

## A TIMELINE OF EVENTS IN THE COURT PROCESS

### WHEN A CHILD IS TAKEN INTO CUSTODY

- Children are initially detained at Metro after screening if they are considered to be a danger to themselves or others.
- A hearing is held within 48 hours (excluding weekends) at court to determine if the case moves forward to the next step.
- The hearing is known as a detention hearing.
- A child can be released at this hearing or held until the next one.
- If the child is held until the next hearing, a petition issues within 72 hours and a hearing is held in ten (10) days.
- If the child is released at the detention hearing, a petition must be filed within thirty days, and a hearing must be held in sixty days if the case is to proceed further.
- A case can be closed or dismissed at the detention hearing or remain open.
- The ten or sixty day hearing is known as adjudication.
- At the adjudication, the child can be found delinquent or the case could be dismissed.
- A child can be released at the adjudication or held for more time depending on the ruling of the court (Disposition).
- If found to be delinquent, the child could be placed on Probation or Trial Release.

### WHEN A CHILD IS NOT TAKEN INTO CUSTODY

- A Complaint is filed with the court by a police officer, a victim or a citizen.
- The case is screened and referred to Diversion, Mediation or a Petition is filed and the matter is set for an Arraignment and then an Adjudication.
- The arraignment must be held within 30 days of the filing of the petition.
- The adjudication must be held within 60 days of the filing of the petition.
- A child could be detained at the Adjudication.
- A child could be placed on Probation or Trial Release at the adjudication.

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### DISPOSITION

- At Disposition, the Judge usually decides if the child is placed on Trial Release, Probation or committed to the Department of Juvenile Justice.
- The disposition must be held within 30 days of the adjudication.
- If on Trial Release or Probation, more than likely there will be a review hearing in the next few months for the court to get a report on the child's progress.

### WHAT TO EXPECT ON PROBATION

- When on Probation, the Judge will issue an order with conditions that a child and family must meet.
- An example of a condition might be that a child be enrolled and attending school.
- Probation generally last about two years, but a child can be released earlier if the conditions of Probation are met.
- If the child violates a condition of Probation, the child could be picked up and brought back to court.
- The Judge generally will impose a Supervision fee when a child is placed on Probation.
- Each child and family will be responsible for reporting to a Probation Officer
- The Probation Officer will make appropriate referrals for the child

### PROBATION DIVISION MANTRA

We are all about transforming the lives of children by finding (or being) an intervention that helps to combat youth delinquency by:

- Supporting youth education
- Promoting positive youth development
- Supporting youth employment
- Holding youth accountable for their actions
- Preventing and eliminating you drug and alcohol use
- Preventing and eliminating youth gang violence/ participation
- Increasing pro-social community and peer bonds
- Addressing adolescent mental health needs
- Increasing positive parental and family functioning
- Reducing recidivism

# FULTON COUNTY JUVENILE COURT INFORMATION PAMPHLET DELINQUENCY

## THIS PAMPHLET WILL TELL YOU:

- **Information about attorneys**
- **A timeline of events in the court process**
- **Information about Probation Services**
- **The definitions of many terms used in Juvenile Court**
- **Information on Mediation Services**
- **Information about the Diversion Programs**
- **Information on Services for Victims**

The **MISSION** of the Fulton County Juvenile Court is: *first, to protect children and the community in matters brought before the court, to rehabilitate children, and to restore families; and second, to create opportunities for the community, partners and stakeholders to actively engage in this mission.*

**THIS PAMPHLET IS INTENDED TO OFFER GENERAL INFORMATION ONLY. IT SHOULD NOT BE TAKEN AS LEGAL ADVICE.**

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## INFORMATION ABOUT ATTORNEYS

### CHILDREN'S RIGHTS

- A minor has the right to be represented by an attorney when charged with a delinquent offense and the court will advise the minor of this right.
- The minor should ask the court for an attorney if he or she wants one.
- The court will appoint an attorney for the minor if the minor cannot pay for one.
- The court will continue the case until a later date if the minor wants to hire his or her own attorney.

### WHAT THE ATTORNEY WILL DO

- An attorney knows the court process and how to handle the legal requirements.
- An attorney knows the rights of a minor and will protect them.
- An attorney knows how to talk to the Judge on the behalf of the minor.
- An attorney knows how to show the court evidence on the minor's behalf.
- An attorney knows how to appeal the Judge's ruling if necessary.

## DELINQUENCY MEDIATION

### WHAT IS MEDIATION

Mediation is historically one of the oldest methods of resolving conflicts. Mediation is a confidential and informal dispute resolution process in which a mediator, a neutral trained listener, helps explore the interest of both sides of a dispute, expands the options in meeting those interests, and concludes the matter by designing a mutually agreeable settlement. Cases like Theft by Taking, Simple Assault, Battery, Criminal Trespass, Disruption of Public School and Fighting may be referred to Mediation.

### BENEFITS OF MEDIATION

- The outcome is determined by the people who have the problem.
- If an agreement is reached, there is no need to go to court.
- People can talk about what is important to them.
- There is no pressure to accept solutions that are not acceptable to any of the parties; if an agreement is not reached, the case will go before a judge.

## DEFINITIONS OF DELIQUENCY-RELATED TERMS USED IN JUVENILE COURT

**ADJUDICATION:** The hearing in which a Judge listens to testimony about the allegations and makes a ruling as to whether they are true; sometimes called the formal hearing (like a trial).

**AFFIDAVIT:** A statement given under oath; a sworn statement.

**APPEAL:** A complaint to a higher court asking to overturn the decision made by a lower court.

**BAIL:** Money or property paid to secure the release of a juvenile which acts as security for the juvenile's upcoming court date.

**BINDOVER:** The legal term used when a Juvenile Court Judge sends a case to be heard in Superior Court.

**CHILD:** In Juvenile Court, anyone under the age of seventeen (17) in terms of a delinquency.

**COMPLAINT:** Document initiating legal proceedings which contains a narrative of an alleged delinquent act and a child's involvement.

**COMMITMENT TO THE STATE:** When a Judge places a child on State probation instead of Fulton County Probation.

**CO-PERPETRATORS:** When several minors are charged with the same crime involving the same incident.

**DETENTION HEARING:** A hearing in front of a Judge to determine if a child is released from the detention center.

**DAI:** Stands for Detention Assessment Instrument which is a test that determines the risk factors associated with a child and guides in the decision as to whether a child should be detained when taken into custody by the police.

**DELINQUENT CHILD:** A child who has committed a crime under the laws of Georgia and is in need of treatment or rehabilitation or supervision.

**DESIGNATED FELONY:** Certain serious acts which if committed by a juvenile could result in the juvenile being sentenced to mandatory restrictive custody.

**DISPOSITION:** A Juvenile Court term referring to the decision or sentence the court makes after the adjudication.

**DIVERSION:** A special unit in Juvenile Court which resolves cases prior to them being petitioned and set for trial.

**EDUCATIONAL NEGLECT:** An allegation that a parent is not sending a child to school.

**EMANCIPATION:** Legal procedure by which a child 16 years of age can terminate the parent's rights to custody, control, services and earnings.

**FAILURE TO APPEAR (FTA):** Pick up order issued by a Judge for someone personally served for court who failed to appear.

**JURISDICTION:** The power of a court to hear a case.

**INFORMAL ADJUSTMENT:** When a case is successfully resolved prior to being set for trial.

**PETITION:** Formal Document which list the facts that bring the child within the jurisdiction of Juvenile Court; a petition is filed after the complaint.

**PROTECTIVE ORDER:** An order controlling or restraining the conduct of a person.

**RECORD SEAL:** A process guided by the law whereby a child's record is sealed after the case is closed so that nobody can see that the child had Juvenile Court cases.

**SB 440:** A law which states that children charged with Murder, Voluntary Manslaughter, Rape, Aggravated Sodomy, Aggravated Child Molestation, Aggravated Sexual Battery and Armed Robbery with a Firearm will be tried as an adult in Superior Court.

**SERVICE:** A general term referring to how a person is legally notified of the court proceedings against them and the date of those proceedings.

**TRIAL RELEASE:** After being found delinquent, a child is given a chance within a few months to comply with the Judge's order so that the case may be closed without the child being put on Probation

**TRUANCY:** An allegation that a child is not attending school.

**UNRULY CHILD:** A child who is habitually truant or disobedient, leaves home without permission, is out past curfew or possesses alcoholic beverages.

**VIOLATION OF PROBATION:** A petition alleging that the child has violated the terms of probation.

