
Juvenile Code Revisions Information Gathering Project

Submitted to
Senator Bill Hamrick

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Introduction

In May 2008, Senator Bill Hamrick contacted Steve Wrigley, Director, Carl Vinson Institute of Government (CVIOG) at the University of Georgia, requesting assistance in providing further information as he and his fellow legislators consider the potential revisions to the Juvenile Court Code of Georgia for the 2009 legislative session. Based on that discussion, CVIOG's Governmental Services and Research faculty and staff were asked to review and synthesize information, including:

1. Information from Senator Hamrick: notes from the 2004 Senate Study Committee on Youth and Crime; The 2005 Juvenile Law Study Commission; and, The Path of Juvenile Justice in Georgia Conference (2007)
2. Notes from stakeholder meetings and written comments from agencies and organizations throughout the state provided to the JUSTGeorgia Coalition
3. The JLC's Proposed Model Code (PMC) and several white papers developed by the Barton Child Law and Policy Clinic
4. Other research
5. Other states which have recently revised their juvenile court codes to determine major legislative challenges and outcomes
6. Input gathered from the leadership of stakeholder organizations

The result of this information-gathering and synthesis is found in the pages that follow. This information has informed the final section of this document, which articulates three areas for consideration:

1. Issues of agreement
2. Issues of compromise
3. Issues outstanding

2004 Senate Study Committee on Youth and Crime

The 2004 Senate Study Committee on Youth and Crime was formed as a result of the murder of eight-year old Amy Yates in Carroll County, which took place in April 2004. A 12-year old was accused of the murder, and would have faced a maximum two-year sentence if convicted due to the current Georgia juvenile law. Extreme statewide and national news followed this case and as a result Georgia's Senate Administrative Affairs Committee formed the Senate Study Committee on Youth and Crime and appointed Senator Hamrick as chair.

The Committee began by looking at Georgia's juvenile law and determined that treating a 12-year old as an adult would be extremely controversial. The Committee also reexamined Senate Bill 440, which was passed in 1994.

SB440 made juveniles ages 13 to 17 who are accused of committing the crimes of murder, rape, armed robbery (with a firearm), aggravated child molestation, aggravated sodomy, aggravated sexual battery and voluntary manslaughter exclusively under the superior court's jurisdiction. However, the Amy Yates case raised awareness of the gap in the law as juveniles under the age

of 13 were not addressed. As well, under SB440, a short term stay program (STP) was created for juveniles. The STP allowed juvenile judges to sentence a juvenile to youth detention (or “boot camp”) for up to 90 days. These boot camps were run by the Department of Juvenile Justice (DJJ). The law was later changed from a 90-day to a 60-day maximum sentence.

The Juvenile Law Study Commission

In 2005, The Juvenile Law Study Commission was created through Senate Resolution 161 because of the statewide push to reexamine the Code. SR161 charged the Commission to:

- study the conditions, needs, issues, and problems of Georgia’s juvenile justice and child welfare systems
- examine juvenile law and procedures in Georgia and other states and gather views of experts in the field of juvenile justice and child welfare
- look at recent court decisions impacting children and determine if and what revisions to the Code are needed
- review the services/sanctions the juvenile justice and child welfare systems need to best serve Georgia’s children, families, and communities

The Commission divided into subcommittees in order to better focus on the range of issues it was charged with researching. The three subcommittees were: Deprivation, Delinquency Pre-Trial, and Delinquency Post-Trial. The Commission agreed that changes that needed to be made to the Code included:

- rewording definitions of particular offenses
- determining different offenses’ sentencing guidelines
- waiving council provisions
- increasing system funding
- determining the length of time a child should be held in custody between adjudication and dispositional hearings
- juvenile rehabilitative options
- opening Georgia’s juvenile court system

The Commission held four meetings in 2005, which resulted in the crafting of Amy’s Law for the 2006 legislative session. Amy’s Law was passed as a piece of House Bill 1145. Although the law addresses the issue of a child 12 or younger who is accused of murder, it does not lower the age that a juvenile can be tried as an adult. Instead it gives discretion to the Juvenile Court Judge to commit a juvenile to DJJ until the juvenile’s 21st birthday.

At the same time that the Commission was meeting, the JLC began working on a rewrite of the entire Juvenile Code. After Amy’s Law passed, some legislators decided to have the JLC continue with the Commission’s work and present a recommendation of changes to the Code to the legislature.¹

¹ Appendix A gives more background about this process.

The Path of Juvenile Justice in Georgia Conference

On September 29, 2007, the Governor's Children and Youth Coordinating Council (CYCC) hosted a one-day, invitation-only conference called *Mapping the Future: The Path of Juvenile Justice in Georgia*. The overarching discussion at the conference was around the question: "How do we, as Georgians, provide our youth with opportunities to become productive citizens, while at the same time providing appropriate consequences for those who commit crimes?" In a letter from Governor Sonny Purdue, dated September 10, 2007, several principles were articulated:

- children usually are more successful when allowed to live with their families in the community
- non-criminal behavior is criminalized by society, especially with children and teens
- community treatment needs to be an option for juvenile court judges and the youth in their court
- when children or youth who enter the justice system are given the opportunity to "redeem themselves" in school and in the community, they prove to be more successful.

The invited attendees were state lawmakers, juvenile court judges, district attorneys, public defenders, professionals from DJJ, and child welfare workers.

JUSTGeorgia Stakeholder Meetings and Written Comments

In the fall of 2007 JUSTGeorgia asked the University of Georgia's Fanning Institute to conduct a series of town hall meetings in each of the 10 judicial districts in Georgia to gather input for the rewrite of the Juvenile Code. Comments were made under three broad topic areas:

- What is working well in the juvenile justice system?
- What is not working well in the juvenile justice system?
- What specific recommendations do you have to change the system?

The following thematic areas are by no means summative of that extensive work but represent some of the overarching areas of agreement, across the judicial districts, of areas/items needing attention and/or improvement:

1. **Resources:** Need for increased options, alternatives, community-based services; focus on prevention vs. incarceration; improved treatment options (for example, sex offender treatment programs); mental health resources are particularly lacking; children should be the priority of the system (currently are not); lack of funds and resources; need for more/better foster care options.
2. **Training and Communication:** Need for improved knowledge, training, and communication – of the Code, of terminology, and of rights for offenders; parental training – need for increased/improved family involvement and accountability; volunteer opportunities – increased recruitment and retention, particularly for CASAs and citizen review panels, foster care parents; lack of GALs; need for improved multi-agency collaboration.
3. **Linkage with Schools/Educational System:** Need for educational advocates; prison pipeline issues; the line between children and adults has become blurred; the Code is being used more and more punitively; SB440 needs to be revisited.

Additionally, email commentary on the PMC was solicited by and submitted to JUSTGeorgia from individuals around the state. This commentary included:

- suggested changes to the PMC ranging from revised language to changes to statutes;
- individuals seeking further clarification on parts of the PMC; and
- general feedback either supporting or opposing the proposed Code (no commenter was overtly in opposition to the PMC).

Over 50 printed pages of email commentary was provided from individuals with direct experience with the juvenile court system, either as attorneys, judges, advocates, or parents. The general assessment was that changes to the Juvenile Code, and to the systems that support enactment of that Code, are long overdue; however, at least one commenter noted that without changes to the systems that support the Code, any changes to the Code will prove ineffective.

Review of Proposed Model Code and White Papers

Georgia's Juvenile Code was first enacted in 1971. The revision proposed by the JLC was based on research that indicated that the current Code is structurally disorganized, lacks clarity and specificity, is difficult to apply and results in inconsistent rulings, fails to provide adequate constitutional protections for youth, and conflicts with federal law.² Based on that rationale, three themes guided the revision process implemented by the JLC: developing a new organizational structure, maintaining stylistic consistency throughout, and incorporating revisions that reflect best practices and ensure compliance with federal law.

The PMC contains 12 articles. Noteworthy revisions include:

1. Gives juvenile court jurisdiction over all children under age 18;
2. Gives all children the right to qualified and independent counsel;
3. Allows juveniles to be transferred to superior court only after a transfer hearing in juvenile court;
4. Provides that only youth who are 14 years or older are eligible for transfer to superior court or adjudication under the designated felony statute;
5. Bans the secure confinement of children in adult correctional facilities;
6. Adds three new articles which govern (1) independent living services, (2) children in need of services (CHINS), and (3) competency in delinquency proceedings;
7. Ensures compliance with the requirements of the Adoption and Safe Families Act in delinquency and CHINS cases;
8. Requires the electronic recording of custodial interrogations in certain cases;
9. Provides for the reinstatement of parental rights; and
10. Establishes a comprehensive procedure for the creation of subsidized permanent guardianships.³

² <https://www.justgeorgia.org/Justification.html>

³ https://www.justgeorgia.org/uploads/Barton_Code_Summary.pdf

Several white papers and research reports, which provided additional data and commentary and helped to inform the JLC revision process, also can be found linked to the JUSTGeorgia website.⁴ White papers developed by members of the Barton Child Law & Policy Clinic at Emory University examine particulars of the PMC related to a child's right to counsel, electronic recording of interrogations, emotional abuse, and reinstatement of parental rights. Several of the papers and reports specifically address juvenile transfer laws; pertinent information is summarized below:⁵

- The juvenile court system in this country was originally created for the purpose of doing less harm to the child than the criminal court process, or administering programs that would positively impact the child and protect the community.
- Research shows children lack fully-developed cognitive abilities to understand and apply legal and moral rules; lack impulse control; and, have an underdeveloped ability to resist peer pressure. These developmental differences between children and adults have been reflected in several Supreme Court rulings.
- Legal reforms beginning in the 1980s lowered the minimum age of transfer of juveniles to adult criminal court, increased the number of transfer-eligible offenses, expanded prosecutorial discretion and reduced judicial discretion in transfer decisions. Between 1990 and 1996, 40 states passed laws making it easier to prosecute juveniles as adults.
- Transferred juveniles typically receive longer sentences than those sentenced in juvenile court for similar crimes. But many serve no more than the maximum they would have served in a juvenile facility. Recent data reports that 78% were released before their 21st birthday, and 95% before their 25th birthday. Average time served was 2 years, 8 months.
- 6 large studies have found higher recidivism rates for juveniles convicted for violent offenses in criminal court compared with similar offenders in juvenile court. There are conflicting findings as to whether transfer laws deter would-be offenders, but the bulk of the evidence suggests they have little or no effect.
- 1980s in Georgia: rise of “designated felony” laws, through which juvenile court judges were given authority to sentence children to mandatory juvenile incarceration of 12 to 18 months.
- 1994-2005: 4500 children charged as adults under SB440. 72% were African-American.
- The PMC requires that all juvenile offenders must first have a hearing in juvenile court prior to transfer to superior court (PMC § 15-11-738). Thus it is left to the juvenile courts to decide if a juvenile should be tried as an adult. This matches recommendations made by the National Council of Juvenile and Family Court Judges in 2005.

⁴ <https://www.justgeorgia.org/Publications.html>

⁵ Bower, D., & Hagues, R. *Youth development and the juvenile justice system*; Rawlings, T. C. *Prosecution in superior or juvenile court: The proposed model code's approach*; Redding, R.E. (2008, August). Juvenile transfer laws: An effective deterrent to delinquency? *Juvenile Justice Bulletin*. Office of Juvenile Justice and Delinquency Prevention.

Other Research

Little recent academic research exists that examines issues relevant to the proposed revisions to the Juvenile Code; however, a study specific to the juvenile offender population in Georgia was reviewed regarding transfer laws.⁶ This exploratory study of 37 juvenile offenders who had committed armed robbery or armed robbery and felony murder in DeKalb County, sought to determine: 1. their knowledge and understanding of Georgia's transfer law and criminal sanction for juvenile offenders; 2. perceptions of the law's fairness and whether knowledge of such laws would deter them or other juveniles from committing crimes; 3. how they acquire information about law and punishment; 4. their experiences in adult jails and prisons; and 5. their perceptions of the consequences of criminal behavior. The study resulted in four key findings:

1. juveniles were unaware of the transfer law
2. juveniles felt that awareness of the law and penalties may have prevented them from committing the crime, or may prevent other juveniles from committing serious crimes
3. juveniles felt it was unfair to try and sentence them as adults
4. the consequences were worse than most juveniles had imagined, and the harsh consequences of their incarceration in adult facilities may have had a brutalizing effect on some children (brutal experiences in adult prison may teach the wrong lessons about the acceptability of criminal behavior)

⁶ Redding, R. E., & Fuller, E. J. (2004, Summer). What do juvenile offenders know about being tried as adults? Implications for deterrence. *Juvenile and Family Court Journal*, 35-44.

Illinois

A June 2008 report on the *Models for Change* effort in Illinois, as well as an August 2008 press release from the Governor's office, details the following:

- The State of Illinois has recently changed their automatic transfer laws and has enacted legislation that ensures legal counsel to juveniles who are arrested.
- Illinois Senate Bill 2118 now allows arrested youth to receive legal advice from a lawyer early in the court process. Before this bill passed many youth usually met their lawyer during the first court hearing.
- In August of 2005 Illinois enacted PA 94-0574 which changed the requirement for youth to be automatically transferred to adult court in drug offense cases.
- This change in the law had a significant effect on the number of cases in Cook County which were sent to adult court and those that remained in juvenile court. During the first year (2005-2006) there was a reduction of close to two-thirds in the number of youth automatically transferred to adult court, and the following year (2006-2007) the same downward trend continued. Furthermore there was not an increase in the petitions or requests that juveniles are sent to the adult court system.
- Overall it was noted that youth who are tried as adults tend to reoffend and commit more violent crimes than those that are tried in juvenile court for similar offenses and with similar records.⁷

⁷ <http://www.jjustice.org/pdf/TransferReport.pdf> (Report on Automatic Transfer Law); <http://www.jjustice.org/pdf/SB2118%20Final%20Press%20Release%20Aug%2018%2008.pdf> (Senate Bill 2118 Press Release)

Other States: Legislative Challenges and Outcomes

Several other states have undertaken revisions to portions of their juvenile codes in recent years. A summary of major issues addressed across the states and a summary of individual states' efforts is included below.

Major Issues/Themes across the States

Transfer to Adult Court:

Transfer of juveniles to adult court has been a *major focus* of legislative attention throughout the country. Most states now prosecute some juveniles as adults, and nearly half of the states have specifically excluded some offenses, and youth with particular criminal histories, from juvenile court jurisdiction. States differ in their decision regarding where the juvenile prosecuted as an adult is confined. Some states confine these individuals in the adult system. Other states start the person in juvenile corrections, and then switch them to adult corrections when they are older.

Runaways:

Children who run away from home and those who commit acts that would not be criminal offenses if they were conducted by adults – “status offenders” – pose difficult policy choices. Since the federal legislation in 1974, the incentive of \$40 million annually has been used to reward states that comply with the mandate that status offenders be removed from confinement settings. Most, if not all, states comply. This “deinstitutionalization” of status offenders, however, has not been a panacea. The federal Office of Juvenile Justice and Delinquency Prevention has concluded that deinstitutionalization has “too often meant, not transferring youth from reform schools to caring environments, but releasing them to the exploitation of the streets.”

Confidentiality of Juvenile Proceedings/Records:

The increasing seriousness of juvenile crime has caused policymakers to rethink confidentiality laws for juveniles. The traditional emphasis has been on protecting juveniles; thus, court records are sealed and courtrooms closed to the public. Reducing this confidentiality has been a common theme in juvenile system reform efforts.

Role of Prosecutors:

Many states are shifting discretion toward the prosecutor, typically removing the power from juvenile court judges. Washington implemented this reform with its 1977 law, placing additional responsibilities in the prosecutor's office. Where Washington differs from other states that have shifted discretion to the prosecutor is its legislatively adopted guidelines covering sanctions for all adjudicated juveniles. Thus, the prosecutor plays a major role but does not have free reign.

Parents of Delinquents:

States are also concentrating attention on the parents of delinquents, trying to force them to act more responsively. Although several states have passed laws allowing the courts to impose sanctions on parents who contribute to a child's delinquency, this remedy is rarely enforced. Several legislators are considering statutes that withdraw state benefits from parents whose children are delinquents, including connecting welfare benefits to children's school attendance.

- a. California just enacted a law authorizing the welfare department to seek reimbursement for benefits paid to families with children who are incarcerated for over 30 days.
- b. In Georgia the city of Atlanta's housing authority has incorporated a clause into their public housing leases that requires school attendance and that their children not be involved in juvenile delinquency offenses.

Juvenile Facilities:

Another topic that has received considerable attention concerns the type of facility for juvenile offenders.

- a. When Massachusetts radically altered its juvenile justice system in the 1970s, national attention was focused on the state's efforts to move all the juveniles from training schools to small, community-based facilities. Similar initiatives have occurred in Maryland, Utah, Pennsylvania, and Florida.
- b. One particular type of facility, the juvenile boot camp, has been established in several states; however, the Office of Juvenile Justice and Delinquency Prevention has indicated that boot camps are ineffective in combating recidivism rates.⁸

⁸ *Juvenile Boot Camps: Lessons Learned*. Retrieved from <http://www.ncjrs.gov/txtfiles/fs-9636.txt>

Individual States⁹

Alabama

1. How task of rewriting ensued: In 2003, a group of judges began the process of rewriting the Code. A revised Code was drafted and distributed to key stakeholders (e.g. juvenile and family court judges, child-serving agencies, juvenile probation officers) for feedback. In 2006, the revised Code was introduced in the legislative session and several stakeholders raised concerns so a new committee was formed to work on revisions. After a number of changes were agreed upon, a revised bill was introduced to regular legislative session in 2007, but it did not reach a vote in either house. In 2007, a strong effort was made to review and revise the bill again to address concerns of the different interests groups. Finally in May of 2008, the governor of Alabama signed the revised Code into law, which is referred to as the Alabama Juvenile Justice Act of 2008.
2. Amount of time spent on revision: Approximately five years
3. Level of revision: Nearly 200 changes to current Code
4. Result(s): Revisions adopted in 2008
5. Points to keep in mind: AL's Code was not intended to be a model and was rewritten to reorganize a convoluted code and make substantive change.
 - a. Prohibits secure custody for status offenders and very young children.
 - b. For status offenders who violate a valid court order, caps detention at 72 hours within any 6-month period.
 - c. Empowers courts to divert inappropriate cases from formal processing through 'best interest' screening.
 - d. Establishes detailed practice standard for juvenile defense attorneys.
 - e. Clarifies that unwillingness to assume custody is not a lawful basis for detention.
 - f. Bars schools from filing ungovernable petitions.
6. In specific regards to CHINS:
 - a. §12-15-208 bars secure custody for CHINS, with one limited exception: effective October 2009, CHINS who violate a valid court order may only be detained for up to 72 hours in any 6-month period.
 - b. A provision confirms the juvenile court's existing authority to appoint a guardian ad litem (in addition to a child's attorney) to advocate for a child with a pending CHINS or delinquency matter.
 - c. Language ensures CHINS are not inappropriately placed in the custody of DHR by requiring a review by the county children's services facilitation team prior to any transfer of custody to DHR. Nothing in the provision would prohibit the county team from recommending, after a review, that a particular child be placed in DHR custody.
 - d. Language creates a mandatory referral requirement for CHINS or other status offenders who are at imminent risk of being placed in the legal or physical custody of DHR.

⁹ *Alabama Justice Act of 2008 Annotated Guide*. Retrieved from <http://www.alacourt.gov/pdfppt/AJA2008rev1108.pdf>; *Juvenile Code Revisions in Other States*. Retrieved from http://www.justgeorgia.org/uploads/JUSTGA_Other_States.pdf; *The Thirty-Fifth Biennial Report of the Louisiana State Law Institute to the Legislature of Louisiana*. Retrieved from http://www.lslri.org/biennial_report.pdf

Louisiana

1. How task of rewriting ensued: In 1986, The Children's Code Project was developed with the intention to rewrite the Juvenile Code. The Louisiana Children's Code was passed in 1991. The law further provided that the Louisiana State Law Institute direct and supervise continuous revision, clarification, cooperation of the Children's Code. A Children's Code Committee was formed and in 1992, the first set of Louisiana State Law Institute recommendations for change by revision committee was enacted. During 2006, the Louisiana Legislature enacted six acts recommended by the Children's Code Committee and the Law Institute.
2. Highlights/focus of revisions:
 - a. Four Goals:
 - i. Gather all of the laws affecting the exercise of juvenile court jurisdiction
 - ii. Clarify ambiguous terms and reconcile conflicting laws
 - iii. Make sure statutory law accurately reflects settled jurisprudence, especially constitutional commands
 - iv. Write an internally consistent, harmonious set of substantive principles and procedures
3. Amount of time spent on revision: One year
4. Level of revision: Approximately 77 changes were made.
5. Result(s): Revisions adopted in 1992
6. Points to keep in mind: LA's Code was not intended to be a model and cannot be considered a model because the rewrite was primarily reorganization.

Nebraska

1. How task of rewriting ensued: In 1999 the Nebraska Court Improvement Project met with state stakeholders and discussed developing a model Nebraska Juvenile Code. Mark Ells was hired to draft the Code, assisted by a multidisciplinary team.
2. Amount of time spent on revision: Two years of research and writing
3. Highlights/focus of revisions:
 - a. Additional due process procedure for children and families
 - b. Blended sentencing
 - c. Transfer to Adult Court
4. Level of revision: Contained 213 sections
 - a. Clarified and standardized the Nebraska Juvenile Code
 - b. Proposed substantive changes
5. Result(s): Never became law
6. Points to keep in mind:
 - a. State politicians were overwhelmed by the amount of "firestorm" legislation that would be required to conform to the revisions and the model could not find a sponsor.
 - b. Nebraska remains the only state (until Georgia) to ever draft a Model Code

New Mexico

1. How task of rewriting ensued: In 1992 the NM legislature requested the New Mexico Council on Crime and Delinquency (NMCCD) report findings and recommendations regarding revisions to the juvenile code to a legislative interim committee. A committee selected by the NMCCD analyzed about 3,000 surveys that were sent out statewide to

individuals, groups, and agencies that were familiar with the old Code. Five subcommittees were then formed to focus on specific topics. Most of the recommendations provided by the subcommittees were accepted and incorporated into legislative proposals that were later endorsed by an interim legislative committee.

In 2004, the Children Youth and Families Department joined with the NMCCD to assist a task force in proposing eleven revisions to the Children's Code. Five bills were presented to and passed by the legislature in the 2005.

2. Highlights/focus of revisions:
 - a. Delinquency
 - b. Adoption
3. Amount of time spent on revision: Approximately one year (from the NM legislative request to the adoption of the proposed revisions)
4. Result(s): Revisions adopted July 1993, July 2005
5. Points to keep in mind:
 - a. NM's Code was not intended to be a model and is not easily transferable to other states because several statutes within the Code take into account NM's high Native American and native Alaskan populations.
 - b. NM's Code revision continues to be an ongoing process as NM works to comply with political and societal changes.

North Carolina

1. How task of rewriting ensued: In 1997 Governor Hunt formed a commission on juvenile crime and justice.
2. Highlights/focus of revisions:
 - a. Delinquency
 - b. Abuse and Neglect (small changes made to this section)
 - c. Theme: Protection of the public
3. Amount of time spent on revision: Approximately one year
4. Level of revisions: The commission eventually proposed 61 recommendations for change to the Code
5. Result(s): Revisions adopted in 1998 (Senate Bill 1260)
6. Points to keep in mind:
 - a. Code was not intended as a model, but rather to make specific changes to the state's juvenile justice system.
 - b. The rewrite focused on the protection of the public rather than the least restrictive alternative for justice services.

Juvenile Justice Ages for Delinquency¹⁰

State	Upper Age	Lower Age
Alabama	17	
Alaska	17	
Arizona	17	8
Arkansas	17	10
California	17	
Colorado	17	10
Connecticut	17	
Delaware	17	
District of Columbia	17	
Florida	17	
Georgia	16	
Hawaii	17	
Idaho	17	
Illinois	16	
Indiana	17	
Iowa	17	
Kansas	17	10
Kentucky	17	
Louisiana	17	10
Maine	17	
Maryland	17	7
Massachusetts	16	7
Michigan	16	
Minnesota	17	10
Mississippi	17	10
Missouri	16	
Montana	17	
Nebraska	17	
Nevada	17	
New Hampshire	16	
New Jersey	17	
New Mexico	17	
New York	15	7
North Carolina	17	6
North Dakota	17	
Ohio	17	

¹⁰ Retrieved from <http://www.ncjj.org/stateprofiles/asp/using.asp>;
http://www.njdc.info/state_data_minimum_age.php; <http://www.ncsl.org/programs/cj/07jjsummary.htm>

Oklahoma	17	
Oregon	17	
Pennsylvania	17	
Rhode Island	17	
South Carolina	16	
South Dakota	17	10
Tennessee	17	
Texas	16	10
Utah	17	
Vermont	17	10
Virginia	17	
Washington	17	
West Virginia	17	
Wisconsin	16	
Wyoming	17	

Input from Leadership of Stakeholder Organizations

The CVIOG research team contacted the leadership of stakeholder organizations between August and November 2008 to offer them an opportunity to provide input into the proposed revisions to the Juvenile Code. Groups who agreed to provide responses:

Council of Juvenile Court Judges of Georgia:

The Council of Juvenile Court Judges is composed of all judges of the courts exercising jurisdiction over juveniles. Council membership for fiscal year 2008 includes 154 members: 52 full-time Juvenile Courts Judges, 43 part-time Juvenile Court Judges; 9 full-time Associate Juvenile Court Judges and 18 part-time Associate Juvenile Court Judges; 6 Superior Court Judges exercising Juvenile Court Jurisdiction; 19 Pro Tempore Judges, and 7 Senior Judges. The research team attended their leadership retreat at Lake Blackshear August 29, 2008; the Council subsequently submitted written comments.

Georgia Association of Criminal Defense Lawyers (GADCL):

GADCL exists to provide an appropriate state organization representing those lawyers who are actively engaged in the defense of criminal cases; to resist proposed legislation or rules which would curtail such rights and to promote sound alternatives; to promote educational activities to improve the skills and knowledge of lawyers engaged in the defense of criminal cases; to improve the judicial system and to urge the selection and appointment to the bench of well-qualified and experienced lawyers; to improve the correctional system and to seek more effective rehabilitation opportunities for those convicted of crimes; and, to promote constant improvement in the administration of criminal justice. GADCL submitted written comments.

Association County Commissioners of Georgia (ACCG):

The mission of ACCG is to enhance the role, stature, and responsiveness of county government in Georgia. Georgia's county governments constitute the direct membership of ACCG. This encompasses 159 counties represented by more than 810 county commissioners. The association's constituency also includes 400 appointed county clerks, managers, administrators, and attorneys and more than 30,000 full-time and part-time employees. Non-governmental entities, including private businesses and corporations, may also participate in many of ACCG's activities as Associate Members. The research team met with Ashley Meggitt, Government Relations Associate, and Kem Kimbrough, Assistant General Counsel for official comments and also attended the 2008 Fall Policy Conference in Atlanta to gain input from the membership.

Georgia Association of Counsel for Children (GACC):

GACC is a non-profit, professional membership association dedicated to improving advocacy for children and their families in Georgia Juvenile Courts. GACC provides training, education, and support to attorneys who represent children or their parents and to advocates who serve as guardians ad litem in deprivation and delinquency proceedings. The research team hosted a conference call which was open to all members.

Fulton/Dekalb Child Advocate Attorneys:

The responsibilities of the child advocate attorney offices are to provide legal representation to children in deprivation cases. The research team met with the child advocate attorney office directors Omatayo Alli of Fulton and Trenny Stovall of Dekalb counties.

Georgia Association of Black Women Attorneys (GABWA):

GABWA is a bar association formed in 1981 to serve the needs and interests of black women attorneys. GABWA includes judges, law students, professors, deans, government and public interest lawyers, television stars, state bar attorneys, in-house attorneys from small, mid-sized and Fortune 500 corporations, solo/small firm lawyers, and large firm lawyers. The research team met with several members of GABWA at the Fulton County Juvenile Court.

Parent Attorneys:

Two conference calls were set up to solicit input from parent attorneys who represent parents in juvenile court in deprivation proceedings and termination of parental rights. The parent attorneys invited to participate in the call were either recommended by several juvenile court judges across the state or were members of the Parent Attorney Advisory Committee (PAAC). The PAAC members were invited through their listserv and through an announcement made at their monthly meeting. The PAAC listserv is administered by the Georgia Public Defender Standards Council. A total of two parent attorneys participated in these calls.

Port City Bar Association:

Port City Bar Association is a non-profit organization formed by a group of minority attorneys in the 1980s. The organization is located in Savannah, Georgia and currently consists of over 20 practicing/non-practicing attorneys. The purpose of the association is to provide an opportunity for minority attorneys to exchange experiences, knowledge, and information, orient new attorneys, honor the law profession, and aid in the prosperity and growth of the community. They make a special effort to reach out to youth. A CVIOG faculty member located in Savannah held a focus group with several members of the organization.

Georgia Sheriffs Association:

The Georgia Sheriffs' Association is a non-profit organization comprised of the 159 county elected Georgia sheriffs and nearly 70,000 honorary members. The purpose of the association is to promote and improve law enforcement in Georgia, to provide training and education for sheriffs, deputy sheriffs and other sheriff staff, and to maintain an active voice in the Georgia General Assembly on matters relating to public safety, law enforcement and Georgia's criminal and juvenile justice systems. The research team contacted J. Terry Norris, Executive Vice President and Chief Operating Officer, to gather comments from the Association. He asked Oliver Hunter, Deputy General Council of the Georgia Sheriffs Association to review the proposed code. Mr. Hunter then submitted written comments on the behalf of the association.

EmpowerMENT:

EmpowerMENT is a group of foster youth who believe their voice and input can inform the discussion about what is needed in Georgia. They have convened and engaged more than 300 current and former foster youth in Georgia to develop the list of EmpowerMENT priorities. Their hope is that child welfare administrators and workers, foster parents, group home workers, child

advocates and attorneys, the business and faith community, other youth in and formerly in foster care, and other community members will hear their voices and join in advocating for positive changes in the foster care system in Georgia. EmpowerMENT provided comments through a focus group held in the MAAC offices in Atlanta, GA. Two members of EmpowerMENT participated in this meeting.

Georgia Office of the Child Advocate:

The vision for this agency is that it be the first place for those in government and the private sector to turn for advice, assistance, and aid regarding the at-risk families and foster children of Georgia. The Georgia Office of the Child Advocate submitted written comments.

The information gleaned from the discussions represents the aggregate organizational views. However, individuals within these organizations may have differing opinions based on their locale, their fiscal circumstances, or their own personal philosophies regarding children and families. A summary of the organizational perspectives is included in a chart in Appendix B.

Other stakeholder groups that were contacted but did not give detailed input:

Gate City Bar: Concerned about raising the definition of a child from age 17 to age 18 and the changes being made to Superior Court having discretion of how a juvenile should be tried.

School Social Workers Association of Georgia:

Keith Wilkey, President of the School Social Workers Association was contacted for their input. He asked Maureen Bixler, their legislative representative to review the proposed and current Code, and submit comments on behalf of the association. Ms. Bixler sent several comments via email:

- Permanency Planning Hearings: Concern that with proposed revisions (kids 7 and younger should have a permanency plan no later than 9 months; older than 7 no later than 12 months) kids will fall through the cracks, and that, because older children are harder to get adopted, it will delay the plans further.
- For Disposition hearings, the association's representative suggests that the evidence part of this should outline reviewing provisions if there are any aggravated circumstances.
- The association's representative also thinks that parental neglect needs to be more clearly defined in the Code.

Others stakeholder groups that were contacted but have not provided official comments:

Association of Foster Parents of Georgia
Association of School Resource Officers
Department of Human Resources
Department of Juvenile Justice
Georgia Public Defender Standards Council
Prosecuting Attorney's Council
State School Superintendents Association

Stakeholder Consensus Building

On January 6, 2009, the Office of the Child Advocate, the JUSTGeorgia Coalition, and the University of Georgia's Carl Vinson Institute of Government convened a meeting of stakeholders from around Georgia to discuss portions of Senate Bill 440, specifically automatic transfers, designated felonies, and competency in delinquency proceedings. The meeting was held at Kilpatrick Stockton, LLC from 9am-3pm in Atlanta. Karen Baynes, Associate Director from the Vinson Institute facilitated the meeting, along with Raye Rawls, an expert in mediation and a faculty member at the Fanning Institute at the University of Georgia. The following persons were present and participated in the discussion:

- Kermit McManus, District Attorney Conasauga District, Murray and Whitfield Counties. Chair of Juvenile Court Committee for District Attorney Council
- Tommy Floyd, District Attorney for the Flint District
- Thomas L. Williams, Floyd County, Flint District, Assistant District Attorney, Juvenile Division
- Linda Pace, Georgia Public Defenders Council, DeKalb, practicing criminal defense attorney (often with juvenile defendants)
- Mindy Binderman, Voices for Georgia's Children (JUSTGeorgia)
- Beth Reimels, Barton Child Law and Policy Clinic (JUSTGeorgia)
- Amy Howell, Assistant Commissioner of Administrative Services, Department of Juvenile Justice
- Tom Rawlings, Georgia Office of the Child Advocate
- Steve Teske, Juvenile Judge, Clayton County and President of the Council of Juvenile Court Judges of Georgia
- Tom Campbell, Fulton County Superior Court Judge (only able to participate in the afternoon)

Observers:

- Chuck Cantey, volunteer with Georgia Appleseed, retired Juvenile Court Probation Officer from Fulton County Juvenile Court
- Sharon Hill, Executive Director of Georgia Appleseed
- Windy Clifton, political consultant to the Barton Child Law and Policy Clinic
- Karen Worthington, director of the Barton Child Law and Policy Clinic
- Pat Willis, Executive Director of Voices for Georgia's Children
- Soledad McGrath, Reporter for the Proposed Model Code (listening by phone)
- Rachel Hagues, Carl Vinson Institute of Government. Taking notes and providing summary report to Senator Hamrick.

Highlights from the Discussion

Areas of Consensus

Automatic Transfers

- Under the current law, there is a general sense that the overwhelming majority of aggravated sexual battery, aggravated sodomy, and aggravated child molestation cases are being transferred back to the juvenile court.
- The current provision that allows up to 180 days to indict is too long. Timelines need to be established.
- The child should have the ability to file a motion for transfer within 30-60 days with or without indictment. If needed, the district attorney can request a continuance at that time for further investigation.
- Sentencing should be left to the discretion of the judge.
- The law also needs to provide that these cases can be transferred back to juvenile court in spite of the current potential life sentence restrictions under the current law (by district attorney prior to indictment or by the court anytime).
- The Office of the District Attorney should have a uniformed presence and clearly defined role in all juvenile courts across Georgia. This is a long term goal.
- More data needs to be collected and analyzed regarding juveniles charged under this act.

Designated Felony Act

- The court's ability to review sentences needs to be clarified in the law.
- The difference between adjudications and offenses needs to be clarified in the law.

Age of Competency

- Courts need training to know what resources regarding competency evaluators are available.
- There is a lack of access to competency evaluators, particularly in rural Georgia.
- Consider conducting inquiry rather than automatic competency evaluation and using competency evaluation only if needed.

Areas of Concern

Automatic Transfers

- The public defender, Office of the Child Advocate, and JUSTGeorgia are concerned that aggravated child molestation, sodomy, aggravated sexual battery cases are automatic transfer cases and should not be.
- The Office of the Child Advocate and district attorneys agreed that more discussion is needed around mandatory sentencing minimums, possibly changing the law to only focus on violent offenders.
- Concern was raised about where these cases should start. The district attorneys think they should continue to start in superior court, while JUSTGeorgia thinks they should start in juvenile court because judges receive specialized training for this. Judge Teske, representing the Council of Juvenile Court Judges of Georgia, expressed a willingness to work to improve what is already in existence.

Designated Felony Act

- The Department of Juvenile Justice (DJJ) expressed the need to receive notification if sentences are being reviewed by the court.
- Everyone would like to see more flexibility given to the judges in sentencing, but DJJ cannot provide more sentencing options without additional resources.
- The Office of the Child Advocate raised the option of creating juvenile parole. There was much discussion around this option, but no consensus reached.
- DJJ raised the need for clarity in the law on who the child's legal guardian is if the child is ordered treatment, as well as the need for the Division of Mental Health to be a part of this conversation.

Age of Competency

- JUSTGeorgia raised the issue of the need for the law to address those kids that are mentally ill and may not be able to be restored to competence. District attorneys agreed that this is unfair to the child and the community.
- District attorneys raised concern about the need for clarification in the law about how to transfer a child in need of mental health services to DHR.

Further Discussion:

Custodial Interrogations (as proposed in model code):

Because of time constraints, this issue was not able to be fully discussed. However, the group members agreed to consider this issue in depth on their own time. Everyone expressed interest in continuing this conversation. In the limited time, these were the issues raised:

- District attorneys do not agree with what is being proposed in the model code.
- According to the public defender, one of the problems the proposed code attempts to correct is the level of disparity between the police officer interrogating and the child being interrogated.

Summary

Reviewing the previous information and documents, including: JUSTGeorgia Stakeholder Meetings and Written Comments, 2004 Senate Study Committee on Youth and Crime, Proposed Model Code and White Papers, Other Research, Other States: Legislative Challenges and Outcomes, and Input from Leadership of Stakeholder Organizations, CVIOG's Governmental Services and Research Division submits the following Issues of Agreement, Issues of Compromise, and Outstanding Issues related to Georgia's Juvenile Code and Juvenile Justice System for consideration by the Legislature.

Issues of Agreement

1. **Age of a Child** – the majority of stakeholders agree that the age of a child should be raised to 18; however, there is concern related to the fiscal impact as local communities are responsible for funding the juvenile courts.
2. **Recording of Interrogations** – there is general agreement that all interrogations should be recorded in order to protect the rights of the child; however the scope of that recording needs to be better defined and there is concern related to the fiscal impact to communities lacking resources.
3. **Election/Appointment of Judges** – there is agreement that juvenile court judges should continue to be appointed, although there are suggestions that the appointment should include a trained and balanced commission or panel.
4. **Reinstatement of Parental Rights** – the majority of those that had an opinion agreed that if parents are able to be rehabilitated and the child has not been adopted, parental rights should be reinstated.
5. **Timelines** – timelines for indictment under automatic transfer cases as well as the child's ability to file a motion for transfer need to be established.
6. **Data** – there is a need for data on juveniles charged under SB440 to be collected and analyzed.

Issues of Compromise

1. **Transfer to Superior Court** – there is general agreement that SB440 should be revisited. Some would like to see SB440 repealed entirely, and to expand the jurisdiction of the juvenile court. Some feel that the age for transfer eligibility should be raised, and the cases eligible for transfer should be redefined. Although it remains a very contentious issue, many agree that cases involving juveniles should originate in the juvenile court, which matches recommendations made by the National Council of Juvenile and Family

Court Judges in 2005. Some research has shown increased recidivism rates for juveniles convicted in criminal court versus those convicted in juvenile court.

2. **Mandatory Sentences** – some would like to see SB440 repealed completely. In the stakeholder consensus building meeting, there was general agreement that sentences for juveniles should be left to the discretion of the judge.
3. **Confinement in Adult Facilities** – though there is some agreement that children should not be placed in adult facilities, there is some question in terms of definition (of “adult facility”), what “separate” means, and issues of resources – adult facilities may be the only available option unless additional juvenile facilities are funded. Other states are split on where juveniles are confined. Several states have implemented community-based facilities for juveniles as well as boot camps.
4. **Subsidized Guardianships** – there is general agreement that if children are going to be sent somewhere, there should be custody orders and eligibility for subsidy, but there is a question of how this subsidy will be funded, and which court has authority over guardianships. Some suggest that subsidies could be determined on a sliding scale based on the guardian’s income.

Outstanding Issues

1. **Right to Counsel** – there is general agreement that children in delinquency cases should be afforded the opportunity to be represented by legal counsel. There is less agreement as to whether children in deprivation cases should be afforded an attorney at all stages of the legal proceedings. There is not agreement as to whether or not children should not be allowed to waive counsel and there is outstanding concern related to the fiscal impact to communities lacking resources.
2. **Resources** – there is considerable concern regarding resources, including how any of the proposed changes to the Code will be funded, as well as the need for additional resources in terms of services available to support the Code, such as increased facilities for juveniles placed in detention, increased mental health resources and services, increased options and community-based alternatives, foster care options, and treatment options.
3. **Communication and Training** – any changes to the Code will need to be communicated to all interested parties, including the courts, parents, and juveniles. There is an interest in providing additional resources for parental training, as well as recruitment and specialized training for CASA volunteers, GALs, and foster care parents.
4. **Linkage with Educational System/Other Systems** – increasingly, the juvenile justice system expands to touch many other services and systems of the state, including the mental health system and the educational system. There is interest and concern in improving linkages and collaboration between and among these entities.

5. **Purpose of Code** – in order to effectively implement the Code, as it stands currently or with any or all of the proposed changes, it behooves the state of Georgia to come to an agreement as to the purpose of our juvenile justice system, whether it is a punitive or a rehabilitative system in its goals and activities.

Appendix A

History of the Juvenile Code Re-Write

In 2004, the State Bar of Georgia Young Lawyers Division Juvenile Law Committee (JLC) was approached by the Honorable Robin Nash, then President of the Council of Juvenile Court Judges, to develop a revised Juvenile Code for the state of Georgia. Beginning in September 2004, with grant money provided by the Georgia Bar Foundation, the JLC began its work, which resulted in the development of the JUSTGeorgia Coalition – jointly established by Georgia Appleseed, Emory University Law School’s Barton Child Law & Policy Clinic, and Georgia Voices for Children – and the creation of a Proposed Model Juvenile Code, which became accessible online at the JUSTGeorgia website on March 13, 2008: https://www.justgeorgia.org/Model_Code.html. Information can be found at that site regarding the JLC’s process of research and development that led to the Proposed Model Code (PMC).

Appendix B

	Council of Juvenile Court Judges	Georgia Association of Criminal Defense Lawyers	ACCG	Georgia Association of Counsel for Children	Fulton/DeKalb Child Advocate Attorneys	Georgia Association of Black Women Attorneys	Parent Attorneys	Port City Bar	GA Sheriffs	EmpowerMENT	Office of the Child Advocate
Right to Counsel in Delinquency Proceedings	Opposed – would result in a “catastrophe” and would totally turn upside down current system. Would more than double the cost of representation in every case.	All children charged in a formal delinquency matters should have a lawyer at all stages of the legal proceedings.	Worried about fiscal ramifications.	Trained legal representative should work for the child.	The child is a party and should have an attorney at every stage of the legal proceedings.	Child has right to council and should be zealously represented.	Children should have right to council at all stages though concerned about fiscal impact.	Needs clarification.		Probably aged 12-15 should have attorney, but 15/16-over should have a choice if they get one or not.	Support for an explicit right to counsel.
Elimination of Right to Waive Counsel	Opposed – would not be better practice and would overrule well-settled case law. Would lengthen the process and require additional resources.			Children should not be able to waive counsel; may be exceptions for delinquency, but require counsel for deprivation.	Child should not be able to waive counsel.	Child should not be able to waive counsel.		Child should not be able to waive counsel.			

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Age	A policy decision that needs to be made by the legislature. Would require additional resources.	Raise age to 18.	Concerned about fiscal impact.	Raise age to 18.	Raise age to 18.		Raise age to 18.	Need consolidation of definition of a child.	Increasing the age is a concern.	Should stay at 17 – because you are working at being an adult at seventeen. You have to think as adult anyway, consequences for your actions.	Uniform age for a “child” by defining the term to mean any individual under the age of 18 years for most applications.
Jurisdiction		Juvenile court should have exclusive, original jurisdiction over all offenses committed by children under the age of 18. No child under the age of twelve (12) should be charged with a delinquent offense.		Juvenile court should keep jurisdiction. However if transferred, should stick to juvenile court’s timeline.	Jurisdiction should be maintained in the juvenile court.			Expand jurisdiction of juvenile court. Children are developing later.			

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Children In Need of Services (CHINS)	Would result in the virtual elimination of the juvenile court's authority to provide secure detention for chronic runaways and children in other so-called unruly situations. Appears to be complicated and personnel-intensive process.	These children should be treated differently than delinquency cases because their needs are different and their actions are not necessarily criminal; should be an emphasis on prevention and intervention. System staffed with mental health and community service professionals. Services adequately funded.		Worried about resource/fiscal issues.							

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Recording during Interrogations	Would unduly burden the investigations of crimes involving juveniles without providing any real substantive protections for the child which do not already exist. Law enforcement's ability to investigate crimes would be significantly limited when juveniles are involved.	All custodial interrogations should be recorded in their entirety both visually and audibly.	Only concerned about fiscal impacts to rural areas.	Confessions should be recorded and thrown out if not. Video entire interrogations.			Should be recorded so interrogations will be fair. Parents need to know if their child is being interrogated.		Requiring the electronic recording is a concern, as is excluding confessions, admissions or incriminating information obtained during a screening.	Everything should be audio and video taped to protect the child's rights.	

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Transfer Hearings/ Designated Felonies/SB440	The desirability of this is a policy judgment for the legislature. Some evidence suggests that it would not change where cases finally are disposed.	The juvenile court should conduct transfer hearings, upon motion of the state for the following offenses if committed by a child over the age of fifteen (15): murder, manslaughter, armed robbery with a firearm. The superior court should retain the right to transfer the case back to juvenile court at any stage of the proceedings.				All cases involving juveniles should originate in the juvenile court. Repeal SB440 - should be eliminated and seen as cruel and unusual punishment.	Repeal SB440. Child should have a hearing in juvenile court before transferred; juvenile cases should start in the juvenile court. District Attorneys already have too much power.		Repealing SB440 and other automatic waiver of laws and to permit a discretionary waiver of juvenile court jurisdiction only if a full blown hearing is held is a concern.	Depends on child's age (12-13, or if they know better i.e. middle school) – should go straight to superior court. No excuses. Statutory rape: if they change the age law, there should be no such thing as a statutory rape for a 17 year old. And if they don't, that's the law and you should know better.	

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Correctional Facilities		Under no circumstances should a juvenile be in an adult facility at any time. Personnel at juvenile facilities should be adequately trained in child development and adequately compensated.	Concern that the proposed changes are meaning "adult-style" facilities. Worried this would significantly limit where juveniles are placed.				Juveniles should be put in juvenile facility if convenient but if not other option; need clearer definition in the law of "separate" facilities from adult.			Stop that from happening. Build more facilities. Kids are just sitting, they are often runaways, need more homes/facilities for them that are not necessarily jail. Age range: 12-15 don't think they can handle being in an adult facility; 16 and older go straight to adult dependant upon what they have done.	

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Competency	The state is not currently funding the mental health needs of children in the state at a meaningful level. It is best to remedy current inequities before we commit to additional requirements.	Thorough evaluation of the child by a licensed clinical psychologist with specialized training in child and adolescent development, written report issued, hearing conducted to determine competency. The juvenile court should enter a written order with specific findings. No child found incompetent should be held in a juvenile facility.					Not just legal competence, the court needs to look at their mental age before tried as adult.				
Judges Elected or Appointed or What?			County commissioners generally leery about this. Qualifications are not taken into account with elections. Fiscal impact.	Not in favor of electing. Suggest commission with knowledge and experience to choose.		Not elections. Should be balanced juvenile court nominating commission.	Not elected. Preference appointed. Perhaps by a trained panel.				

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Guardianships/ Subsidize Permanent Guardianships			Concerned about fiscal impacts for counties.	Need ongoing commitment to the child. These kids should not be farmed out to anybody, often it's not a relative. Need to be custody orders when the child is placed.		(Group did not reach consensus) 1- Guardianships should remain in juvenile court. 2- Guardianships should be handled in probate court unless tied to deprivation.	Juvenile court should be in position to say if a relative or sometimes a non-relative took child in due to deprivation, should be eligible for subsidy if below certain income.			If home wasn't safe, do more investigation in the home with family and the parents – if things aren't right, should go into foster care. Still a part of the family – they weren't helping before.	
Reinstatement of Parental Rights	Although there may be a few cases in which this would be an appropriate outcome, the provision would do away with the oft-pronounced need for finality in Juvenile Court proceedings.						Yes. If parents rehabilitate themselves they should have ability to reinstate their rights.	Yes. Should be able to get rights back. Maybe consider delaying initial hearing.		Yes, sometimes you have to have their kid taken away to get their perspective back; if they can prove it to the state or that they can be parents, should have right to get kids back; need to continue investigations when they get the child back for a certain time period.	Supports the reasoning behind the reinstatement of parental rights and provisions of P.M.C. § 15-11-423.

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Guardian Ad Litem				Clarification of: CASAs, Guardian ad litem	Code needs to clarify duties/role/definition of guardian ad litem and require GAL.						Confusion caused by the separate treatment of guardians ad litem (GAL) and CASA/definitions.
Open or Closed Juvenile Courts				Mixed opinion: closed; hybrid; open unless court sees reason to close; court's discretion.		Closed. Need accountability though, code should require regular reporting (including race data).					
Legitimizations						Should only take place if tied to deprivation. No agreement on DNA testing or not.					
Adoptions				Should be citizen review, rather than adoption status hearing. Permanency Plan hearing is good.		Adoptions tied to deprivation should take place in juvenile court.					

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OTHER CONCERNS	Organization and structure greatly simplified and clarified the code; however, the timeframes for completing certain actions are too short.			Putative fathers appear to be left out of proposed code.	One family, one judge. Not in either code, but should be.	Bonds (group did not reach consensus). 1- All juveniles should be given bonds. 2-All juveniles should be released, not bonds because disadvantages to the indigent population.				Kids don't know laws, need more education.	Permanency planning: The Child and Family Services Improvement Act of 2006 amended ASFA to require that youth be consulted regarding their permanency plan. Accordingly, state law was amended during the 2007 session of the Georgia General Assembly. Model Code should be revised to reflect the law as well.

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OTHER CONCERNS	Direct Calendering: Would be desirable but would require a total revamping of the court system				Formalized Discovery rules with a time limit.	Emancipation Proclamation. Discussed but no agreement.	Shouldn't be reciprocal discovery in juvenile court. State should have the burden of turning over discovery. DFCS should be required to turn over records.			If kids are getting in trouble at that age, there should be punishment for parents, because they are not doing their job.	Statutory Definitions of Child Abuse and Neglect: While the Juvenile Code defines the term "deprived child," deprivation is not defined as a function of child maltreatment. OCA supports the inclusion of specific definitions of child "abuse" and "neglect" and the subcategories of child maltreatment. Though the mandatory reporting provision of Title 19 is beyond the scope of the Juvenile Code rewrite, we encourage consistency in the way state law operationally defines these terms.

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OTHER CONCERNS	Independent Living Services – puts court in position of having to supervise what is more appropriately a social services program.				CASA needs to be appointed by the court.	Clarity of statute “disruption public schools.”					Legal standard for Emergency Removal should be consistent in terminology across agencies/courts. Georgia’s existing Juvenile Code does not give authority to DFCS to remove a child without the written consent of the parent or legal custodian or the approval of the court, except in short-term emergency care situations. State law, however, does permit law enforcement officials and physicians to detain a child in temporary protective custody under certain circumstances. Those circumstances include the existence of imminent or immediate danger.

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OTHER CONCERNS					Code needs to address when child is at odds with parents.	All children, even immigrants, should be able to receive services.					Removal from home: request the insertion of additional language expanding on what services and actions constitute reasonable efforts in the context of certain types of cases.
OTHER CONCERNS						Police officers should not be out of the presence of parents when speaking to minors.					Permanent custody to agency option, as a dispositional alternative following a finding of non-reunification and termination of parental rights Suggests using “another planned permanent living arrangement (APPLA).”
OTHER CONCERNS						Parents should be involved with all hearings concerning their child; are party to delinquency hearings.					Residual rights of the parents: Outline these and other residual parental rights established in law.