

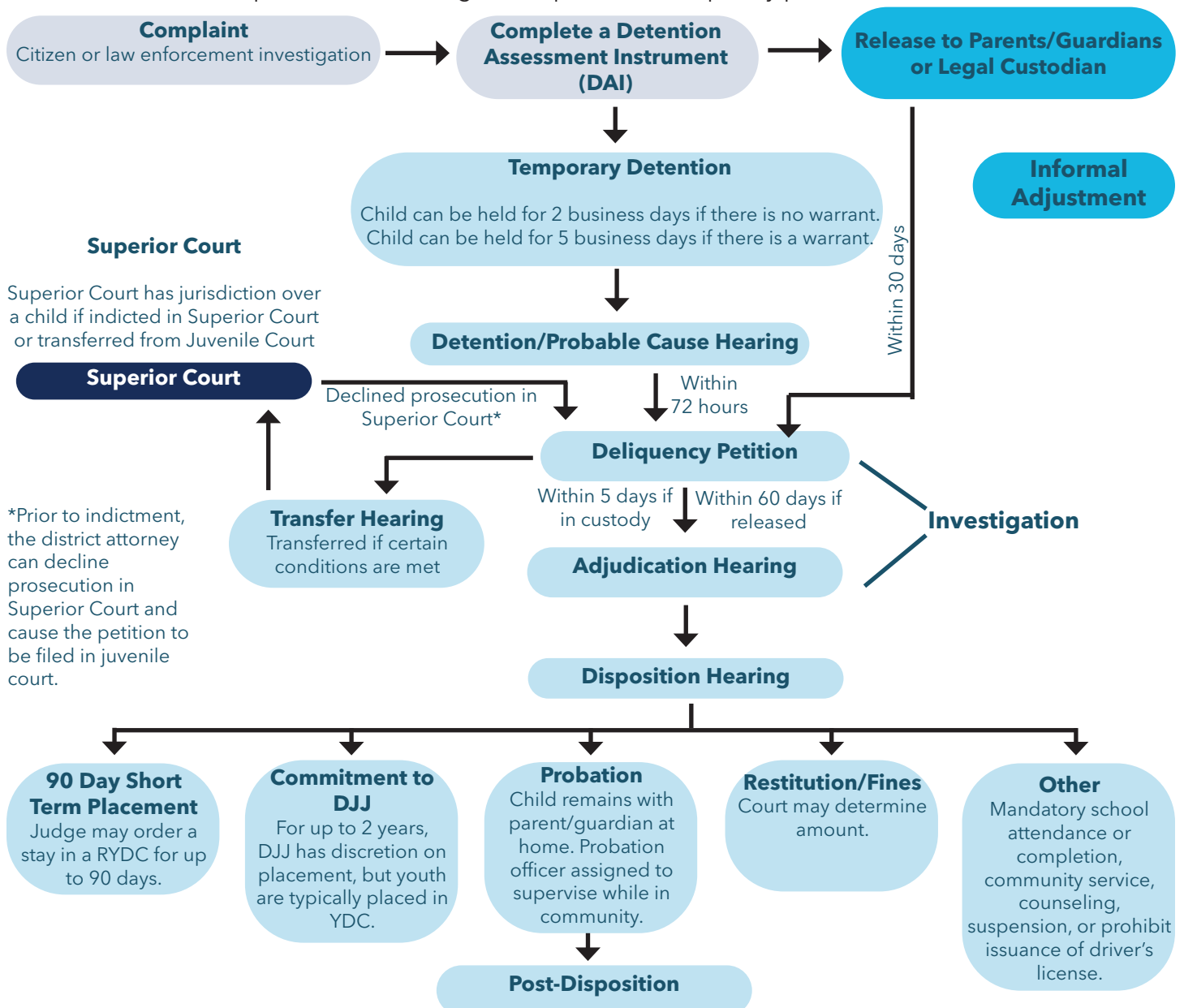


Georgia Juvenile Justice Process for Delinquency Cases

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.

Georgia classifies offenders as juveniles if they are under the age of 17. It is one of only three states that processes all 17-year-olds as adults (see Raising the Age of Juvenile Court Jurisdiction factsheet). **Superior Court has jurisdiction over juveniles 13-17 who have committed certain violent felonies, including murder, rape, armed robbery with a firearm, aggravated child molestation, aggravated sodomy, aggravated sexual battery, and voluntary manslaughter.**

A child may come into contact with the juvenile justice system through a delinquency or a Child in Need of Services (CHINS)* complaint. The following is a map of the delinquency process.



*For more information regarding the CHINS process, see the Georgia Juvenile Justice Process for Children in Need of Services factsheet.

Terms to Know:

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 delinquency dependency and CHINS (Children in Need of Services); standard is beyond a reasonable doubt in delinquency proceedings. (OCGA 15-11-181; OCGA 15-11-441; OCGA 15-11-582)

Community-based risk reduction program: Programming designed to identify children and families at risk of future court-involvement for the purpose of developing and implementing intervention actions or plans and providing services and resources. (OCGA 15-11-38)

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 or court intake staff at the time a youth is arrested or picked up by law enforcement.

Disposition Hearing: Proceeding to determine which 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". In Delinquency and CHINS cases, the disposition proceeding will also determine if the child is in need of treatment, rehabilitation, or supervision and may include community service and/or restitution. (OCGA 15-11-210; OCGA 15-11-600; OCGA 15-11-442)

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." (OCGA 15-11-2(35))

Informal Adjustment: An informal adjustment is the disposition of a case other than by formal adjudication and disposition. (OCGA 15-11-2(39)) It often involves referral to a community-based risk reduction program.

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 obtain 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. (OCGA 15-11-590) During this time, a Guardian Ad Litem may be appointed to represent the best interest of the child.

Probation: Probation is the release from detention, subject to a period of good behavior under supervision of a course officer. (OCGA 15-11-601)

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. (OCGA 15-11-561)

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.¹

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.²

Sources for Georgia Juvenile Justice Process for Delinquency Cases

- 1 Georgia Department of Juvenile Justice. Annual Report 2020. Accessed 11/3/22 ; <https://djj.georgia.gov/djj-annual-reports-0>.
- 2 Ibid.