

CHEROKEE COUNTY JUVENILE COURT
STATE OF GEORGIA

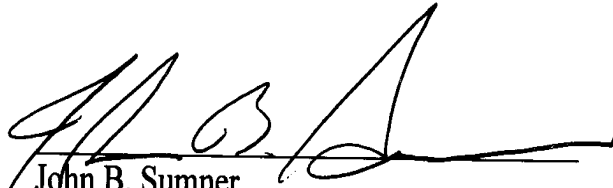
IN RE: JUVENILE COURT APPOINTED COUNSEL
GUIDELINES AND PROCEDURES -
DEPRIVATION, LEGITIMATION,
TERMINATION OF PARENTAL RIGHTS,
GUARDIAN AD LITEM

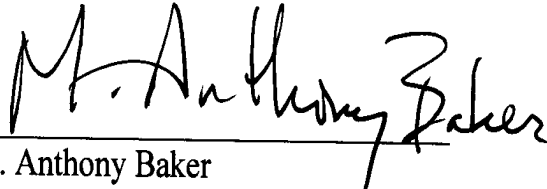
ORDER

The Court has reviewed the attached Juvenile Court Appointed Counsel Guidelines and Procedures – Deprivation, Legitimation, Termination of Parental Rights, Guardian ad Litem. The attached policies and procedures are found to be in conformity with state law and in furtherance of the goal of this Court that all persons entitled to legal representation shall receive effective assistance of counsel, regardless of their social or economic condition.

IT IS THEREFORE ORDERED that the attached Juvenile Court Appointed Counsel Guidelines and Procedures – Deprivation, Legitimation, Termination of Parental Rights, Guardian ad Litem be adopted and made the Official Juvenile Court Appointed Counsel Guidelines and Procedures for the Juvenile Court of Cherokee County.

SO ORDERED, this 20th day of February, 2012.


John B. Sumner
Presiding Judge, Cherokee Juvenile Court
Blue Ridge Judicial Circuit


M. Anthony Baker
Judge, Cherokee Juvenile Court
Blue Ridge Judicial Circuit

JUVENILE COURT APPOINTED COUNSEL GUIDELINES AND PROCEDURES

DEPRIVATION, LEGITIMATION, TERMINATION OF PARENTAL RIGHTS, GUARDIAN AD LITEM

I. PANEL ATTORNEYS

1. **Panel List**: The Court, through the office of the presiding judge, shall create and maintain a list of attorneys eligible for appointment as counsel in cases involving deprivation, legitimation, termination of parental rights, and guardian ad litem. Attorneys who are practicing regularly in juvenile court as of the date of the Court's Implementing Order are automatically on the juvenile court panel.

2. **Application to be on panel**: Applicant must be: 1) a member in good standing of Georgia Bar, including have sufficient current CLE credits; 2) have his or her office or primary residence in Cherokee County; and 3) make a commitment to attend CLEs or training as available for parent attorneys &/or guardian ad litem, or training in family law and juvenile law. Attorneys requesting to be added to the panel shall submit a request by letter to the presiding judge, confirming that he or she meets the criteria stated above and willingness to accept appointed cases. Any attorney approved as member of the criminal indigent defense panel who agrees to serve in deprivation cases is automatically qualified.

3. **Application to serve as Guardian Ad Litem**: In addition to the above requirements, an applicant for the Guardian Ad Litem panel shall comply with all statutory training requirements. A Guardian Ad Litem shall advocate for the best interest of a child in accordance with all applicable law and the following guidelines:

"**Child's best interests**" refers to a determination of the most appropriate course of action based on an objective consideration of the child's specific needs and preferences. In advocating the best interest of the child, the guardian ad litem should consider all relevant evidence including, but not limited to, the following factors:

Physical/External factors:

- the child's basic physical needs, such as safety, shelter, food, clothing, and medical care;
- the physical, psychological, emotional, mental, and developmental effects of maltreatment upon the child;
- degree of risk;

Family/Social factors:

- the child's need for family affiliation;
- the child's social needs;
- the general preference of a child to live with known people, to continue normal activities, and to avoid moving;
- the willingness and ability of the proposed or potential caretakers to facilitate and encourage close and continuing relationships between the child and other persons

in the child's life with whom the child has or desires to have a positive relationship, including siblings;

Emotional/Psychological factors:

- the child's emotional needs, such as nurturance, trust, affection, security, achievement, and encouragement;
- the child's vulnerability and dependence upon others;
- the child's need for stability of placement;
- the love, affection and emotional ties existing between the child and the potential or proposed or competing caregivers;
- the child's age and developmental level, including his or her sense of time;
- the importance of continuity in the child's life;
- the preferences of the child;

Educational and Community factors:

- the child's educational needs;
- the home, school and community record of the child;
- the child's adequate preparation for emancipation, if appropriate, to include a review of independent living skills, resources, and appropriate legal documents.

II. APPOINTMENT/WITHDRAWAL

4. Method and duration of appointment: Appointments will be made by court order from the panel on a rotating basis. Since a party is entitled to representation of counsel at any court proceeding, an attorney appointed to a case shall remain as active counsel until the case is closed, until the time for appeal has run on a final order, whichever is later. If the case is closed by expiration of an order or by operation of law, the attorney must receive a new appointment order for any new action which may be initiated as to the client, such as extension petitions or termination petitions. The Court will grant such order upon request from any party, or on its own motion. If an attorney has had no contact with the client for sixty (60) days, the attorney, after diligent efforts to locate the client, may file a motion to withdraw as counsel.

III. FEE PAYMENT POLICIES AND PROCEDURES

5. Rate of pay: Rate of pay is \$65 in court, \$55 out of court (equal to rate for delinquency/status offender representation.)

6. Form of vouchers:

- (a) Vouchers shall be presented to office of judge to whom case is assigned.
- (b) Time on vouchers should be itemized as to activity and in one-tenth hour increments. In court hours must be easily distinguishable from out of court hours. General phrases ("court appearance" or "in court") are not acceptable. The itemization shall include the type of proceeding attended. The total number of hours billed, with separate totals for time in and out of court, and a dollar amount representing the total amount of the payment request shall appear on each voucher. All vouchers should be

signed by the attorney submitting the request, by which signature the attorney verifies the accuracy and truthfulness of any request for payment. All vouchers should be accompanied by an order for judge's signature approving the vouchers in the specific dollar amount requested and ordering the county to pay same. Two full copies shall accompany each original voucher.

(c) No itemization is required on a voucher in which the total payment requested for entire case is \$300 or less, unless the payment request is an interim bill.

(d) All vouchers shall indicate date of appointment and attach appointment order, shall indicate whether the request for payment is an interim bill, and, if so, shall indicate the lasting billing date and the cumulative total of any prior payments in the case.

(e) The Court may return any voucher to the attorney as incomplete, requesting further explanation and information.

(f) Forms for Attorney Voucher and Order Approving Payment are attached in Appendix.

7. Time for submitting statements: Attorneys may submit vouchers as soon as the case is adjudicated, or within 30 days of appointment, whichever is first. Interim bills may be submitted every 120 days thereafter, until the case is concluded. If the cumulative total of the initial voucher together with any interim vouchers is more than \$750, the attorney shall submit affidavit of explanation. All vouchers shall be submitted to the Court for payment within thirty (30) days of completion of the case. Any voucher submitted after the thirty (30) day period shall include a letter of explanation for the out of time request for payment and a request for the Court to consider payment of the fees.

8. Payment Guidelines:

(a) There will be no payment for mileage, postage, copies, or telephone calls, absent extraordinary circumstances presented by motion to the Court. Payment for extraordinary expenses, such as expert witness fees, shall be made only if approved by the Court based on motion prior to expense being incurred.

(b) An attorney may not bill more than one (1) hour of in court time per calendar day for any given case, unless actually participating in hearing. Time waiting for the case to be reached shall be compensated as out of court time.

(c) Attorneys will NOT be compensated for participating in Citizen Review Panels.

(d) An attorney representing a putative father shall advise him of the opportunity to file a legitimation petition in juvenile court. Counsel shall not automatically be appointed to represent the putative father for purposes of filing a legitimation petition, but may be permitted to do so upon motion and as part of any pending deprivation action, in the Court's discretion.

(e) The Court may deny or modify any request for payment.

IV. APPEALS AND TRANSCRIPTS

9. **Interim transcripts:** No party with court-appointed counsel shall be entitled to a transcript as indigent until an appealable order is entered, absent motion filed and for extraordinary cause.

10. **Request for transcripts:** Prior to requesting a transcript for appeal from the court reporter, the attorney shall first submit to the Court a Pauper's Affidavit, sworn to by the appellant, and a proposed Order. If upon review, the Order is granted, the attorney shall then request the transcript, attaching a copy of the Court's order for the court reporter's records.

11. **Termination appeals:** An attorney representing a parent in termination of parental rights shall have the obligation to discuss the parent's right to appeal any final termination order, including the parents' right to appeal the issue of denial of effective assistance of counsel. If a parent wishes to appeal the issue ineffective assistance of trial counsel, the attorney shall immediately contact the Court via motion to withdraw so that new counsel may be appointed for appeal. If a parent is not in communication with counsel to authorize appeal, counsel shall file motion to withdraw and shall not be required to seek post-trial relief.

Revised 02/17/2012

**ATTORNEY VOUCHER
CHEROKEE COUNTY JUVENILE COURT
DEPRIVATION PANEL**

Case No. _____ In re: _____

Judge: _____ Deprivation/TPR/GAL (Circle)

Date of appointment: _____ (Attach order)

Attorney full name and address: _____

**ITEMIZE ACTIVITY IN CASE & TOTAL HRS CLAIMED IN
DETAILED STATEMENT AND ATTACH HERETO**

TOTALS FROM STATEMENT:

_____ In Court hours @ \$65.00 per hour \$ _____

_____ Out of Court hours @ \$55.00 per hour \$ _____

Total payment requested \$ _____

Is this an interim bill? ___ Yes ___ No

If so, list date of prior statements _____

Total amount paid to date: \$ _____

I do certify that the above and attached statements are true and correct, that I have performed the described activities, and that such were necessary in the effective representation of my client.

Attorney Signature

Date

**IN THE JUVENILE COURT OF CHEROKEE COUNTY
STATE OF GEORGIA**

IN THE INTEREST OF:

CASE NO. _____

ORDER APPROVING PAYMENT

The Court having reviewed and considered the request for payment attached hereto, the Court finds that payment for legal services rendered is due, and payable out of the general fund of the county according to law, and therefore approves and orders payment to _____ in the amount of \$ _____.

SO ORDERED, this ____ day of _____, 20__.

Judge, Juvenile Court of Cherokee County

IN THE JUVENILE COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

IN RE:

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*

Juvenile Court File

Minor Child(ren)

No. _____

PAUPER'S AFFIDAVIT

I, _____, personally appeared before the undersigned officer duly authorized to administer oaths in the State of Georgia, and having been sworn, state the following:

1.

Affiant is over the age of eighteen (18) years, under no legal disability, and has personal knowledge sufficient to make this affidavit in connection with the above-styled action.

2.

Affiant is the respondent/parent of juvenile or legal custodian in the above-styled action of the following nature: Delinquency/Status/Deprivation/Termination of Parental Rights (circle one). On account of indigency, affiant is unable to pay the costs of a transcript required by law and makes this affidavit so that she/he may be relieved from paying for same as a prerequisite for appealing this Court's decision.

3.

Affiant provides the Court with the following information:

a.

Name: _____ Telephone Number: _____

Mailing Address: _____

Birth Date: _____ Age: _____ SSN: _____

Highest Grade in School Completed: _____

b.

Present Employer: _____

Employer's Address: _____

Telephone Number: _____

If paid hourly, the rate: _____

Gross Pay: _____

Net Pay (Gross pay minus, State, Federal and Social Security Taxes)
(Choose a pay schedule below):

1. Weekly: _____

2. Bi-Monthly: _____

3. Monthly: _____

c.

If unemployed, how long? _____

Last Employer: _____

Last Employer's Address: _____

Last Employer's Telephone Number: _____

Reason for leaving last place of employment: _____

List all other sources of income such as unemployment compensation,
welfare or disability income and the amounts received.

1. _____

2. _____

3. _____

d.

Marital Status: _____

Date of Marriage: _____

Place of Marriage: _____

Is your spouse employed? _____

If so, by whom? _____

Spouse's net income: _____

e.

Number of children living in the home: _____

Ages of those children: _____

Other dependents (not including spouse or children) in the home:

<u>Name</u>	<u>Relationship</u>	<u>Contribution</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

f.

Motor Vehicle Owner or Financed: _____

Year, Make and Model: _____

Outstanding Indebtedness: _____

Real Estate Owned or Financed: _____

Market Value: _____

Outstanding Indebtedness: _____

Amount of House Payment or Rent Monthly: _____

List Checking, Savings, Money Market Accounts:

<u>Institution</u>	<u>Account No.</u>	<u>Balance</u>

List All Other Indebtedness:

<u>Creditor</u>	<u>Account No.</u>	<u>Balance</u>	<u>Payment</u>

List any extraordinary living expenses and the amount (such as regularly occurring medical expenses):

4.

Affiant states that (Choose one of the following):

- a. S/he represents her/himself in this action;
- b. S/he is represented by retained counsel and counsel has not yet been paid;

_____ c. S/he is represented by court appointed counsel.

5.

The undersigned affiant swears the information given herein is true and correct and understands that a false answer to any item may result in prosecution for a felony and/or contempt of Court

FURTHER SAITH THE AFFIANT NOT.

This _____ day of _____, 20__.

(Affiant's Signature)

Sworn to and subscribed before
me this _____ day of _____, 20__.

Notary Public
My Commission Expires: _____

ORDER

The above-styled affidavit having been presented to the Court, the same having been read and reviewed, the Court herewith ORDERS:

- _____ a. That the petitioner not be relieved of paying for cost of transcript; or
- _____ b. That the petitioner be relieved of paying costs for a transcript, and the County is hereby ORDERED, pursuant to Nix v. DHR, 236 Ga. 794(1976) and Uniform Juvenile Court Rule 21.2, to pay for same from County funds.

SO ORDERED, this _____ day of _____, 20__.

Judge
Cherokee County Juvenile Court
Blue Ridge Judicial Circuit