

O.C.G.A. § 15-11-700

Current through the 2019 Regular Session of the General Assembly and HB 276 and HB 444 of the 2020 Regular Session of the General Assembly

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§ 15-11-700. Admission to hearings of general public and media

(a)As used in this Code section, the term "dependency proceeding" means a court proceeding stemming from a petition alleging that a child is a dependent child.

(b)The general public shall be admitted to:

(1)An adjudicatory hearing involving an allegation of a class A designated felony act or class B designated felony act;

(2)An adjudicatory hearing involving an allegation of delinquency brought in the interest of any child who has previously been adjudicated for committing a delinquent act; provided, however, the court shall close any delinquency hearing on an allegation of sexual assault or any delinquency hearing at which any party expects to introduce substantial evidence related to matters of dependency;

(3)Any child support hearing;

(4)Any hearing in a legitimation action filed pursuant to [Code Section 19-7-22](#);

(5)At the court's discretion, any dispositional hearing involving any proceeding under this article; or

(6)Any hearing in a dependency proceeding, except as otherwise provided in subsection (c) of this Code section.

(c)The court may close the hearing in a dependency proceeding only upon making a finding upon the record and issuing a signed order stating the reason or reasons for closing all or part of a hearing in such proceeding and stating that:

(1)The proceeding involves an allegation of an act which, if done by an adult, would constitute a sexual offense under Chapter 6 of Title 16; or

(2)It is in the best interests of the child. In making such a determination, the court shall consider such factors as:

(A)The age of the child alleged or adjudicated as a dependent child;

(B)The nature of the allegations;

(C)The effect that an open court proceeding will have on the court's ability to reunite and rehabilitate the family unit; and

(D)Whether the closure is necessary to protect the privacy of a child, of a foster parent or other caretaker of a child, or of a victim of domestic violence.

(d)The court may close a hearing or exclude a person from a hearing in any proceeding on its own motion, by motion of a party to the proceeding, or by motion of the child who is the subject of the proceeding or the child's attorney or guardian ad litem.

(e)Only the parties, their counsel, witnesses, persons accompanying a party for his or her assistance, the victim, and any other persons as the court finds have a proper interest in the proceeding or in the work of the

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court may be admitted by the court to hearings from which the public is excluded; provided, however, that when the conduct alleged in the dependency proceeding could give rise to a criminal or delinquent act prosecution, attorneys for the prosecution and the defense shall be admitted.

(f)The court may refuse to admit a person to a hearing in any proceeding upon making a finding upon the record and issuing a signed order that the person's presence at the hearing would:

- (1)**Be detrimental to the best interests of the child who is a party to the proceeding;
- (2)**Impair the fact-finding process; or
- (3)**Be otherwise contrary to the interest of justice.

(g)The court may temporarily exclude any child from a termination of parental rights hearing except while allegations of his or her delinquency or child in need of services conduct are being heard.

(h)Any request for installation and use of electronic recording, transmission, videotaping, or motion picture or still photography of any judicial proceeding shall be made to the court at least two days in advance of the hearing. The request shall be evaluated by the court pursuant to the standards set forth in [Code Section 15-1-10.1](#).

(i)The judge may order the media not to release identifying information concerning any child or family members or foster parent or other caretaker of a child involved in hearings open to the public.

(j)The general public shall be excluded from proceedings in juvenile court unless such hearing has been specified as one in which the general public shall be admitted to pursuant to this Code section.

History

Code 1981, [§ 15-11-700](#), enacted by Ga. L. 2013, p. 294, § 1-1/HB 242.

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