

GEORGIA DEPRIVATION APPELLATE DECISION SUMMARIES*

JUNE 2010

Overview of June Decisions:

- *In re S.L.*, -- Ga. App. --, 2010 WL 2541848 (2010) (A10A1219) – Page 1
Court of Appeals affirms the Juvenile Court’s finding of deprivation.

Cite *In re S.L.*, -- Ga. App. --, 2010 WL 2541848 (2010) (A10A1219)

Issue Date & Court Comp.

- June 24, 2010
- Opinion by: Judge Johnson, affirming the Juvenile Court
- Concurring (w/out opinion): Chief Judge Miller, Presiding Judge Phipps

Factual and Procedural History

On July 16, 2009, 17-year-old S.L.’s intoxicated father grabbed her by the throat, pulled her outside the house and almost knocked her unconscious. S.L. was able to get away from her father. She ran to her youth pastor’s house, and they phoned the police. The police were able to gain access to the father’s home, and the children were removed from his custody. A deprivation hearing was held where the evidence presented showed the father to have a serious alcohol problem. The father often physically abused the children by hitting them, twisting their arms, and spitting on them. The father was unemployed and had taken the children out of public schooling, causing 15-year-old A.L. to fall behind. The Juvenile Court found the children to be deprived. The father appealed.

Issue(s) and Decision

- I. Did the Juvenile Court err in finding the father's two children to be deprived? No.**
- a. Law/ Court’s Reasoning*
- i. After defining a deprived child, the CoA noted the relevance of a parent's egregious conduct toward their children – physical or emotional abuse – in the Juvenile Court's deprivation determination. *In re J.S.*, 295 Ga. App. 861, 863 (2009). The CoA further mentioned the relevance of factors such as "intoxicating liquors," *In re C.R.*, 292 Ga. App. 346, 350 (2008), and irregular or unstable employment. *In re J.S.*, 295 Ga. App. at 864. In a very brief decision, the CoA noted that all these factors – abuse, liquor, and unemployment – were present in this case.