

**Georgia Appellate Decisions
Deprivation Cases
July 06**

Luke v Luke

Case No. [A06A0429](#)

2006 Ga. App. LEXIS 828

Decided July 5, 2006

Posture: Affirmance of grant of visitation to grandfather

Note – this is NOT a CAN case but I wanted to at least mention it so people would know a case has been decided under the relatively new Grandparents Visitation Statute (O.C.G.A. §19-7-3)

In the Interest of M.A. et al

Case No. [A06A1271](#)

2006 Ga. App. LEXIS 963

Decided July 31, 2006

Posture: Reversal of TPR on sufficiency of the evidence (SoE) challenge

- Mom challenged several findings but Appellate Court only addressed one – SoE that the cause of the deprivation was likely to continue
- Initial reasons for removal tied closely to domestic violence. Because Mom separated from him and largely complied with her case plan, the court found *“Here the primary cause of the past deprivation, the father, is no longer in contact with the mother and children.”*
- Also of note – DFCS appears to have had some concerns about the new live-in boyfriend but nothing was ever put in the case plan about him so the appellate court seems to dismiss the issue

In the Interest of T.A.M. / In the Interest of K.M.C. and C.F.C.

Case Nos. [A06A0311](#) and [A06A0312](#) [2 case #s are b/c 2 different fathers appealed.

Mother also initially filed appeal but later withdrew it]

2006 Ga. App. LEXIS 884

Decided July 13, 2006

Posture: Affirmance of TPRs over sufficiency of the evidence challenge.

Remand on issue of relative placement (A06A0311)

- Trial record MUST contain evidence of a relative search and attempt at placement if appropriate, otherwise appellate court may well overturn
 - *“DFACS concedes that the record is devoid of any evidence regarding its efforts to find an appropriate relative placement. While the father did not specifically identify any relatives to be considered, according to the clear*

dictates of the statute, it is incumbent upon the court and DFACS to conduct a thorough search for a suitable family member, and the record does not show that such a search was ever conducted.”

- Court is clear that remanding for relative search does not express a belief that the child must be placed with a family member but obviously even the time taken on the remand could be traumatic to the child and the existing foster/pre-adoptive family

Note: Good case regarding impact of imprisonment on TPR. Addresses statutory law and case law. Short of it is that incarceration alone is not usually sufficient grounds for TPR but that there are many aggravating factors which when combined with incarceration can provide sufficient grounds.

In the Interest of K.L., et al.

Case No. A06A1563

2006 Ga. App. LEXIS 941

Decided July 27, 2006

Posture: Affirmation of TPR. Challenge was to sufficiency of evidence.

In the Interest of L.L.

Case No. A06A 0944

2006 Ga. App. LEXIS 953

Decided July 28, 2006

Posture: Affirmation of TPR. Challenge was to sufficiency of evidence.

Note: Mom also challenged on relative placement issue but court's questioning of Mom about relatives and evidence of named relatives unsuitability was sufficient

In the Interest of C.N.I.

Case No. A06A0789

2006 Ga. App. LEXIS 833

Decided July 6, 2006

Posture: Affirmation of TPR. Challenge was to sufficiency of evidence.

In the Interest of E.K.

Case No. A06A1302

2006 Ga. App. LEXIS 957

Decided July 28, 2006

Posture: Affirmation of TPR. Challenge was to sufficiency of evidence.

In the Interest of J.D.

Case No. A06A1467

2006 Ga. App. LEXIS 962

Decided July 31, 2006

Posture: Affirmation of TPR. Challenge was to sufficiency of evidence.