

Juvenile Justice Process and Victim Rights

What are my rights as a victim during the juvenile justice process?

When a child under the age of 17 commits a delinquent act (a crime, if committed by an adult) or an unruly act (runaway, truancy, curfew, etc.), a complaint is filed in the Juvenile Court. A police officer, parent or private citizen can file a complaint, which is the equivalent of an adult arrest warrant. When the complaint is filed, a Juvenile Court intake officer decides whether or not to detain the youth based on circumstances related to the law.

INTAKE

In the state of Georgia, the intake process involves the juvenile court system and the court services system of the Department of Juvenile Justice (DJJ). In the course of the intake process, a Juvenile Probation/Parole Specialist may:

- Informally adjust the case,
- File a petition with juvenile court for adjudicatory proceedings,
- Divert the case to services outside the court or;
- Recommend that the case be dismissed.

Note: DJJ provides intake services for most of the state. However, certain counties operate independent courts which provide their own intake staff and services.

Your Right as a Victim: To Complete the Victim Impact Statement and Request for Notification.

CUSTODY

When a youth is taken into custody by law enforcement officials, the parents and/or legal guardians are notified of the detainment. Utilizing a validated instrument, an assessment of the potential risk to re-offend and risk of failure to appear for the court hearing is completed to determine immediate release or detention. Finally, arrangements are made to release the youth or transport the youth to a Regional Youth Detention Center (RYDC) if the youth is being securely detained or to an alternative placement such as a shelter.

Your Right as a Victim: If Requested, a Victim will be Notified of the Youth's Release from Secure Confinement.

PROBABLE CAUSE HEARING

Within 48 hours of a youth's detention at a Regional Youth Detention Center, a probable cause hearing is held. At the hearing, a juvenile court judge reviews the findings from the Intake Officer's Investigation, considers bond as an option and determines whether further detention is required.

Following the probable cause hearing, if it is determined that there is cause to petition the juvenile court, filing of the petition must be completed within 72 hours. A court date for a formal adjudicatory hearing is set and generally takes place within 10 days of the petition. If it appears, prior to the filing of a petition or after withdrawal of a petition prior to adjudication, that advice and counsel without adjudication would be in the best interest of the public and the child, the court may move to informally adjust or divert the case.

Your Right as a Victim: To Complete the Victim Impact Statement; Complete the Request for Notification; Reasonable, Accurate and

Timely Notice of any Scheduled Court Proceedings or any Changes to Proceedings; To Be Heard at any Scheduled Court Proceeding.

ADJUDICATORY HEARING

At the adjudicatory hearing, the court determines whether the allegations outlined in the petition are true. At this point, the court may decide to dismiss the case.

Your Right as a Victim: Reasonable, Accurate and Timely Notice of any Scheduled Court Proceedings or any Changes to Proceedings, to be Heard at any Scheduled Court Proceeding; to Confer with the Prosecuting Attorney Related to the Victim.

DISPOSITIONAL HEARING

Following the adjudicatory hearing, a dispositional hearing is held. The purpose of the dispositional hearing is to establish the need for treatment, rehabilitation, or supervision. During this process the court may:

- Place the youth on probation,
- Commit the youth to the custody of the DJJ,
- Declare the youth a designated felon under the designated felon statute,
- Court order the youth to serve up to a maximum of 30 days in a secure detention center, or
- Transfer the case to the jurisdiction of the Superior Court.

The dispositional hearing may immediately follow the adjudicatory hearing or be set for a later date.

Your Right As A Victim: Reasonable, Accurate and Timely Notice of any Scheduled Court Proceedings or any Changes to Proceedings, to be Heard at any Scheduled Court Proceeding; to Confer with the Prosecuting Attorney Related to the Victim; Request Restitution as Provided by Law.

Link to:

Juvenile Court Timeline: http://www.djj.state.ga.us/ResourceLibrary/_PDFfiles/JuvenileCourtTimeLine.pdf