

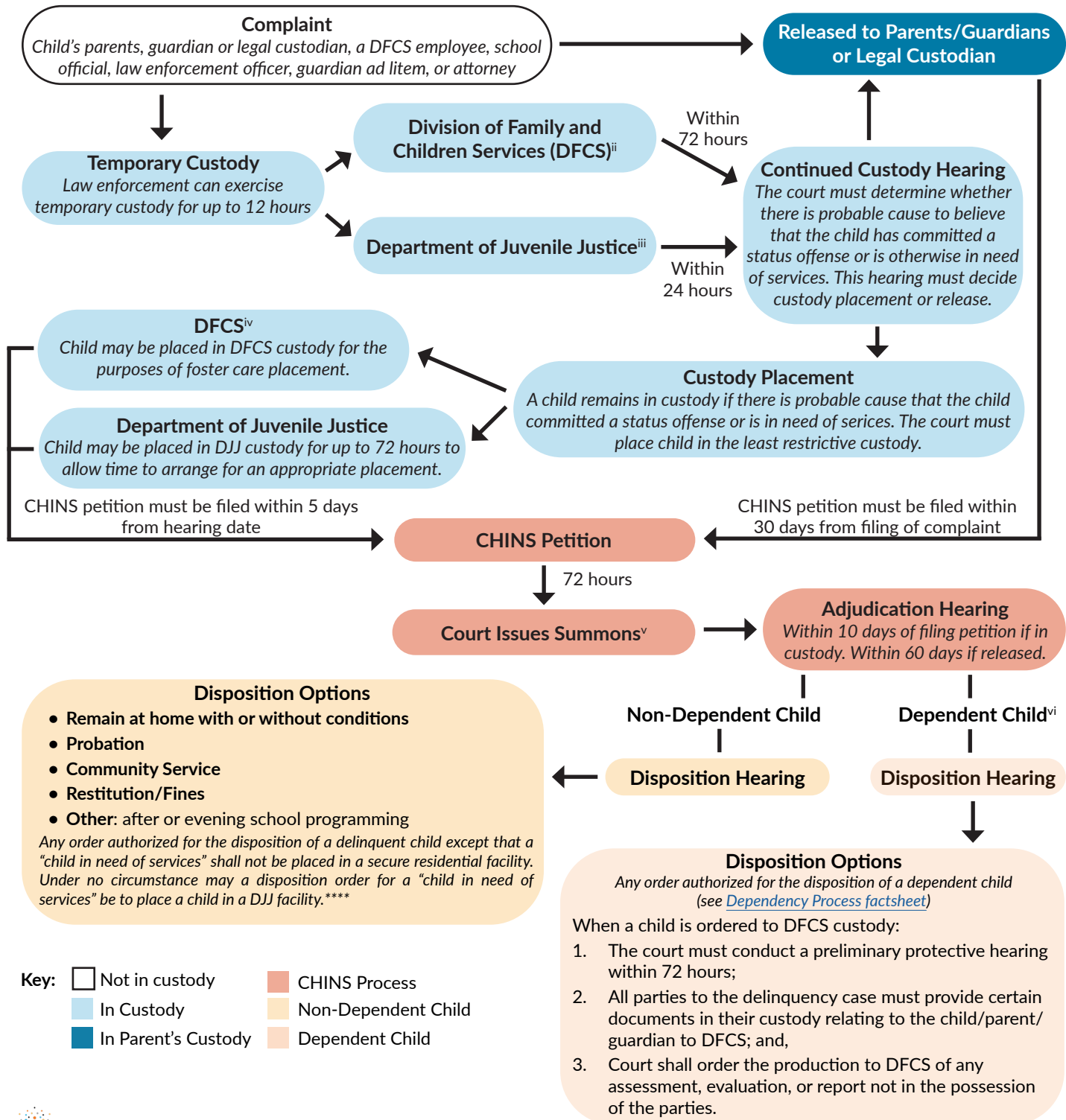


Georgia's Juvenile Justice Process for A Child in Need of Services (CHINS)

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 Child in Need of Services?

A "Child in Need of Services" is a child who is in need of care, guidance, counseling, structure, supervision, treatment, or rehabilitation AND meets certain criteria (see criteria on p2.). If a child meeting said criteria is brought before the court, services are provided to attempt to divert the child away from [delinquency](#).ⁱ The following is a map of the CHINS process:



Terms to Know

Case Plan: If a child is alleged or adjudicated to be a **Child in Need of Services** and is placed in foster care, the child shall be required to have a case plan which addresses the child and parents' strengths and needs, the problems contributing to the child's behaviors, identification of the least restrictive placement for the child, and an assessment of services available to the child. (O.C.G.A. 15-11-404)

"Child in Need of Services": 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: (O.C.G.A. 15-11-2 (11))

- 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 (e.g., underage possession of alcohol)
- 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 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

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))

Least Restrictive Custody: The level of custody which safeguards the child's best interests and protect the community (e.g., release to parent, foster care, other court-approved placement that is not secure, or secure residential facility). (OCGA 15-11-404)

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. (OCGA 15-11-2(49))

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. (OCGA 15-11-2(67))

- i For more information regarding the delinquency process, see Voices' [Georgia Juvenile Justice Process for Delinquency Cases factsheet](#).
- ii If a youth is placed in foster care, the child must have a case plan.
- iii If a youth is placed in a secure or nonsecure DJJ facility (for no longer than 24 hours), then:
 - 1) a DAI must have been conducted,
 - 2) statute criteria must apply (e.g., child is "alleged runaway, habitually disobedient, and/or failed to appear at a scheduled hearing")
- iv A court-issued summons goes to the child, parent/guardian, DFCS, or other public agencies or necessary parties. The summons requires the person to come for the adjudication to participate in the hearing.
- v 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; whether a child protective services report was made.
- vi In any case in which DJJ 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.