

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	(17) Legal	Effective Date:	July 2019
	Policy Title:	Caregiver's Right to be Notified and Heard		
	Policy Number:	17.8	Previous Policy #:	N/A

CODES/REFERENCES

O.C.G.A. §15-11-109 Notice of Hearings to Specified Non-Parties
 Title IV-E of the Social Security Act Section 475(5) (G)
 Title 45 Code of Federal Regulations (CFR) Part 1356.21(o)

REQUIREMENTS

The Division of Family and Children Services (DFCS) shall:

1. *Provide foster parent(s) of a child and any pre-adoptive parent, kin (relatives or fictive kin) or other person or entity providing care for the child with timely notice of and a right to be heard in any proceeding to be held with respect to the child during the time the child is in their care.*

NOTE: *Notice of and a right to be heard does not make the caregiver a party to the proceeding.*

2. Ensure that caregivers (i.e., foster or adoptive parents, kin or other placement resources) receive written notice of any hearings or reviews¹ related to the children in their care as soon as the Social Services Case Manager (SSCM) is aware of the hearing, but no later than 72 hours prior to the hearing.

EXCEPTION: The preliminary protective hearings or emergency hearings, when such notice is not possible. When written notification cannot be provided, verbal notice shall be provided to the caregiver.

PROCEDURES

The SSCM will:

1. Provide written notification to the child's caregiver of the hearing/review date and the caregiver's right to be heard.
NOTE: Written notification must be provided via United States mail, email or hand delivery.
2. Provide verbal notification to the caregiver, when written notification cannot be provided due to a preliminary protective hearing or emergency hearing.
3. Document notification to the caregiver in the narrative of the Contact Detail page in Georgia SHINES, including:
 - a. Efforts to contact the caregiver.
 - b. The date and method in which the caregiver was notified.
 - c. The caregiver's response to the notification.
 - d. Whether the caregiver plans to attend the hearing and if not, why not.

¹ Hearings include Adjudication, Disposition, Case Plan Review, Permanency, Termination of Parental Rights and/or Judicial Citizen Review Panel.

- e. Explanation of the importance of the caregiver attending the hearing and the possibility of the caregiver being subpoenaed.
- f. Whether the caregiver will present verbal or written testimony and/or documentation and if not, why not.

The Social Services Supervisor will:

1. Review case records to ensure timely notification is provided to the caregiver, prior to any hearing or review.
2. Provide guidance to the SSCM, as needed.

PRACTICE GUIDANCE

Caregiver's Right to be Notified

Caregivers have the right to receive notice of hearings related to the children in their care. DFCS must support the court process by providing written notification to the caregivers to ensure their attendance and to coordinate the attendance of the foster child when appropriate. It is best practice to follow-up verbally with the caregiver by telephone or a face-to-face visit to ensure their understanding. In situations, such as Preliminary Protective Hearings, reasonable notice is required. When notice is received by DFCS less than 72 hours prior to the hearing date, verbal notification must be provided to the caregiver. If a verbal notification is given, concerted efforts must be made to speak directly with the caregiver. Concerted efforts involve making more than one contact, if necessary, and can include the following:

1. Calling the caregiver at all available contact numbers.
2. Leaving a detailed voicemail message.
3. Making a face-to-face visit.
4. Attempting to contact them at varying times throughout the day.

Caregiver's Right to be Heard

Caregivers (i.e. foster, adoptive, kin or guardian resources and other placement resources) have the right to be heard at hearings related to the children in their care. The caregiver's right to be heard at court hearings does not provide them the right to be made a party to the case; individuals who are parties to the case have the right to request an appeal, right to an attorney, and the right to call and cross-examine witnesses.

The SSCM must inform the caregiver that he or she may provide information to the court concerning the child's care and permanency plan. This information may be provided to the court either through testimony or written documentation. The SSCM must consult with the SAAG to determine the method in which the caregiver will provide information to the court and the timeframe for submission.

Juvenile Court Hearings

DFCS must ensure caregivers understand the judicial process as it relates to hearings. The SSCM must discuss with the caregiver the type of hearing that is to occur and the purpose of the hearing. It is important to provide the caregiver with an overview of the hearing procedures and requirements of each respective hearing (see policy [17.1 Legal: The Juvenile Court Process](#)).

FORMS AND TOOLS

[Notice to Caregiver \(Template\)](#)