

Chapter 6


Georgia's Juvenile Justice System

Chapter Preview

TERMS

juvenile, deprived child, guardian ad litem, unruly child, status offender, juvenile delinquent, delinquent act, informal adjustment, reasonable suspicion, regional youth detention center, intake, adjudicatory hearing, dispositional hearing, probation

In Georgia, as in all other states, crimes committed by children are handled separately from those committed by adults. The Georgia Department of Juvenile Justice is the government body that has jurisdiction over such crimes.



In Chapter 5, you learned that—in Georgia’s judicial system—juveniles are treated differently than adults. The mission of Georgia’s Department of Juvenile Justice is “to protect and serve the citizens of Georgia by holding youthful offenders accountable for their actions through the delivery of treatment services and sanctions in appropriate settings and by establishing youth in their communities as productive and law abiding citizens.”

Chapter 5 described the steps taken in a criminal trial of an adult. This chapter describes the steps taken in the criminal trial of a **juvenile** (a citizen under the age of seventeen). The process is quite different, and for a good reason. Social reform has recognized that juveniles, who are still in the process of developing and maturing both mentally and emotionally, should not be treated the same as adults in the criminal justice system. However, juveniles are still responsible for obeying laws. And, juveniles must also follow some laws that do not apply to adults. For example, they must attend school until at least age sixteen. They cannot possess alcoholic beverages or tobacco until ages twenty-one and eighteen respectively.

The difference comes in how juveniles are treated from the time they are detained until they are returned to their place in society. In 1992, the Georgia legislature created the Department of Juvenile Justice. This department is governed by a board of fifteen members, each appointed by the governor. The Department of Juvenile Justice provides supervision, detention, and a wide range of treatment and educational services to help juvenile delinquents and unruly children change and become productive members of society.

Section 1

Juveniles

Something Extra!

The first juvenile court in the United States was established in Chicago in 1899.



Above: For drivers under 18 who commit traffic violations that require a court appearance, the hearing will be held in a juvenile court.

As you read, look for:

- the differences among a deprived child, an unruly child, and a juvenile delinquent,
- the possible consequences of committing an offense,
- terms: **deprived child, guardian ad litem, unruly child, status offender, informal adjustment, juvenile delinquent, delinquent act.**

In 1906, the Georgia General Assembly passed a law that established a special court for juveniles. In 1911, Fulton County became the first county in Georgia to set up a juvenile court. Today, every county in Georgia has one. Juvenile courts handle all cases involving deprived and neglected children under 18 years of age, delinquent and unruly offenses committed by children under 17 years of age, and traffic violations committed by drivers under 18.

Deprived Child

Deprived child is the legal term for a child under the age of eighteen who is without adequate food, shelter, or protection. The child is not at fault; the state prosecutes parents or guardians who endanger or neglect children who are under their care and responsibility. Georgia's Division of Family and Children Services (DFCS) steps in when it appears that a child may be the victim of physical or psychological abuse. The abuse or neglect may be caused by a number of reasons. A parent's addiction to alcohol or drugs is the most common reason.

A **guardian ad litem** is a person appointed by the juvenile court to represent the child's best interest in any legal proceedings where parents' rights and the child's rights appear to be at odds. For example, a guardian ad litem may be appointed to represent the interests of a child whose parents are locked in a custody battle or to protect a child's interests where there are allegations of child abuse. Case workers from DFCS arrange for foster care or another safe shelter while the child is in protective custody.

Unruly Child

A child who commits an act that would not be considered a crime if committed by an adult is called an **unruly child** or a **status offender**. These

children are often described as “unmanageable” or “disobedient.” An unruly child is someone under age seventeen who displays one or more of the following behaviors:

- is absent from school on a regular basis without a legitimate excuse (a truant),
- has run away from home,
- disobeys reasonable commands from a parent or guardian,
- hangs around city streets, highways, or other public places between the hours of midnight and 5:00 a.m.,
- goes to a bar without a parent or guardian or is in possession of alcoholic beverages,
- disobeys the terms of supervision contained in a court order.

There is a careful process for evaluating juveniles whose behavior is unruly. In juvenile court, this may be handled through informal adjustment. An **informal adjustment** sets up family counseling and a plan of supervision for a child. The informal adjustment period lasts for at least ninety days and may be extended for another ninety days. While under the court’s supervision, the juvenile has to follow certain conditions and restrictions. These may include paying for any damages caused, attending school regularly, participating in counseling programs, or completing community service.

Juvenile Delinquent

A **juvenile delinquent** is someone under age seventeen who has committed a delinquent act and is thought to be in need of treatment or rehabilitation. *Rehabilitation* is the process of restoring a person to a useful place in society. A **delinquent act** is the term used to describe an act that would be a crime if committed by an adult. Burglary and car theft are examples of delinquent acts. Delinquent acts are under the jurisdiction of Georgia’s juvenile court.



Above: A juvenile delinquent is defined as someone under age seventeen who commits an act that would be a crime even if they were an adult.

Reviewing the Section

1. Define: deprived child, unruly child, juvenile delinquent.
2. What is the difference between unruliness and delinquency?
3. What type of person might be appointed as a guardian ad litem?

Section 2

Juvenile Courts and Justice

Something Extra!

By 1925, 48 states had established a juvenile court system.

As you read, look for

- juvenile court jurisdiction,
- the rights of juveniles taken into custody,
- the steps in the juvenile justice process,
- the seven deadly sins,
- terms: **reasonable suspicion, regional youth detention center, intake, adjudicatory hearing, dispositional hearing, probation.**

Below: Juvenile defendants have the same constitutional rights as adults when they appear in court, with the additional right to have a parent or guardian present. One difference is that juvenile cases are decided by a judge instead of a jury.

Juvenile courts have three main areas of jurisdiction: unruly juveniles or status offenders, deprived juveniles, and delinquent juveniles. Juvenile courts also have the jurisdiction to determine if a child needs to be committed for psychological evaluation or treatment for mental incompetency.

The juvenile courts have concurrent (jointly held) jurisdiction with superior courts in child custody and child support matters arising from divorce cases and in proceedings to end parental rights. Juveniles who commit certain serious violent felonies are under the jurisdiction of Georgia's superior courts.

As you learned in Chapter 5, juvenile court judges are appointed by superior court judges and serve four-year terms.

The Rights of Juveniles

Juveniles handled under the juvenile justice system have the same basic legal rights that other citizens have. These rights are set out in Amendments 1, 4, 5, and 6 of the U.S. Constitution. Juveniles have the right to have their cases decided quickly, just as adults have the right to a speedy trial. Juvenile cases, however, are decided by a judge, not a jury.

Juvenile court proceedings can result in imprisonment. As a result, juveniles have all the rights to a fair trial that adults have: They must be notified of the charges against them; they are protected against self-incrimination; they have the right to an attorney; and they have the right to confront and to question witnesses against them. Accused juveniles have the right to present a defense, to introduce evidence, and to testify on their own behalf. Most importantly, juveniles have the right to have a parent

or a guardian present in all hearings. If a child's parents or guardian cannot afford a lawyer, the court must appoint an attorney to represent the child.

Steps in the Juvenile Justice System

Suppose you have a friend, whom we will call "C. J.," who has been stopped on suspicion of using a false identification (ID) card to buy beer and cigarettes. C. J. is fourteen years old. Let's also say that C. J. is charged with using the false ID to cash several checks belonging to other people.

This is a serious situation. Possessing a false ID is a crime in Georgia. It may be a misdemeanor or a felony, depending upon how it was used. Persons under age twenty-one who use a falsely obtained government-issued ID card to enter a bar or to buy alcohol may be charged with a misdemeanor. But using the false ID to cash a check, rent a car, or obtain a credit card is considered a felony. What happens next?

A police officer has detained your friend. If the officer has a reasonable suspicion that C. J. may be involved in criminal activity, the officer may ask for identification. **Reasonable suspicion** is something more concrete than a "hunch" but less certain than probable cause. C. J. does not have to provide any information other than name and birth date.

In our example, let's assume that the police officer is able to prove that the identification on the ID card is false. C. J. will be placed "in custody" (rather than "arrested") in a **regional youth detention center** (RYDC), which is a holding facility for juveniles.

Intake

A juvenile court officer, designated as an *intake officer*, will arrive to make an **intake** decision. That is, the intake officer investigates the charges and determines the next step in the process.

At this point, the intake officer has four options. The officer may (1) recommend to the judge that the case be dismissed; (2) handle the case through an informal adjustment, setting up counseling and other conditions; (3) move the case to a child services agency; or (4) file a petition for a detention hearing.

The intake officer also determines whether to release C. J. into the custody of parents or a guardian or to detain your friend at the RYDC (where C. J. will be fingerprinted and photographed) or some other facility such as a shelter. If your friend is detained, C. J.'s parents must be notified. In Georgia's juvenile justice system, most juveniles are released into the custody of parents or guardians.

Detention Hearing

Within 48 hours of C. J. being detained at an RYDC, a juvenile court judge reviews the intake officer's report and determines how to handle the case. The judge also decides whether to continue to detain your friend or to release C. J. on bail.

If the action is to file a petition, a court date is set for the adjudicatory hearing. If C. J. is still being detained, the hearing usually takes place within



Figure 12 Steps in the Juvenile Justice System

1. Intake
2. Detention Hearing
3. Adjudicatory Hearing
4. Dispositional Hearing

Something Extra!

As of 2010, there are twenty-two regional youth detention centers in Georgia.

Below: Stealing a car is the crime of grand theft. Theft becomes grand theft when the value of what is stolen exceeds a certain amount of money, which varies by state.



ten days. If your friend has been released, the hearing takes place within sixty days.

Adjudicatory Hearing

The **adjudicatory hearing** is somewhat like a trial. Your friend is there, as is a juvenile court judge, but no jury. Also present are attorneys, witnesses, and parents or guardian. The judge reads the charges stated in the petition and asks C. J. to either admit or deny the charges. If your friend denies the charges, the hearing continues.

The judge hears the case and decides if the charges that C. J. is accused of committing are a delinquent act. If your friend is found not guilty, he is released. If your friend is found guilty (beyond a reasonable doubt), the court schedules a hearing to determine the consequences.

Dispositional Hearing

A **dispositional hearing** is similar to sentencing in adult court. The judge determines the remedy or solution for the offense. Both the prosecutor and the defense can call witnesses and present evidence that might influence the court's plan. The court is charged with doing what is in the best interest of the juvenile and in the best interest of society. The judge has a number of options. The judge may (1) release C. J. to the custody of parents or a legal guardian with no court supervision; (2) put C. J. on probation; (3) place C. J. in the custody of the Department of Juvenile Justice; (4) designate C. J. a felon who should be confined; (5) sentence C. J. to a youth development campus (YDC) or treatment program or turn the case over to the Department of Children Services; or (6) transfer the case to superior court.

Probation is a form of punishment that is served outside of, or in some cases, instead of confinement. It is not to be taken lightly. Probation comes with restrictions and conditions, and the juvenile's behavior is closely monitored. Those restrictions and conditions may include making restitution, perhaps in the form of a service, to the victim; paying a fine; a specific form of education tailored to the juvenile's offense, such as drug counseling; no use of alcohol or drugs; community service; avoiding people with criminal records who would be a negative influence; losing or the suspension of a driver's license or learner's permit; wearing an electronic monitoring device.

Seven Delinquent Behaviors

In 1994, the Georgia legislature passed an amendment to the Georgia Juvenile Code allowing youths who are charged with certain violent crimes to be treated

as though they were adults. The seven most serious crimes (sometimes called the “Seven Deadly Sins”) are: murder, voluntary manslaughter, rape, aggravated sexual battery, aggravated child molestation, aggravated sodomy, and armed robbery if committed with a firearm. *Aggravated* describes something that makes the crime worse or more severe.

Murder and voluntary manslaughter are the most serious of the seven deadly sins. The difference between the two is that murder is the intentional killing of another person. Voluntary manslaughter occurs when someone takes the life of another person as a result of sudden, violent passion. It is not premeditated, but it does result in the death of another human being.

Rape, aggravated sexual battery, aggravated child molestation, and aggravated sodomy all involve forced sexual acts committed without consent on unwilling or underage victims. You should also be aware of the difference between rape and statutory rape. Rape is a forced sexual act committed unwillingly or without consent. Statutory rape occurs when one of the parties has not yet reached the age of consent (sixteen).

The crime of armed robbery occurs when an offender takes the property of another person while using a weapon such as a gun, a knife, or any weapon that can cause serious bodily injury or death.

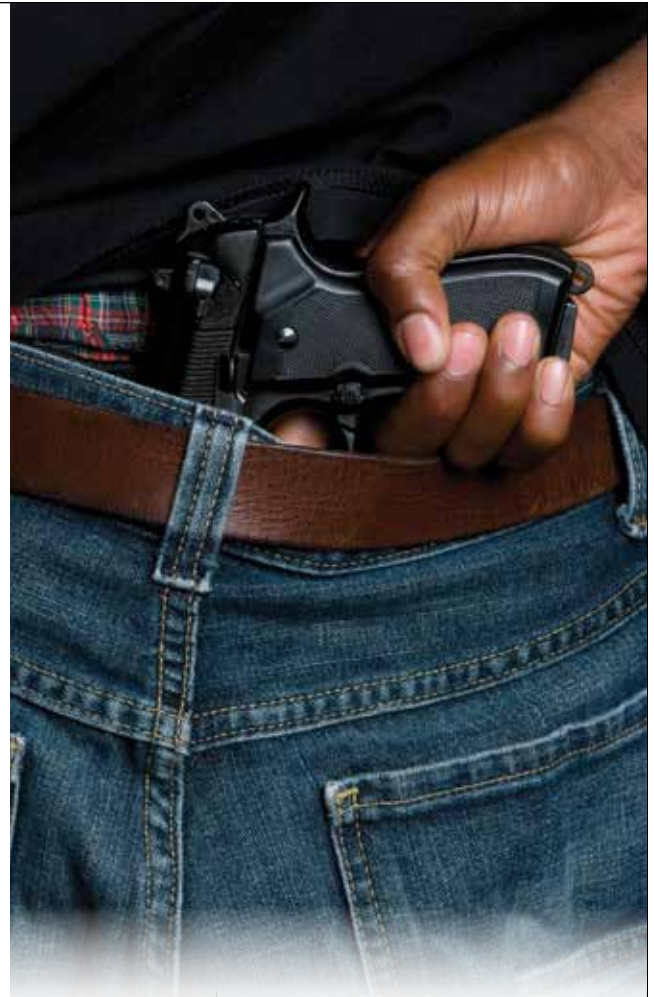
Juveniles between the ages of 13 and 17 who are accused of these crimes are transferred to the jurisdiction of superior court. A juvenile who was between the ages of 13 and 16 when the crime was committed can be prosecuted and punished as an adult, with a sentence as severe as life in prison. If a defendant is charged with murder, and the murder was committed when the defendant was under 17 years of age, the prosecutor cannot seek the death penalty as punishment.

Just because a juvenile has been taken into custody for one of the seven deadly sins does not mean he or she will be tried in the adult system. Before an indictment, the superior court determines in which court the case will be heard. If convicted of a serious crime in superior court, the juvenile may face a minimum sentence and prison time without the possibility of parole.

Each person who is found to be involved in the planning of a crime, or taking part in some way, is considered to be a party to the crime. This applies to those who advise the offender, serve as the “look out,” or encourage the criminal activity. It certainly applies to those who stand to benefit from the crime. These individuals can be charged with *aiding and abetting*.

Juvenile Responsibilities

Much has been said about the *consequences* of delinquent or unruly behavior. A more positive approach is to look at the specific actions and



Above: Any crime committed with the aid of a weapon is much more serious than one committed without, even if the weapon is used only to threaten. Possession of a gun can itself be a crime if the owner does not have the necessary permits, or if the gun was stolen. Bringing a gun or any other weapon to school is also a very serious offense.

Figure 13

Juvenile Responsibilities

- Obey all federal and state laws at all times.
- Respect your peers and staff by complying with all legal and reasonable staff requests.
- Refrain from bullying and harassment. Bullying includes using verbal abuse, ethnic slurs, slander, or obscene gestures.
- Follow the rules and procedures. Become familiar with the schedules for meals, classes, and rehabilitation sessions, and get there on time.
- Clean and maintain your living quarters and other general areas of the facility. Don't damage equipment or property.
- Stay clean and pay attention to personal hygiene and grooming (body, hair, clothes).
- Don't infringe upon the rights of other people with whom you live and work.
- Obey all orders of the juvenile court. Participate fully in working toward goals identified in your rehabilitation plan.
- Use self-discipline in order to ensure the physical safety, sexual integrity, and personal security of others around you.
- Don't acquire or pass along to others any kind of weapon or any object that could be used as a weapon.
- Don't attempt to buy, sell, or use alcohol, tobacco, narcotics, or other illegal drugs. Do not attempt to buy, sell, or use prescription medications or stimulants for which you have no prescription.
- Be honest in all interactions.

attitudes that can guide a young person in staying out of trouble. Figure 13 is a list adapted from the Georgia Department of Juvenile Justice. These responsibilities are expected of juveniles who are in rehabilitation in the state's youth development campuses (YDC).

The Georgia Department of Juvenile Justice takes a realistic approach.

Although [delinquent] youth make up a small portion of Georgia's youthful population, their behaviors make our agency necessary. Despite their delinquent behavior patterns, this group of youngsters remains a part of the many communities of Georgia. Because they too represent the future of Georgia, they cannot and should not be written off. . .

While rehabilitation of these youth is our primary goal, public safety for the citizens of Georgia is paramount, and juvenile crime must not detract from this. We must not take for granted the many victims of juvenile crime and potential victims who deserve a better quality of life for themselves and their families.

Here at the Department of Juvenile Justice, we believe these youth need every opportunity to turn their lives around and become productive citizens. It is our belief that given the right kind of attention and treatment, many of these youngsters can be redirected and that there is hope for them. (Commissioner Albert Murray)

Reviewing the Section

1. Define: reasonable suspicion, intake, probation.
2. What is the difference between an adjudicatory hearing and a dispositional hearing?
3. Why are juveniles treated as adults when they commit certain crimes?

Of Special Interest

Little-Known Facts: Prescription Drugs, Tobacco

While most people understand that possession of illegal drugs is a crime, did you know that possessing a prescription drug that does not belong to you is also a crime? Giving a prescription drug to a friend is also unlawful. Only pharmacists and health care providers can give another person a prescription drug. Prescription drugs can be powerful medications with serious side effects. Some people may also have allergic reactions to drugs, so taking prescription medication is only safe under the care of health professionals.

Georgia law classifies various drugs as Schedule I, II, III, IV, and V, depending on whether or not the drug can be addictive and subject to abuse. For example, Vicodin® and Tylenol III® are Schedule III drugs that have a valid medical purpose but that also have the potential for being abused. If you are taking one of

these for pain after surgery, do not share your pills with anyone. You should never accept these pills from someone else if you do not have a prescription for them. Possession of these drugs without a legitimate medical reason is a felony punishable by 1-5 years imprisonment.

In addition, the sale, delivery, distribution, or possession with intent to distribute a Schedule I or II drug (ecstasy, methamphetamine, and so on) is a felony punishable by 5-30 years imprisonment.

Did you know that if you are under eighteen years old, you may not purchase or attempt to purchase cigarettes or tobacco-related products? The dangers of smoking are now well-documented, and only legal adults can make the decision to smoke without breaking the law.



The sale of illegal drugs is a much more serious crime than possessing or using them. Such crimes can result in prison sentences of as long as 30 years.

Chapter Review

Chapter Summary

Section 1 Juveniles

- Juvenile courts handle all cases involving deprived and neglected children under 18 years of age; delinquent and unruly offenses committed by children under 17 years of age; and traffic violations committed by drivers under 18.
- A deprived child is a child under age 18 who is without adequate food, shelter, or protection.
- A guardian ad litem is appointed to represent the child's best interest in court proceedings where parents' rights may be limited or taken away.
- An unruly child or status offender is a child who commits an act that would not be an offense if committed by an adult.
- A juvenile delinquent is someone under age 17 who has committed a delinquent act and is considered to be in need of treatment or rehabilitation.
- Informal adjustment is used to set up family counseling and a plan of supervision for a child in cases where a minor commits a delinquent act that is not serious or has been unruly.

Section 2 Juvenile Courts and Justice

- Juvenile courts have three main areas of jurisdiction: unruly juveniles or status offenders, deprived juveniles, and delinquent juveniles.
- Juvenile courts also have jurisdiction to commit a child for psychological evaluation and treatment for mental incompetency.

- The juvenile courts have concurrent jurisdiction with superior courts in child custody and child support matters arising from divorce cases and in proceedings to terminate parental rights.
- Juveniles who commit certain serious violent felonies are under the jurisdiction of Georgia's superior courts.
- Juveniles have all the rights to a fair trial that adults have.
- During the intake process, an intake officer investigates the charges and determines the next step in the process.
- If a juvenile is detained, his or her parents must be notified. Juveniles who are detained are housed in one of the state's regional youth detention centers (RYDCs).
- In a detention hearing, a juvenile court judge reviews the intake officer's report and determines how to handle the case.
- An adjudicatory hearing is somewhat like a trial. If the juvenile pleads not guilty, the judge hears the case and decides whether or not the child is guilty of committing a delinquent act.
- A disposition hearing is similar to sentencing in adult court. The judge determines the consequences for the offense.
- Juveniles who are charged with certain violent crimes—murder, voluntary manslaughter, rape, aggravated sexual battery, aggravated child molestation, aggravated sodomy, and armed robbery if committed with a firearm—are treated as adults and fall under the jurisdiction of superior court.



Understanding the Facts

1. Who is a juvenile?
2. What types of acts might an unruly child do?
3. What is an informal adjustment? Under what circumstances might this procedure be used for a juvenile?
4. What is the difference between reasonable suspicion and probable cause?
5. What are Georgia's "seven deadly sins"?



Developing Critical Thinking

1. Explain why there is a separate justice system for juveniles.
2. Many juveniles get into trouble as the result of making rash decisions. Make a list of actions that students might take to keep themselves out of potentially illegal situations.



Writing Across the Curriculum

Imagine you are a reporter for the school newspaper. Write an informative article that gives your peers factual information about some aspect of the juvenile justice system. Pick a topic that is covered in the chapter.



Extending Reading Skills

Draw a Venn diagram on a separate sheet of paper. Label one circle "Adult Trial" and the other circle "Juvenile Adjudicatory Hearing." Read page 132 and, with your knowledge of the adult justice system, record ways in which these two are similar and different.



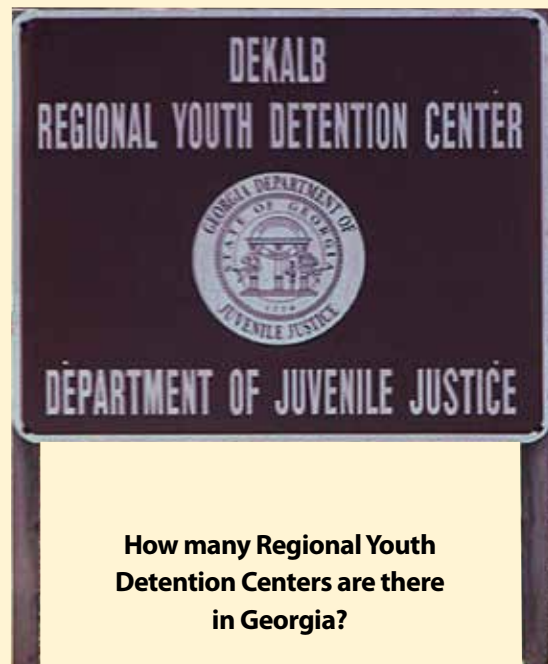
Exploring Technology

Use your favorite search engine to examine juvenile justice laws in another state. (Students in the class may be assigned separate states for comparison.) Prepare a Venn diagram to compare and contrast the two systems.



Practicing Your Skills

Examine the list of personal responsibilities at the end of the chapter. On your own, or with an assigned partner, identify at least five other recommendations to add to this list.



How many Regional Youth Detention Centers are there in Georgia?