

IMPORTANT NOTICE TO ABANDONMENT ARREST WARRANT APPLICANTS

Georgia State Law (O.C.G.A. §17-4-40) sets forth the procedure for the court to follow when someone who is not a police officer applies for the arrest of another person. That law requires the court to schedule the application for a hearing and notify the person whose arrest is sought about the hearing. A copy of your application will be provided to the accused. The judge will decide whether or not to issue an arrest warrant after the hearing.

- In order for someone to commit the criminal offense of child abandonment, that person must have failed to provide any of the following: food, clothing, money, medical insurance or failed to have extended visitation with a child for a thirty (30) day period.
- If the parent whose arrest is sought lives in Georgia, the application must be filed in the county where the child lives.
- If the parent whose arrest is sought does not live in Georgia, the applicant should seek assistance from the District Attorney's Office and should not file a warrant application.
- Applications must be filed in the Magistrate Court Clerk's office from 8:00 a.m. to 5:00 p.m. weekdays (excluding county-recognized holidays).
- State Law (O.C.G.A. §15-10-82 as amended by HB1055) sets a filing fee of \$20.00 for each arrest warrant application that is filed. The fee is NON-REFUNDABLE.
- The applicant must provide the full name, complete current address, complete date of birth, and a physical description of the person whose arrest is sought. If you are missing any of this information, you will need law enforcement assistance.
- The applicant must fill out a separate application for each person whose arrest is sought.
- If your application is denied or if you dismiss the application, you may not re-file until there has been a new thirty (30) day period of total abandonment.
- The applicant does not have the right to see a Magistrate judge.
- This application can only result in the arrest and detention of a person for committing the criminal offense of child abandonment. It cannot result in an award of money to you.
- Employees in the Clerk's office, employees in the Judge's office, and the Magistrate judges themselves are prohibited by state laws and regulations from providing legal advice. If you have questions about your legal rights, legal remedies available to you, or what legal documents to file and where to file them, you must contact an attorney.

I have read and understand the above information regarding arrest warrant applications.

Signature of Applicant

Date

Magistrate Court of Clayton County

ABANDONMENT APPLICATIONS

TO: Applicants for Abandonment Arrest Warrants

In order to assure that the hearing process will proceed smoothly for you, the following information is provided for your benefit. Please read the information carefully prior to your court date.

First - and foremost, you must be seated in the courtroom at the designated time indicated on your hearing notice. If you are late for your hearing, your case will be dismissed.

Second - DO NOT WEAR SHORTS to Court. If you appear in shorts, you will not be allowed in the courtroom, and you will have to wait outside until all other business has been concluded.

Third - Applications for Child Support Recovery are available on-line at <http://www.cse.dhr.state.ga.us/apply.html> or call 1-877-GA-DHS-GO (1-877-423-4746).

Fourth - Please attempt to leave your child(ren) with someone else on the day of your hearing, if possible. Children tend to get restless and disruptive during long court sessions and the process will be easier for you if you are not distracted.