



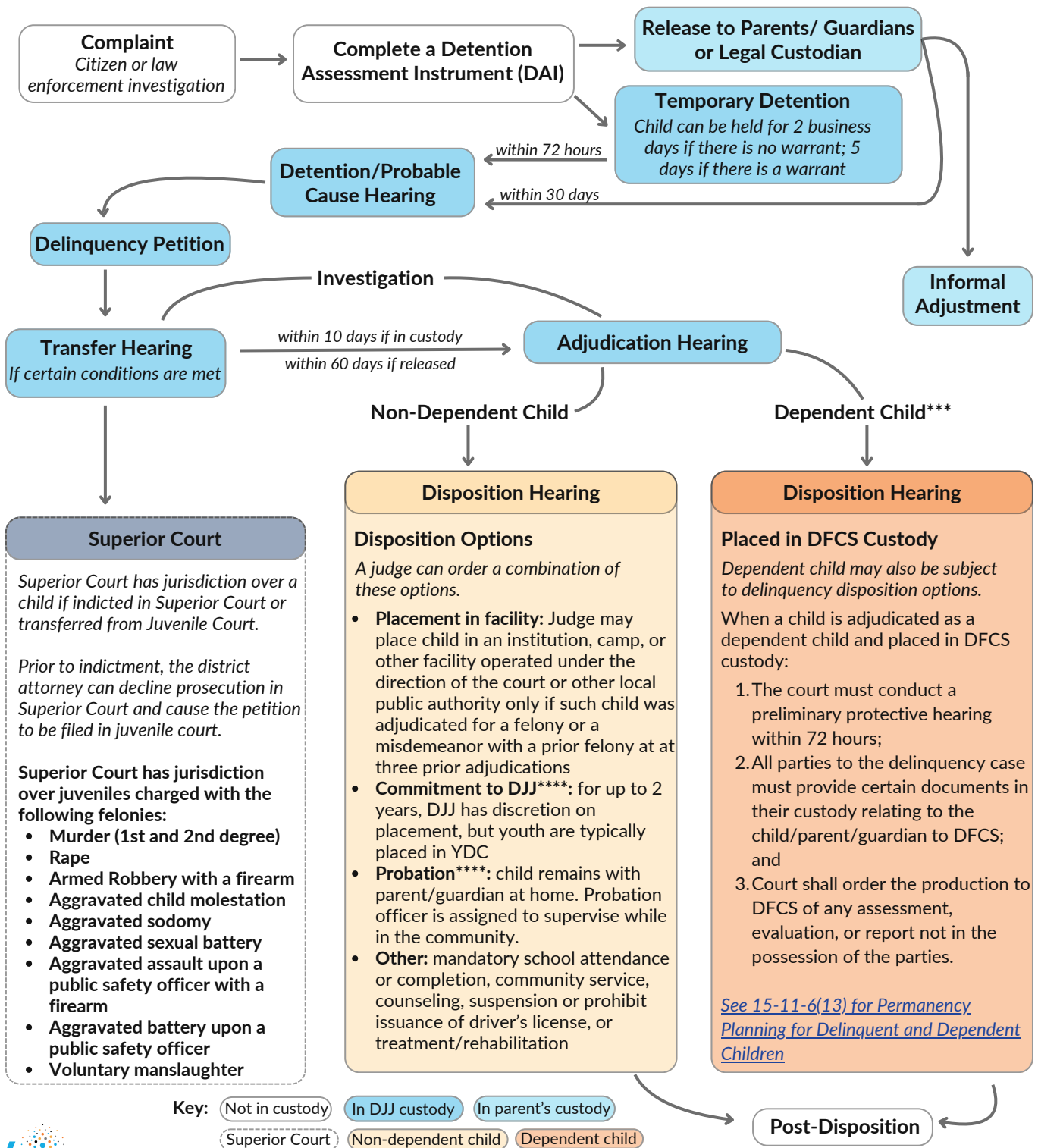
# Georgia's Juvenile Justice Process for Delinquency Cases

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 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.\*\*

### A Map of the Delinquency Process



## 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)

**Delinquency 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. (OCGA 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.

**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.

**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 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<sup>1</sup>

**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.<sup>2</sup>

\* More information: Georgia Juvenile Justice Process for Children in Need of Services factsheet

\*\* More information: Raising the Age in Georgia factsheet

\*\*\* If a child is also adjudicated as a dependent child, prior to being placed in the custody of DFCS, the court shall consider on the record what services have been provided to the child/parent/guardian; what efforts have been made to find other secure placement; and whether a child protective services report was made.

\*\*\*\* 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.



## **References for Georgia's Juvenile Justice Process for Delinquency Cases**

Suggested citation: Voices for Georgia's Children. (2023). Fact Sheet: Georgia's Process for Delinquency Cases. Voices for Georgia's Children. <https://adobe.ly/47Vmbyv>.

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