

ADJUDICATION HEARING

TIMEFRAME

The adjudication hearing is held within 10 days of the petition's filing if the child has been removed or within 60 days of filing if the child remains in the parent's custody. If adjudication is not completed within 60 days from the date the child was taken into protective custody, the petition alleging dependency may be dismissed without prejudice (meaning the petitioner retains the right to refile it again). The parties may waive the timeframe.

PURPOSE

To determine whether there is clear and convincing evidence that the child is presently dependent based on the allegations in the petition. The petitioner bears the burden of proving the allegations by clear and convincing evidence.

- ▶ Refer to the **At Every Hearing** guide for findings, practices, and considerations that apply across all hearings.

POSSIBLE OUTCOMES

If the court does not find the child dependent, the petition must be dismissed and the child returned to the parent with no further Court or CASA involvement.

If the court finds the child dependent, the court must also find whether the dependency is the result of parental substance use and must hold a disposition hearing, either immediately following adjudication or at a later date no more than 30 days out.

If disposition is held the same day as adjudication, the court must schedule the dates for the initial review hearing and the permanency hearing at that time.



The adjudication hearing determines whether there is clear and convincing evidence that the child is presently dependent based on the allegations in the petition.

PREPARING FOR THE HEARING

Preparing for adjudication means developing a clear, fact-based understanding of what happened and what the petition alleges so that the CASA volunteer can affirm or respectfully challenge it based on their independent assessment.

QUESTIONS TO CONSIDER

- Have the allegations in the petition been proven or stipulated? Do they align with what the CASA volunteer has learned from the child and the parties?
- Is continued protective custody necessary and in the child's best interests, or could the child safely remain in or return to the parent's home while the case plan is worked?
- Have reasonable efforts been made to prevent the need for placement or to safely reunify the family? What specific services has DFCS been ordered to provide?
- What specific findings of fact support the dependency ruling? These findings will form the basis for the services required by the case plan.
- Preparing for disposition, is the child's current placement stable and meeting their needs? Are there relatives to pursue? What services does the child need? Are there system barriers that can be addressed early? Is there missing documentation, or are there other gaps?



PRACTICE POINTS

- Identify and talk to all appropriate parties, including the child's attorney, parents, and DFCS.
- Notify the child's placement and the parties' attorneys of CASA's appointment, and share both contact information and the appointment order.
- Meet with the child and the placement and explain the role of the CASA volunteer, assessing the situation in their placement.
- Identify behavioral problems, special needs, school issues, counseling services, evaluations, and relative resources.
- Consider whether the initial visitation schedule with parents and siblings is appropriate or whether changes should be requested at this hearing.
- Ask the parents and child about any potential relatives or fictive kin connections to explore.
- Review the case file, any previous orders, and the petition.
- Identify other potential sources of information, such as individuals with firsthand knowledge or relevant records and documents.
- Consider what immediate services or evaluations may be needed (medical, educational, psychological).
- Consult with the child's attorney to discuss the case, initial assessment, and strategy.
- Because hearsay is not admissible over objection, a written CASA report will not likely be submitted unless the Disposition Hearing is happening at the same time. Prepare oral recommendations and be ready to explain the rationale for them.



Until dependency and the need for removal have been proven by clear and convincing evidence, there is a legal presumption that the child's best interests are served by remaining with the parent.

AT THE HEARING



PRACTICE POINTS

- Be prepared to be addressed by the court and asked questions, including giving testimony regarding the basis for your recommendations.
- Ensure the court has sufficient information about the child, family, and available services to determine the child's best interests.
- Address any unresolved concerns from the PPH.
- Advocate for the dates and times for the Initial Judicial Review and Permanency Plan hearings be set.

KEY PRACTICE NOTES

THE PRESUMPTION FAVORS THE PARENT

Until dependency and the need for removal have been proven by clear and convincing evidence, there is a legal presumption that the child's best interests are served by remaining with the parent. A CASA volunteer's recommendations should reflect this presumption unless the evidence clearly supports otherwise.

SHARE FACTS INSTEAD OF ARGUING THE LAW

The court or attorneys may ask CASA whether the facts and circumstances rise to the level of dependency. In responding, CASA is not arguing a legal conclusion but sharing facts and observations that support a best interest recommendation. Stay grounded in what was observed and learned, not in legal characterization.



CASA

Court Appointed Special Advocates
FOR CHILDREN

GEORGIA