**Notes on Juvenile Justice in Georgia:**

**I can explain how the Georgia court system treats juvenile offenders.**

Fulton County was the first county in Georgia to create a juvenile court in 1911. Every county in Georgia has a juvenile court today.

Georgia juvenile courts are governed by the 1971 juvenile code. More protective of the child rather than punitive (punishment oriented), the juvenile courts are charged with doing what is best for the child and for society. There is some difference of opinion among citizens as to whether juveniles are treated appropriately. Some believe that more juveniles should be tried as adults; others believe that since juveniles are not yet adults, adult court would be inappropriate. A 1994 amendment to the juvenile code does provide for the treatment of juvenile offenders charged with certain violent offenses as adults.

1. **I can explain the difference between delinquent and unruly behavior and the consequences of each.**

A **delinquent act** is an act committed by a juvenile that would be a criminal offense if committed by an adult. These actions can include theft, assault, possession of drugs, rape, and murder. If the act is serious enough, the juvenile may be charged as an adult and can be subject to adult penalties. If the child is adjudicated as delinquent, the consequences include placing the juvenile on probation, incarceration for up to 60 days, or committing the child to the custody of the Department of Juvenile Justice.

An **unruly act** is one that is committed by a juvenile that would not be a criminal offense according to adult law. These actions could include the possession of alcohol or cigarettes, leaving home without permission of their parents or guardians, breaking curfew, skipping or not attending school (truancy), driving without a license, or not abiding by the reasonable commands of parents or other adults. If a child commits these acts, they may be placed in a juvenile detention center. The consequences of being guilty of an unruly act include:

• **Releasing the child to the custody of the parent or legal guardian with no court supervision.**

• Placing the child on probation with certain restrictions.

• Committing the child to the Department of Juvenile Justice.

• **Detaining the juvenile at a Youth Detention Center (YDC) for up to 90 days.**

• Sending the juvenile to an outdoor program or boot camp.

1. **I can describe the rights of juveniles involved in the juvenile justice system.**

When a juvenile is taken into custody, he or she has several rights. The rights that are afforded to juveniles include:

• The right to have a parent or guardian present before they can be questioned by authorities

• The right not to have their names or photographs made public

• The right to two phone calls (parent and attorney)

• The right to not self-incriminate and to be counseled on what self-incrimination is

• The right not to be placed with adult offenders

• The right for parents to be contacted immediately

Unlike adults, in order for a juvenile to be taken into custody, the law enforcement officer must only have reasonable grounds to believe that the juvenile committed an offense.

1. **I can explain the steps in the juvenile justice system when a juvenile is first taken into custody.**

There are several steps in the juvenile justice process. These steps include:

• **Intake Officer -** The juvenile is brought to an intake officer who decides if there is enough evidence to make a charge against them.

• **Release or Detained -** If there is not enough evidence, the juvenile is released to their parents or guardian; if there is enough evidence against the juvenile, they are held in a youth detention center or adult prison depending on the crime. If the juvenile is detained, there must be a hearing within 72 hours to determine if proceedings should continue.

• **Informal Adjustment -** (optional if a juvenile is a first-time offender) The juvenile must admit guilt to the judge and is under the supervision of the courts for 90 days.

• **Adjudicatory Hearing -** The judge determines the juvenile’s guilt or innocence. Juries do not hear juvenile cases.

• **Disposition Hearing -** The judge hears witnesses and determines the punishment for the juvenile.

• **Sentencing -** The judge rules on the juvenile’s punishment, which can include boot camp, probation, the youth detention center, fines, and/or mandatory counseling and school attendance.

• **Appeal -** The juvenile can appeal the ruling if there is enough evidence to prove that they were innocent.