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COURTS

Juvenile Proceedings, Parental Rights: Enforce Parental Attendance at Court Proceedings

CODE SECTIONS:	O.C.G.A. §§ 15-11-19, -26, -62 (amended)
BILL NUMBER:	HB 1299
ACT NUMBER:	875
GEORGIA LAWS:	1996 Ga. Laws 868
SUMMARY:	The Act reinforces the contempt powers of juvenile court judges when dealing with parents, guardians, or custodians who fail to appear at court proceedings. The Act authorizes juvenile court judges to impose specific sanctions on a parent, guardian, or custodian who willfully fails to appear before the court for a proceeding concerning his or her child or willfully fails to bring his or her child before the court.
EFFECTIVE DATE:	July 1, 1996

History

Georgia's juvenile court judges are often presented with situations in which a juvenile's parent fails to appear before the court with the juvenile in a scheduled proceeding.[1] Previously, if a parent failed to attend a court proceeding with his or her child, the juvenile court judge's available options were either to take the child into custody or issue a summons ordering the parent to appear.[2] Some concerns were raised to Georgia Governor Zell Miller that some juvenile court judges were frustrated with their inability to compel parents' attendance before the courts.[3] Some judges have indicated that parents do not take enough responsibility in court actions involving their children and are not involved enough in their children's lives.[4] In order to provide the

1. Telephone Interview with Eric John, Executive Director, Council of Juvenile Court Judges of Georgia (Apr. 15, 1996). Although this *Peach Sheet*™ focuses on the court's available sanctions against a parent who failes to appear with a juvenile, the Act subjects guardians and other custodians to the same sanctions for failing to appear in court with a child in their custody. *See* O.C.G.A. §§ 15-11-19, -26, -62 (Supp. 1996).

2. 1977 Ga. Laws 1237, § 2, at 1239 (formerly found at O.C.G.A. § 15-11-19(b) (Supp. 1995)); 1971 Ga. Laws 727 (formerly found at O.C.G.A. § 15-11-26(c) (1994)).

3. Telephone Interview with Steve Tompkins, Deputy Director of Communications for the Governor (Oct. 31, 1996) [hereinafter Tompkins Interview].

4. Telephone Interview with Rep. Tom Bordeaux, House District No. 151 (Apr. 16,

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juvenile courts with more options and to increase parental responsibility, the Governor's office drafted legislation in an attempt to remedy the problem.[5] The Governor included the bill in his legislative package to "give some teeth" to the judges' ability to involve parents in their children's problems and in the juvenile correction process.[6]

HB 1299

The Georgia General Assembly referred HB 1299 to the House Judiciary Committee.[7] The Committee made several minor changes and inserted the word "willfully" into relevant portions of the bill so that a parent's failure to appear for reasons beyond the parent's control will be considered excusable neglect.[8] The bill passed the House and went through the Senate with no further changes.[9]

The Act amends three Code sections in order to subject a parent who fails to appear for a court proceeding to contempt or other sanctions.[10] Section three of the Act amends Code section 15-11-19(b), relating to the failure of a parent to bring his or her child before the court.[11] In addition to issuing an order that the child be taken into custody and brought before the court, the Act provides that the judge may enter any order allowable under the contempt powers of the juvenile court as set forth in amended Code section 15-11-62.[12] Additionally, the Act amends Code section 15-11-26, relating to the issuance of a summons to the parent directing him or her to appear personally at the court proceeding with the child.[13] The juvenile court judge is given authority to enter a contempt order as authorized by amended Code section 15-11-62 if the parent willfully fails to appear with the child after being so ordered.[14]

Finally, Code section 15-11-62 is amended to specify five new sanctions the court may impose on a parent who willfully violates a court order.[15] In addition to the general contempt powers of the court,

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1996) [hereinafter Bordeaux Interview].

5. Tompkins Interview, *supra* note 3. About half of the states have proposed or adopted similar legislation. *Id.* Some legislation provides more severe penalties, such as removal of welfare benefits, criminal liability, community service, or restitution. *Id.*

6. Bordeaux Interview, *supra* note 4.

7. Final Composite Status Sheet, Mar. 18, 1996; *see* HB 1299, as introduced, 1996 Ga. Gen. Assem.

8. Bordeaux Interview, *supra* note 4; *see* HB 1299 (HCS), 1996 Ga. Gen. Assem.

9. Final Composite Status Sheet, Mar. 18, 1996.

10. O.C.G.A. §§ 15-11-19(b), -26(c), -62 (Supp. 1996).

11. *Id.* § 15-11-19(b).

12. *Id.*

13. *Id.* § 15-11-26(c).

14. *Id.*

15. *Id.* § 15-11-62(b).

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the court may: (1) "require the parent . . . to make restitution in an amount not to exceed $2,500.00 for any damage or loss caused by the child's wrongful act; (2) [i]mpose a fine not to exceed $1,000.00; (3) [r]eimburse the state for the costs of detention, treatment, or rehabilitation . . .; (4) [r]equire the parent . . . to perform community service . . .; or (5) [r]equire the parent . . . to enter into a contract or plan" regarding the supervision and control of the child.[16]

Camilla Camp Williams

16. *Id.*

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