwise deems continued service as unwanted or unnecessary. The court may discharge a CASA for nonparticipation in a case or upon finding that the CASA has acted in a manner contrary to the mission and purpose of the affiliate court appointed special advocate program. Ga. Code Ann. § 15-11-9.1(j).</p>
<p>2. Out of Court - Actions to be Taken: Meet with child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate</p>	<p><i>No explicit direction for child's counsel or GAL in state law.</i></p> <p>In all cases to which a CASA is assigned, except as ordered by the judge, a CASA shall:</p> <ol style="list-style-type: none"> (1) Conduct an independent assessment to determine the facts and circumstances surrounding the case; (2) Maintain regular and sufficient in-person contact with the child; (3) Submit written reports to the court regarding the child's best interests; (4) Advocate for timely court hearings to obtain permanency for the child; (5) Request a judicial citizen review panel or judicial review of the case; (6) Collaborate with the child's attorney, if any; (7) Attend all court hearings and other proceedings to advocate for the child's best interests; (8) Monitor compliance with the case plan and all court orders; and (9) Review all court related documents. Ga. Code Ann. § 15-11-9.1(d).
<p>3. In Court - Active Participation in Hearings: Appear in court, explain proceedings to client, present evidence, ensure child is present, expand scope of representation into other needed areas, and undertake certain obligations post-disposition.</p>	<p><i>No explicit direction for child's counsel or GAL in state law.</i></p>
<p>4. Post-Hearing: Review courts order, communicate order to child, and monitor implementation of orders.</p>	<p><i>No explicit direction for child's counsel or GAL in state law.</i></p>

<p>5. Appellate Advocacy: Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.</p>	<p>No explicit legal authority or requirement.</p>
<p>6. Cessation of Representation: Contacts post representation, if any.</p>	<p>No explicit direction for child’s counsel or GAL in state law.</p>
<p>Organizational and Administrative Supports Provided the Representative</p>	
<p>7. General Representation Rules: Administrative structure is clear for appointment, support and accountability of the CR. . The child’s representative is independent from the court</p>	<p>Uniform legally binding rules as to duties of child’s representative are not in place. Administrative structure for child legal representative is not clear.</p> <p>It is not clear that the CR is independent of the court.</p>
<p>8. Lawyer Training: Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</p>	<p>In deprivation cases, a person appointed as a child’s guardian ad litem must have received before the appointment training appropriate to the role that is administered or approved by the Office of the Child Advocate and may be an attorney or court appointed special advocate, or both. For attorneys, the pre-appointment training required pursuant to this Code section shall be satisfied within attorneys’ existing CLE obligations and shall not require attorneys to complete additional training hours in addition to those currently required by the State Bar of Georgia. The Office of the Child Advocate shall exempt from the training required by this Code section attorneys who have practiced GALs in juvenile court deprivation proceedings for three or more years and, when such determination is made by the court, have demonstrated a proficiency in child representation. Ga. Code Ann. § 15-11-9(b).</p> <p>-“Affiliate court appointed special advocate program” means a locally-operated program operating with the approval of the local juvenile court which screens, trains, and supervises volunteers to advocate for the best interest of abused and neglected children in deprivation proceedings. Ga. Code Ann. § 15-11-9.1(a)(2).</p> <p>- Before executing duties as a CASA, and upon completion of all the requirements of an affiliate court appointed special advocate program, a CASA shall be sworn in by a judge of the juvenile court in the court or circuit in which he or she wishes to serve. A CASA shall not be assigned a case prior to being sworn in by a juvenile court judge. Ga. Code Ann. § 15-11-9.1(b)(1).</p>
<p>9. Lawyer Compensation: Adequate and timely compensation, reimbursement provided</p>	<p>- The following expenses shall be a charge upon the funds of the county upon certification thereof by the court...(3) reasonable compensation for services and related expenses of counsel appointed by the court, where appointed by the court to represent the child...(4) reasonable compensation for a GAL. Ga. Code Ann. § 15-11-8(a).</p>

<i>expenses.</i>	- If, after due notice to the parents or other persons legally obligated to care for and support the child and after affording them an opportunity to be heard, the court finds that they are financially able to pay all or part of the costs [of counsel appointed by the court to represent the child or a GAL], the court may order them to pay the same and prescribe the manner of payment. Ga. Code Ann. § 15-11-8(b).
10. Caseload Levels: <i>Caseloads are of a manageable size.</i>	<i>No explicit legal authority or requirement.</i>