

A low-angle photograph of the Georgia State Capitol dome, showing the golden cupola and the statue of Liberty atop the dome. The sky is blue with scattered white clouds.

# Georgia Studies

## **Unit 4 – Judicial Branch in Georgia**

### **Lesson 6 – Juvenile Justice**

#### **Study Presentation**

# Lesson 6 – Juvenile Justice

- ESSENTIAL QUESTION
  - How are juveniles treated differently under Georgia's judicial system?

# Juvenile Justice

- **Juvenile** – Any person, in the state of GA, under the age of 17.
- **Unruly Behavior** – Is considered a status offense when committed by children (would not be a crime if committed by an adult). Examples of unruly behavior:
  - Child refusing to go to school (Truancy).
  - Child habitually disobeys parents or caregivers.
  - Child runs away from home.
  - Loitering (child roams the streets or “hanging out”) between midnight and 5 A.M.
  - Disobeying supervision terms after previous finding of unruly (told to not do something and you do it).
  - Going to bar without parent.
  - Underage possession of alcohol/tobacco.
- HB 242 – In 2013, House Bill 242 changed the terminology for juvenile offenders from Unruly Behavior to “**Children in Need of Supervision**” or **CHINS Behavior**.
- A child showing unruly behavior may be given treatment (if offense involves alcohol or drugs) and may be committed to a place of detention ran by GA’s Department of Juvenile Justice.

# Juvenile Justice

- **Delinquent Behavior** – When a child commits a crime it is considered delinquent behavior. A child who is less than 13 years old cannot be tried for a crime in GA. A child between 13 and 17 years old will be punished according to the law. This may include spending up to five years in a juvenile detention facility.
- **Rights of Juvenile Offenders:**
  - Right to Notice of Charges
  - Right to a lawyer (Counsel)
  - Right to Confront and cross-examine witnesses
  - Right to No self-incrimination
  - Right to written transcript of proceedings
  - Right to Appellate review
  - Right to bail
  - Right to proof beyond reasonable doubt
  - Right to No “double jeopardy”



# Juvenile Justice Process

- Children thought to be delinquent are taken into custody (**Intake**) and their parents are notified. Children may then be released to the parents or detained (held) at a Regional Youth Detention Center or in a community shelter or foster home.
- The next step is a **Probable Cause Hearing**. A judge looks over the case to determine whether the children should be released or detained further.
- The next step is a **Adjudicatory Hearing** (equivalent of adult trial). A judge decides whether the charges are true or not. If the judge decides the charges are untrue the case can be dismissed.
- The next step is a **Dispositional Hearing** (equivalent of adult sentencing). At this hearing the judge decides the course of treatment, supervision, or rehabilitation that the delinquent, unruly, or deprived child should undergo. The judge may decide that probation if necessary. In some serious cases the judge may transfer the case to a superior court where the child will be tried as an adult.
- The different courts each have their own job and **jurisdictions**.

# Juvenile Justice System

Age/Nature of Offense	0-12	13-14	15-16	17	18+
Status offense	J	J	J	J	N/A
Traffic offense	J	J	J	A	A
Delinquent act which would not be a felony for adult	J	J	J	A	A
Delinquent act which would be felony for adult	J	J	J but can be transferred to A	A	A
Delinquent act/crime which is (a) punishable by death or life imprisonment or (b) aggravated battery resulting in serious bodily injury to victim, but which is not a deadly sin	J	J but can be transferred to A	J but can be transferred to A	A	A
Deadly sin	J	A	A	A	A

# Difference in Terminology

<b>Adult</b>		<b>Juvenile</b>
Crime	=	Offense
Arrest	=	Taken into custody
Trial	=	Adjudicatory Hearing
Conviction	=	Adjudication
Sentence	=	Disposition

# The Seven Delinquent Behaviors

- **Seven Delinquent Behaviors** – Behaviors that are automatically outside the jurisdiction of juvenile court (transferred to Superior Court, where the juvenile will be prosecuted as an adult). Children between the ages of 13 and 17 who are thought to have committed any of these crimes will be tried as an adult:
  - Murder
  - Voluntary Manslaughter
  - Armed Robbery with a firearm
  - Rape
  - Aggravated Sodomy
  - Aggravated Sexual Battery
  - Aggravated Child Molestation