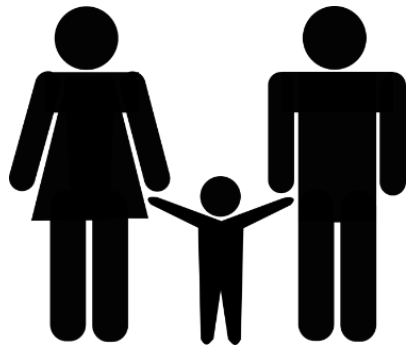


The purpose of the Abandoned Minor Child (AMC) calendar is to address whether a parent has failed to provide home, care or support, including food or clothes, for a child in a 30 day period. The child must be younger than 18 years of age.

When the law refers to the **non-custodial parent**, it means the one who has the child less than 50% of the time. The **custodial parent** is the parent who has the child the majority of the time.

The custodial parent may come to court to apply for a warrant against the non-custodial parent for abandonment of the minor child. The Court will conduct a hearing on the application for the warrant. The Judge will hear testimony and take evidence from both sides to determine if evidence exists to issue the warrant. If the Judge finds that probable cause exists, a warrant may be issued at the hearing.

This pamphlet is for the Non-Custodial Parent. You will be referred to as the person accused. The person who is applying for the warrant against you is the Applicant. The Applicant acts as the prosecutor on this matter. **THIS IS A CRIMINAL CASE. Either party may be represented by an attorney. Generally, the Solicitor General's office and the Public Defender's office have staff on hand.**



DEFINITIONS

The following definitions will help you understand this type of case.

Minor Child: A child under the age of 18. For this case, it is the child of the parties. Children subject to this action may be conceived during or outside of a marriage.

Child Abandonment: Willful and voluntary failure to provide a minor child with sufficient home, care, or support, including food or clothes, leaving the child in a state of dependency or need. O.C.G.A § 19-10-01 et seq.

Child Support: Monthly payments made by the non-custodial parent to help the custodial parent cover the expenses of the child. These expenses include the cost for the support and maintenance of the child. The final amount will be determined by the child support guidelines. However, the Judge in court will provide an amount to pay until the final determination is made.

Paternity: The legal establishment of the identity of a child's father. This may occur through DNA testing or voluntary acknowledgment, and includes a child born to a married couple, father signing acknowledgment at birth or can be established through child support order. **Paternity must be established before child support can be required.**

POSSIBLE PENALTIES

A person accused of leaving a child stranded without home, care, or support may face felony or misdemeanor penalties:

- A non-custodial parent abandoning his or her child, may face a misdemeanor charge, which is punishable by a \$1,000 maximum fine and up to 12 months in jail.
- A non-custodial parent abandoning his or her child and leaving the state of Georgia, may face a felony charge, punishable by imprisonment from 1 to 3

years. However, the felony can be reduced to a misdemeanor.

- A non-custodial parent convicted of child abandonment three (3) times may be charged as a felony, punishable by imprisonment for 1 to 3 years. **This charge cannot be reduced to a misdemeanor.**

As the parent accused of abandonment, it is not a legal defense at the hearing to argue you never supported the child.

A father may request a paternity test. The Division of Child Support Services is required to conduct paternity testing in all newly established child support cases. A fee may be charged. Fathers may also arrange independent paternity testing at their expense.

BEFORE COURT

As the person accused of abandonment, you are under no obligation to present testimony that may be used against you. You may exercise your right to remain silent. You will find additional information on the warrant application process in the Warrant Application pamphlet.

The court determines whether the parent's action caused the child to be abandoned or left in a dependent state. Once the applicant files the warrant application, the case will be set for hearing. The notice will list the crime charged and the time, date and location of the hearing. A copy of this notice must be mailed to the non-custodial parent's most current address.



AT COURT

You must appear in court on the day and time of the hearing. You may hire a lawyer. If you cannot afford one and you qualify for a public defender, one will be present to represent you in court on the day of the hearing. If you choose not to use an attorney, you may represent yourself.

The Marshal will direct you where to sit in the courtroom based on your status. Generally, the noncustodial parent will sit on one side and the custodial parent will sit on the other side.

The Judge will enter the courtroom and the clerk will call the names of the parties. This is known as a **calendar call**. When your name is called, please respond with one of the following 3 options:

- **PAYMENT:** This lets the Court know you will be making a payment that day. This amount is generally ordered by another Court. Payment must be by money order. **CASH IS NOT ALLOWED.**
- **DNA:** This lets the court know that you do not believe you are the child's father and are contesting paternity. This cannot be your announcement at calendar call if an open child support case against you exists for the child.
- **HEARING:** This lets the court know that you would like to have a hearing. Be prepared to present proof that you have provided support for the child within 30 days of the filing of the application.

At the time of the hearing, you as the noncustodial parent, may choose to begin the child support process. **If you give the custodial parent cash, get a receipt. This can be used as evidence.**

AFTER COURT

If the Judge rules in your favor, after the hearing, your case will be dismissed. If the Judge rules in the custodial parent's favor, you may be arrested. If you are arrested, you must pay an amount set by the

court to the child support agency to be released. You may be detained.

DIRECTORY OF RESOURCES

The Judges and staff of Magistrate Court cannot provide legal advice. If you have questions after reading this pamphlet, contact:

Self-help Center (Suite TG-300): provides general information and support services.

Law Library (7th floor of the Justice Center Tower): offers a place to conduct legal research and find information to assist with your case.

The Uniform Magistrate Court Rules: available in the law library or accessed through the court's website: www.magistratefulton.org

Office of the Public Defender: provides legal representation to qualifying accused parties in criminal cases. 100 Peachtree St, Atlanta, GA 30303 (404) 612-5200

child support agency

Georgia Child Support Commission: Provides access to an online child support calculator csconlinecalc.georgiacourts.gov/frontend/web/index.php

Georgia Department of Human Resources, Division of Child Support Services: helps collect and pay out child support. 1526 E Forrest Ave, Suite 300, East Point, GA 30344 childsupport.georgia.gov/ (404) 559-4049

Fatherhood Program: helps noncustodial parents with employment and self-sufficiency based services.

childsupport.georgia.gov/fatherhood-program (844) 694-2347 Select option 1 for DCSS then 2 for Agent, then 3 for outreach. Noncustodial parents may contact fatherhoodinquiry@dhs.ga.gov

MAGISTRATE COURT FULTON COUNTY

ABANDONED MINOR CHILD

NON-CUSTODIAL PARENT PAMPHLET




**Chief Magistrate
Judge Cassandra Kirk**

**Justice Center Tower
185 Central Avenue S.W.
Atlanta, GA 30303**

**HOURS OF OPERATION
Monday – Friday
8:30 am – 5:00 pm**

**CONTACT
Telephone: 404-613-5360
www.magistratefulton.org**

 **@fultonmagistrate**

***Inform, Engage, Empower
Our Community***

DISCLAIMER: The information in this pamphlet is not legal advice. It is intended to give a general overview of the procedures and forms used in the Magistrate Court of Fulton County. Consult an attorney with specific questions about your case.