

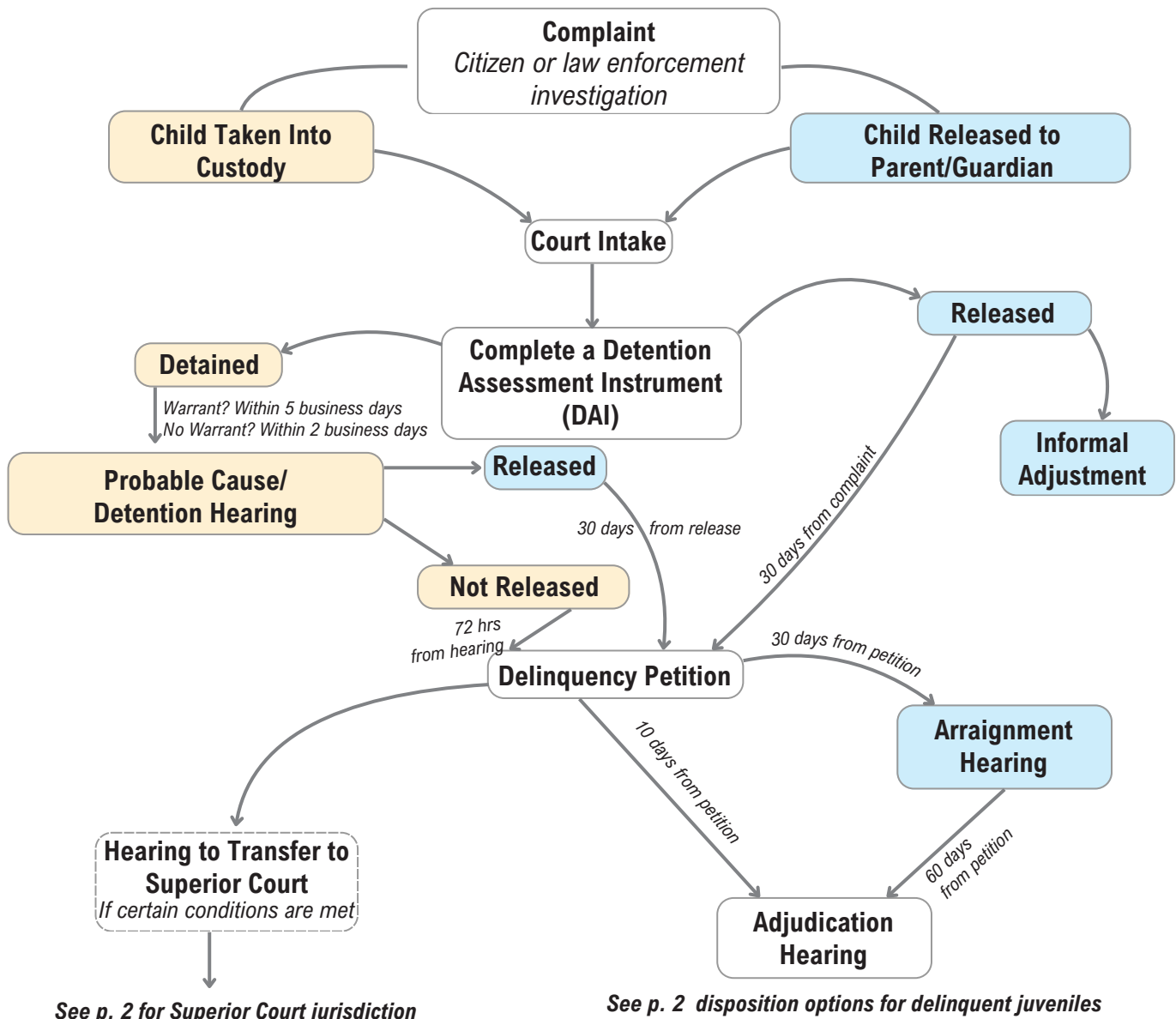
A GUIDE TO **DELINQUENCY** IN GEORGIA'S JUVENILE JUSTICE PROCESS

A child may come in contact with the juvenile justice system through a delinquency, dependency, or a Child in Need of Services (CHINS) complaint.

Who is considered a juvenile in Georgia's court system?

Georgia classifies youth as juveniles if they are under the age of 17 when they commit an offense. It is one of five states that processes all 17-year-olds as adults.*

HOW THE DELINQUENCY PROCESS WORKS



If Transferred to Superior Court

Superior Court

Superior Court has jurisdiction over a child if indicted in Superior Court or transferred from Juvenile Court.

Prior to indictment, the district attorney can decline prosecution in Superior Court and cause the petition to be filed in juvenile court.

Superior Court has jurisdiction over juveniles charged with the following felonies:

- **Murder (1st and 2nd degree)**
- **Rape**
- **Armed Robbery with a firearm**
- **Aggravated child molestation**
- **Aggravated sodomy**
- **Aggravated sexual battery**
- **Aggravated assault upon a public safety officer with a firearm**
- **Aggravated battery upon a public safety officer**
- **Voluntary manslaughter**
- **Terroristic Act Upon a School**

If Adjudicated “Not Dependent”

Disposition Hearing

Disposition Options

A judge can order a combination of these options.

- **Placement in facility:** Judge may place child in an institution, camp, or other facility operated under the direction of the court or other local public authority only if such child was adjudicated for a felony or a misdemeanor with a prior felony at at three prior adjudications
- **Commitment to DJJ**:** for up to 2 years, DJJ has discretion on placement, but youth are typically placed in YDC
- **Probation**:** child remains with parent/guardian at home. Probation officer is assigned to supervise while in the community.
- **Other:** mandatory school attendance or completion, community service, counseling, suspension or prohibit issuance of driver's license, or treatment/rehabilitation

If Adjudicated “Dependent”***

Disposition Hearing

Placed in DFCS Custody

Dependent child may also be subject to delinquency disposition options.

When a child is adjudicated as a dependent child and placed in DFCS custody:

1. The court must conduct a preliminary protective hearing within 72 hours;
2. All parties to the delinquency case must provide certain documents in their custody relating to the child/parent/guardian to DFCS; and
3. Court shall order the production to DFCS of any assessment, evaluation, or report not in the possession of the parties.

[See OCGA § 15-11-6\(13\) for Permanency Planning for Delinquent and Dependent Children](#)

* More information: [Raising the Age in Georgia factsheet](#)

** In any case in which DJJ or a county operated probation office believes a child to be dependent, it shall make a report to the Statewide Child Protective Services Communication Center and notify the DFCS office in the disposition county.



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 beyond a reasonable doubt. (GA Code § 15-11-181; GA Code § 15-11-441; GA Code § 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. (GA Code § 15-11-38)

Dependency Petition: A legal document that alleges that a child is abused, neglected, or abandoned which may be filed by the Division of Family and Children Services, a child's guardian ad litem, or any other person who has knowledge of the facts alleged. (GA Code § 15-11-3(5))

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. (GA Code § 15-11-505)

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. (GA Code § 15-11-210; GA Code § 15-11-600; GA Code § 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." (GA Code § 15-11-2(35))

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

Juvenile Justice Reform Act of 2013: A comprehensive update to Georgia's juvenile justice statute, which resulted in improved responses to young offenders. This data-driven approach has reduced recidivism, saved taxpayer dollars, improved public safety, and helped misbehaving youth get back on track to success.

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



TERMS TO KNOW, CONTINUED

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. (GA Code § 15-11-590) During this time, a Guardian ad Litem may be appointed to represent the best interest of the child.

Probation: Probation is a court-ordered supervision program for young people who have committed a delinquent or CHINS act. Instead of being sent to a locked facility, the juvenile is allowed to stay at home under the supervision of a probation officer, but must follow specific rules set by the court. (GA Code § 15-11-601)

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

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. (GA Code § 15-11-561)

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.



REFERENCES FOR A GUIDE TO **DELINQUENCY** IN GEORGIA'S JUVENILE JUSTICE PROCESS

- 1 Georgia Department of Juvenile Justice. Annual Report 2020. Retrieved November 3, 2022. <https://djj.georgia.gov/djj-annual-reports-0>.
- 2 Ibid.