

II. FACTUAL BASIS FOR COMPLAINT OF DEPENDENCY:

The child(ren) named above is/are “dependent child(ren)” as defined by O.C.G.A. § 15-11-2(22) and, more specifically, the facts tending to show abuse and/or neglect of the above-named child(ren) are stated below (*check and explain below all that apply to this case*):

“abuse” as defined by O.C.G.A. § 15-11-2(2) which has been committed as:

*The following named child(ren), _____ has/have experienced a **non-accidental physical injury or physical injury** which is inconsistent with the explanation given for it suffered by a child as the result of the acts or omissions of a person responsible for the care of a child, and the facts made known to DFCS supporting this Complaint are as follows: _____ ;*

*The following named child(ren), _____ has/have experienced **emotional abuse** as defined by O.C.G.A. §15-11-2(30) to mean “acts or omissions by a person responsible for the care of a child that cause any mental injury to such child's intellectual or psychological capacity as evidenced by an observable and significant impairment in such child's ability to function within a child's normal range of performance and behavior or that create a substantial risk of impairment, if the impairment or substantial risk of impairment is diagnosed and confirmed by a licensed mental health professional or physician qualified to render such diagnosis” and the facts made known to DFCS supporting this Complaint are as follows: _____ ;*

*The following named child(ren), _____ has/have experienced **sexual abuse** as defined by O.C.G.A. § 15-11-2(69) to mean “a caregiver or other person responsible for the care of a child employing, using, persuading, inducing, enticing, or coercing any child to engage in any act which involves: (A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (B) bestiality; (C) masturbation; (D) lewd exhibition of the genitals or pubic area of any person; (E) flagellation or torture by or upon a person who is nude; (F) the condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude; (G) physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts; (H) defecation or urination for the purpose of sexual stimulation; or (I) penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure by a licensed health care professional,” and the facts made known to DFCS supporting this Complaint are as follows: _____ ;*

*The following named child(ren), _____ has/have experienced **sexual exploitation**, defined by O.C.G.A. § 15-11-2(70) to mean “conduct by a caregiver or other person responsible for the care of a child who allows, permits, encourages, or requires a child to engage in: (A) prostitution, in violation of Code Section 16-6-9; or (B) sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, in violation of O.C.G.A. § 16-12-100,” and the facts made known to DFCS supporting this Complaint are as follows: _____ .*

*The following named child(ren), _____ has/have experienced **prenatal abuse** defined by O.C.G.A. § 15-11-2(56) to mean “exposure to chronic or severe use of alcohol or the unlawful use of any controlled substance, as such term is defined in O.C.G.A § 16-13-21, which results in: (A) symptoms of withdrawal in a newborn or the presence of a controlled substance or a metabolite thereof in a newborn's body, blood, urine, or meconium that is not the result of medical treatment; or (B) medically diagnosed and harmful effects in a newborn's physical appearance or functioning,” and the facts made known to DFCS supporting this Complaint are as follows:*

*The following named child(ren), _____ has/have experienced **family violence** - The commission of an act of family violence as defined in O.C.G.A. § 19-13-1 in the presence of a child, which is defined as “the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household: (1) any felony; or (2) commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass” but “shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention,” and the facts made known to DFCS supporting this Complaint are as follows:*

*The following named child(ren), _____ has/have experienced **neglect** as defined by O.C.G.A. § 15-11-2(48) and which is manifested as:*

*The **failure to provide** a child with:*

***proper parental care or control**, and the facts known to DFCS supporting this Complaint of Neglect are as follows:*

***subsistence**, which “is commonly defined to cover the bare necessities required to preserve life, including necessary medical treatment.” In re J.S., 282 Ga. 623, 652 S.E.2d 547(2007), and the facts known to DFCS supporting this Complaint of Neglect are as follows:*

***education as required by law**, and the facts known to DFCS supporting this Complaint of Neglect are as follows:*

*other **care or control necessary for a child's physical, mental, or emotional health or morals**; and the facts known to DFCS supporting this Complaint of Neglect are as follows:*

***adequate supervision** necessary for such child's well-being; and the facts known to DFCS supporting this Complaint of Neglect are as follows:*

or

*The following named child(ren), _____ has/have experienced **abandonment** of by his or her parent, guardian, or legal custodian, which is defined by O.C.G.A. § 15-11-2(1) to*

mean “any conduct on the part of a parent, guardian, or legal custodian showing an intent to forgo parental duties or relinquish parental claims.”

Intent to forgo parental duties or relinquish parental claims is evidenced in this case by:

(A) being absent from the home of his or her child for a period of time that creates a substantial risk of serious harm to a child left in the home *and the facts made known to DFCS supporting this Complaint are as follows:*

(B) any other conduct indicating an intent to forgo parental duties or relinquish parental claims”, *and the facts made known to DFCS supporting this Complaint are as follows:*

III. REPORT AS TO WHETHER SUBSTANCE ABUSE IS A CAUSE OF DEPENDENCY:

DFCS reports pursuant to O.C.G.A. § 15-11-181(h) that **the child(ren)’s dependency is the result of substance abuse by the child(ren)’s:**

- Legal mother**
- Legal father**
- Guardian,**
- Legal custodian.**

and the facts made known to DFCS supporting this complaint of substance abuse are as follows .

IV. FACTUAL BASIS FOR REMOVAL OF CHILD(REN) FROM THE HOME:

1) Explain why removal of the child(ren) from his/her surroundings is necessary:

2) Are the above-named child(ren) in *immediate* danger from his or her surroundings?

- No
- Yes. If yes, describe the immediate danger:

3) Explain why the removal of the child(ren) from the surroundings is the *only and necessary* solution:

4) Is the child(ren)’s placement in shelter care necessary to protect the person or property of others or of the child?

- No
- Yes. If yes, explain why:

5) Do you have a good-faith belief that the child(ren) may abscond or be removed from the jurisdiction of the court if not placed in shelter care?

- No
- Yes If yes, describe in detail, based upon your personal knowledge or upon

information and belief, the evidence supporting your belief:

6) Is/are the child(ren) without a parent, guardian, or custodian or other person able to provide supervision and care for him/her and return him/her to court when required?

- No
- Yes If yes, describe the circumstances:

V. REPORT AS TO DUE DILIGENCE AND THE PROVISION OF APPROPRIATE SERVICES (REASONABLE EFFORTS):

The undersigned reports that (*choose only (1) OR (2) below*):

(1) *There are no appropriate services or efforts* which could allow an alleged dependent child to safely remain in the home given the particular circumstances of such child and his or her family at the time of his or her removal and so the absence of such efforts was justifiable, for the following reasons: __ _;

or

(2) *DFCS has made the following reasonable efforts* by the exercise of due diligence and the provision of services to prevent or eliminate the need for removal of a child from his or her home and to make it possible for such child to safely return home.

Provide details below:

I. Contact with the family:

DFCS first had contact with this family regarding the concerns for which DFCS is now seeking removal of the child(ren) on ____/____/20____.

Describe the reason for such initial contact:

II. Assessment of needs:

(A) State the specific basic needs of the child(ren) that are not being met by the family or by others enlisted by the family:

(B) Has DFCS assessed the family to determine what services are necessary to enable the parents to meet the basic needs of the child(ren)?

NO. If not, explain why not:

YES. If YES, explain what services are deemed by DFCS to be necessary to meet the family's needs:

III. Provision of and results of services to prevent or eliminate the need for removal of a child from his or her home:

(A) Has DFCS offered to provide the services determined to be necessary?

NO. If not, explain why not:

YES. If YES, did the family accept the services provided by DFCS?

No, the family did not accept the services for the following reason(s):

Yes. If so, explain:

(i) Why the services provided by DFCS did not remedy the family's identified problems:

(ii) Were any services suggested or desired but not provided because they are unavailable?

NO.

YES. If yes, describe the service(s) and how was it determined that such services are truly unavailable in this community:

(B) Are there other services with the ability to address the family's problems that are available in the community that DFCS has not yet provided to this family?

NO.

YES. If such other services were available but not provided, explain why these services were not provided:

(C) Did the family request additional services that would be able to alleviate dependency of the child(ren)?

NO.

YES. If so:

(i) List the services requested:

(ii) Did DFCS provide these additional requested services to the family?

Yes.

NO. If not, why not?

VI. PROPOSED PLACEMENT

- 1) The undersigned requests permission to place the child(ren):
- (A) in a licensed or approved foster home approved by the local county DFCS.
 - (B) in the home of the child(ren)'s non-custodial parent (*name*)_____.
 - (C) in the home of the child(ren)'s relative (*name*)_____.
 - (D) in a facility operated by a licensed child welfare agency.
 - (E) in a licensed shelter care facility approved by the court.
 - (F) in the home of a fictive kin (name) _____.

If you have selected options B, C, D, E or F above, please describe:

(1) the steps you have taken to investigate and determine whether the requested placement(s) is/are best suited for the child's health, safety and welfare:

(2) the results of that investigation:

Submitted under oath this _____ day of _____, 20____.

Signature
Name and title:

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

Notary Public
My Commission Expires:

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

Judge/Associate Judge, DeKalb County Juvenile Court