

Juvenile Justice Roadmap

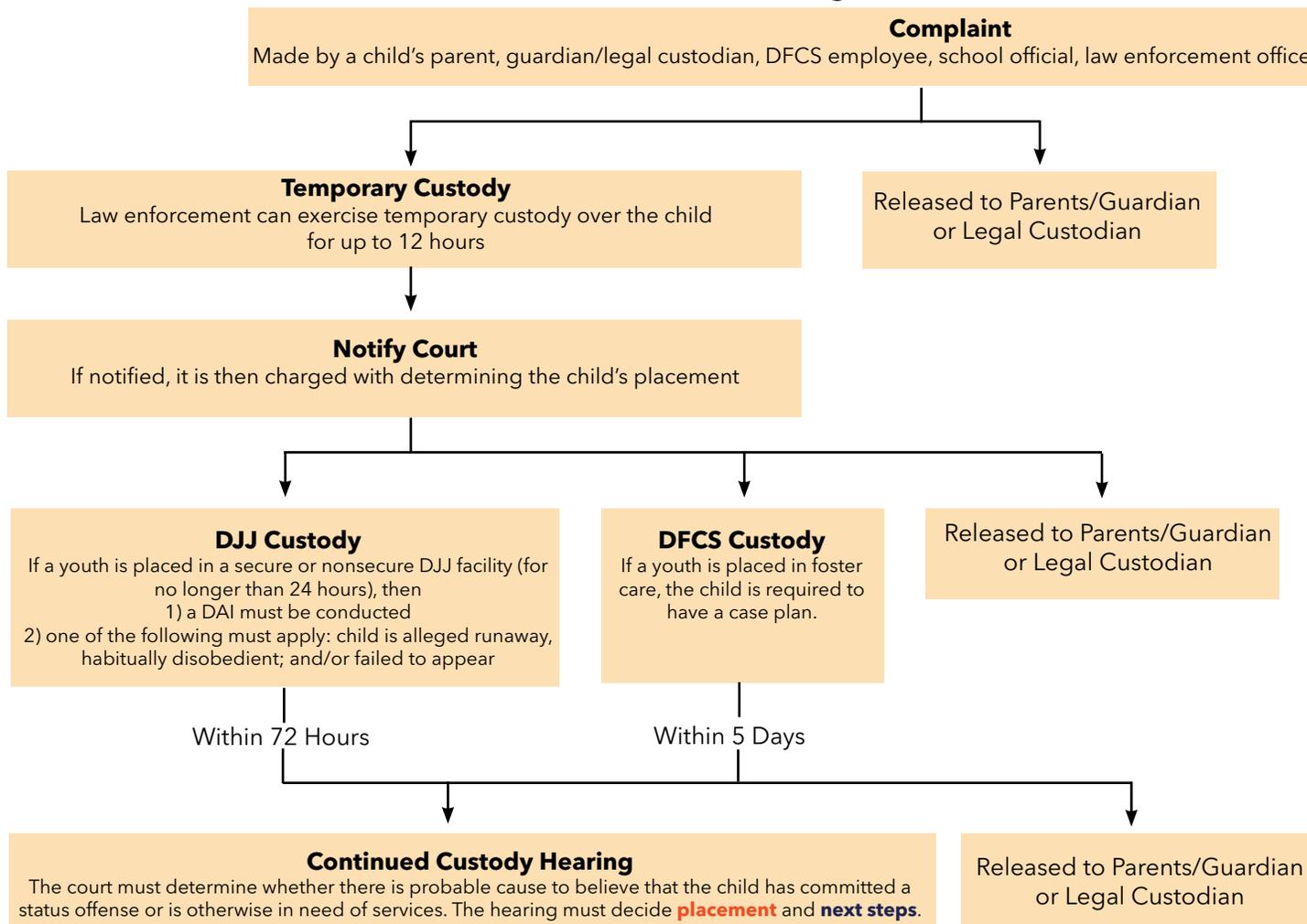
The passage of the comprehensive Juvenile Justice Reform Act of 2013 updated Georgia's forty-year-old juvenile justice statute, resulting in improved responses to young offenders. To date, this thoughtful and data-driven approach has reduced recidivism, saved taxpayer dollars, improved public safety and helped misbehaving youth get back on track to success.

Below you will see two diagrams illustrating pathways for:

1. Children in Need of Services (CHINS) Process
2. Delinquency Process

Also, for convenience, please find a short glossary of juvenile justice terminology on the last page.

Georgia CHINS Process



A "**Child in Need of Services**" under Georgia law means a child who is in need of care, guidance, counseling, structure, supervision, treatment, or rehabilitation AND meets one of the following criteria:

- Habitually truant from school
- Habitually disobedient of the reasonable commands of his or her parent/guardian/legal custodian
- Runaway
- Committed an offense applicable only to a child
- Wanders or loiters about the streets, highway, or any public place, between the hours of 12:00 A.M and 5:00 A.M.
- Disobeys the terms of supervision contained in a court order which has been directed to such child, who has been adjudicated a CHINS
- Patronized any bar where alcoholic beverages are being sold, unaccompanied by his or her parent/guardian/legal custodian, or who possesses alcoholic beverages
- Committed a delinquent act and is in need of supervision but not in need of treatment or rehabilitation

CONTINUED CUSTODY HEARING CONT...

PLACEMENT

NEXT STEPS

There is probable cause that the child committed a status offense or is in need of services. The court must decide to place in **least restrictive custody.**

There is no probable cause.

Released to Parents/
Guardian or Legal
Guardian

Order a CHINS Petition and
schedule an adjudication hearing.

Refer to a
community-based risk
reduction program

If youth is held in state custody: the petition must be filed within 5 days of Continued Custody Hearing

If youth is held with parent/guardian/legal custodian OR never taken into custody: the petition must be filed within 30 days of Continued Custody Hearing

DJJ Custody
For up to 72 hours, for the purpose of allowing time to arrange for another appropriate placement.

DFCS Custody
For the purposes of foster care placement

If youth is held in state custody: the hearing must be held within 10 days of filing the petition.

Court Issues Summons
This goes to the child, parent/guardian/legal guardian, DFCS, or other public agencies or necessary parties. The summons requires the person to come to court for the adjudication to participate in the hearing.

Adjudication Hearing

If youth was released or not held in state custody: the hearing must be held within 60 days of filing the petition.

Disposition Hearing

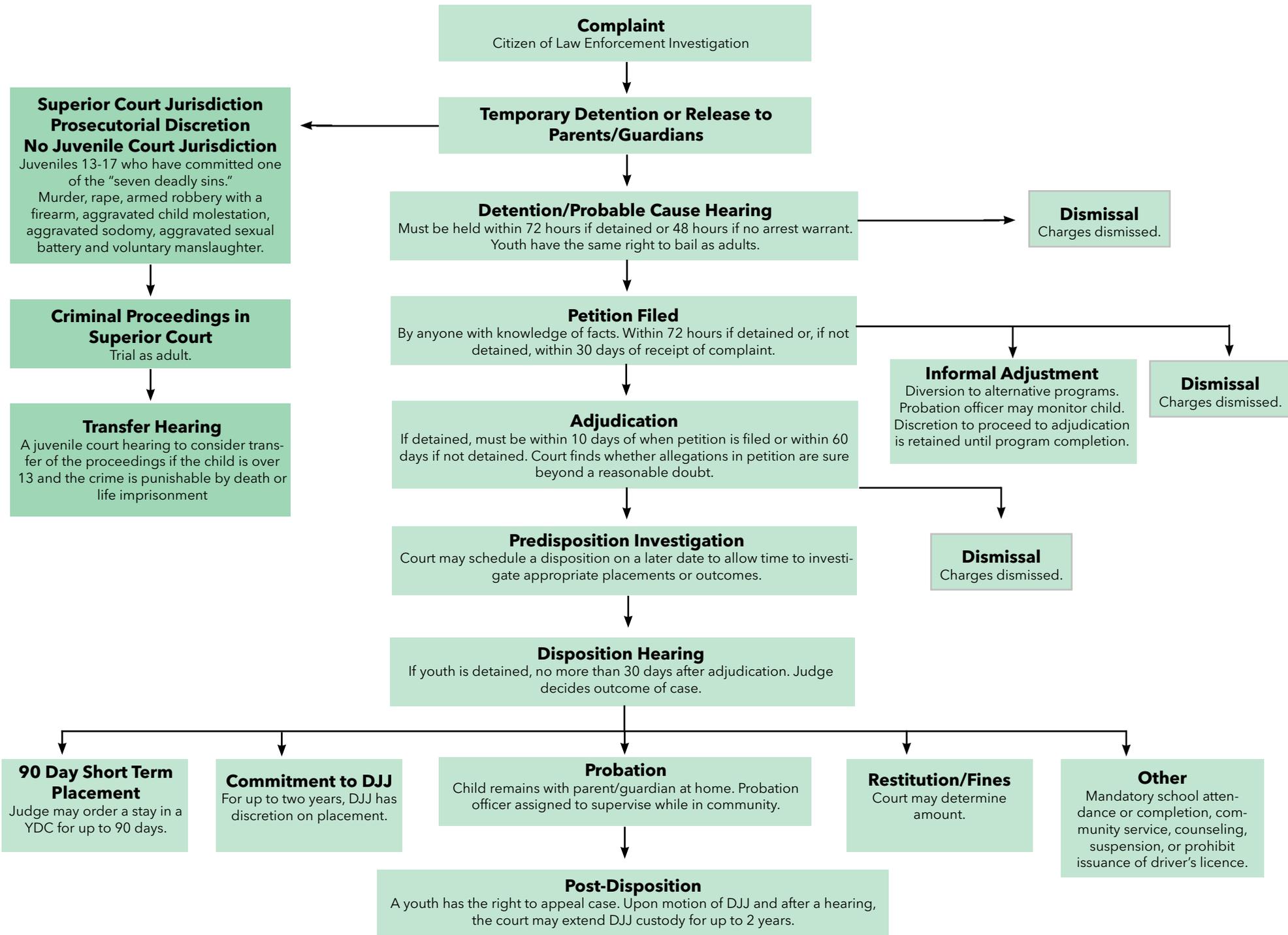
Within 3 months
(and every 6 months until the disposition is complete)

Potential dispositions include: remain at home with or without conditions; probation; community service; restitution; or after or evening school programming.

Under no circumstances may a disposition order for a child in need of services place the child in a DJJ facility.

Review Hearing
The court must periodically review the case as long as the disposition order is in effect.

Georgia Juvenile Justice Process



Definitions

Adjudication Hearing: Fact-finding proceeding to determine whether the facts alleged in the petition or other pleadings are true. This is the juvenile court equivalent to a trial in civil cases. Standard of proof is clear and convincing evidence in dependency, CHINS (Children in Need of Services) and TPR (Termination of Parental Rights) proceedings; standard is beyond a reasonable doubt in delinquency proceedings.

Case Plan: Document developed in a dependency case by DFCS, in conjunction with parents/guardian/legal custodians and child (when appropriate), which states the reasons a child is brought into protective custody and the exact steps which must be taken by everyone involved to alleviate the conditions of dependency and allow the parent to provide a safe and stable home for the child.

Community-based risk reduction program: Programming that allows a youth adjudicated with a delinquent offense to remain in their home community and receive cognitive behavioral treatment to reduce their risk of recidivating in the future. These are also used in CHINS cases as well during custody hearings. (O.C.G.A. 11-14-414).

Detention Assessment Instrument (DAI): A standardized and validated tool, required prior to detention, that measures the youth's risk to reoffend and risk to flee before court proceedings occur. The DAI was implemented in 2000 to provide greater structure and consistency, focus the use of detention resources on high risk youth, reduce inappropriate detention by identifying youth who can be safely released, and establish a basis for DJJ to monitor detention assessment operations. The DAI is completed by DJJ staff at the time a youth is arrested or picked up by law enforcement.

Disposition Hearing: Proceeding to determine what placement is best suited to the protection and physical, mental, and moral welfare of a child adjudicated dependent, delinquent, or "child in need of services."

Guardian ad litem: Officer of the court who is appointed to represent the best interest of the child in abuse and neglect proceedings, custody proceedings, and sometimes in delinquency or unruly proceedings. May be an attorney or layperson. Often referred to as "G.A.L."

Informal Adjustment: An informal adjustment is given by a Judge as an alternative to a formal petition in juvenile court. If conditions are met, the Judge is able to informally adjust and erase the case from the youth's record.

Least Restrictive Custody: The level of custody which safeguards the child's best interests and protect the community (i.e. release to parent, foster care, other court-approved placement that is not secure, or secure residential facility).

Nonsecure Facility: Nonsecure residential facilities are community residential facilities that provide 24-hour care in a residential setting that are not hardware secured. These nonsecure community residential programs include group homes, emergency shelters, wilderness/outdoor therapeutic programs, and other placements that provide 24-hour care in a residential setting.

Post-Disposition: Treatment that is received after the case has been disposed of.

Predisposition Investigation: A predisposition investigation, or PDI, is ordered by the court to get more information from a youth and family in order to determine what services or assistance is needed to help a youth move forward and stay out of the juvenile justice system.

Probation: Probation is the release from detention, subject to a period of good behavior under supervision.

Prosecutorial Discretion: Prosecutorial discretion is the authority of an agency or officer to decide what charges to bring and how to pursue each case.

Secure Facility: Secure facility is defined as a hardware secure residential institution operated by or on behalf of DJJ and shall include a youth development center or a regional youth detention center.

Transfer Hearing: A hearing in juvenile court to determine whether jurisdiction over a juvenile case should remain in juvenile court or be transferred to adult court. In Georgia, these are commonly referred to as "440 cases" which encompass the most serious offenses such as murder rape, aggravated assault, etc.

Regional Youth Detention Center (RYDC): Regional Youth Detention Centers provide temporary, secure care and supervision to youth who have been charged with offenses or who have been adjudicated delinquent and are awaiting placement. In addition, youth who have been committed to the custody of DJJ are sometimes placed in an RYDC while awaiting treatment in a community program or a long-term facility.

Youth Development Campus (YDC): A Youth Development Campus provides secure care, supervision and treatment services to youth who have been committed to Department of Juvenile Justice custody for short- and long-term programs. Every YDC provides education, vocational programming, health and mental health treatment, food services, resident counseling, substance abuse treatment/counseling and family visitation.