

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, a father signing acknowledgment at birth or can be established through child support order. *Paternity must be established before child support can be required.*

WHAT YOU NEED TO KNOW

Before applying for a warrant, confirm:

- The child is under 18 years of age
- The non-custodial parent has not provided the child with food, clothes, or shelter from the time you file the warrant, leaving the child in a dependent status.
- **Whether an active child support case exists with the Georgia Department of Human Services.**
- The best address for the non-custodial parent.
- The last time the non-custodial parent provided support (money, food, clothing, or shelter) to your child.



STEP 1: FILE THE WARRANT APPLICATION

A minor child is considered abandoned when the mother or father does not provide sufficient food, clothing or shelter for the needs of the child within a 30-day period.

If you believe the non-custodial parent has abandoned your child, you may apply for a warrant to hold that parent accountable.

To file an **abandonment warrant**:

- Go to the Warrant Division of the Magistrate Court in the county where the minor child lives.
- On the warrant application include the first and last name, the complete date of birth and the current address for the person you allege abandoned the child.
- Pay the **\$20 filing fee (cash only)**

You will receive a notice that lists the crime alleged as well as the time, date and location of the hearing.

STEP 2: PROVIDE THE NON-CUSTODIAL PARENT WITH NOTICE

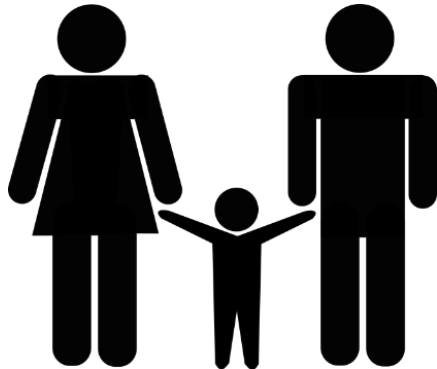
In order to advise the Accused person of the hearing, the will clerk mail a copy of this notice to the address you provide. It is important that the address for the Accused person be correct.

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 Custodial Parent. As the parent applying for the warrant, you will be referred to as the Petitioner. The person who you are seeking to arrest is called the Accused. **As the Petitioner, you are responsible for how this matter moves through the court process.**



STEP 3: ATTEND THE HEARING

- Both parties must appear in court on the time and date stated in the notice.
- The Marshal will direct you where to sit in the courtroom.
- The court only looks at the last 30 days. If you are looking for unpaid child support over 30 days old, you may consider filing **an order of contempt in family court**.
- Representatives of the Office of Child Support will be present at Court to discuss your case.
- You and the non-custodial parent may come to an agreement without a hearing. Present the agreement to the assistant solicitor general to present to the Judge.
- Once your case is called for a hearing, the Judge will place you under oath. You will swear that the information you put in the warrant application is true. The judge will then establish if the warrant should be granted.
- If the warrant is granted, the non-custodial parent, will be arrested. If the non-custodial parent is not present, an active arrest warrant for them will be on file.



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 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



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

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](https://www.instagram.com/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 of the Magistrate Court of Fulton County. Consult an attorney with specific questions about your case.