

2014

Statutory Responses to Domestic Minor Sex Trafficking Victims

Georgia



The information and links provided in this document are solely for educational and informational purposes, and do not constitute legal advice. Shared Hope International grants permission for copies of the information in this document to be made, in whole or in part, by not-for-profit organizations and individuals, provided that the use is for educational, informational, noncommercial purposes only, and provided that each copy includes this statement in its entirety and the legend, "Reprinted by permission of Shared Hope International."

Identification

Initial Custody

Process Following Initial Custody

Dependent

Authority for Initial Custody:

- Court order
- Protective action by law enforcement or court officer if the child is in imminent danger if he or she remains in the home

Placement:

- With a relative
- Foster care

Where is child referred after initial custody?

- Medical facility, if necessary
- Juvenile court intake officer

When and how does court assume jurisdiction?

Petition filed within 30 days of the preliminary protective hearing

Child in Need of Services

Authority for Initial Custody:

- Court order
- Protective action by law enforcement if the child has run away, or child's welfare is endangered by circumstances

Placement:

- With parent, guardian or legal custodian,
- Foster care
- Secure or nonsecure DJJ placement for up to 24 hours (only if runaway or ungovernable)

Where is child referred after initial custody?

- Medical facility, if necessary,
- Juvenile court intake officer

When and how does court assume jurisdiction?

Petition filed within 30 days of either:

- The complaint
- The child's release from temporary custody

Delinquent

Authority for Initial Custody:

- Law enforcement may take custody:
- With a court order or warrant
 - Pursuant to the laws of arrest
 - If believe child committed a delinquent act

Placement:

- Parent or non-custodial parent
- Foster care or child welfare agency facility
- Home approved by the court
- DJJ facility

Where is child referred after initial custody?

- Medical facility, if necessary,
- Juvenile court intake officer

When and how does court assume jurisdiction?

Petition within

- 5 days if the child remains in temporary custody
- 30 days of complaint or release

Trafficking Victims in Georgia

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

Within 72 hours of the child's entry into temporary custody of the state

What are the placement options?

- Foster care
- Facility operated by a child welfare agency
- Licensed shelter care facility

Adjudication or Referral to Alternate Process

→ Adjudication:

Within 10 days of petition filing if child is in custody, within 60 days if no custody

Or Alternate Process

The court could refer the case to mediation at any time, if appropriate

Placement Following Adjudication

→ Dispositional Outcomes

- Return home
- Placement in state custody
- Placement with a licensed agency
- Orders for services

→ Dispositional Outcomes

Not a separate set of dispositions -- must fit within the options the court is able to order

→ When must placement hearing be held after initial custody?

Within 72 hours if the child is in a DJJ facility, or within 5 days if in foster care

What are the placement options?

- Return home
- Foster care
- Up to 72 hours in a DJJ facility, only if the child ran away or is ungovernable

→ Adjudication:

Within 10 days of petition filing if child is in custody, within 60 days if no custody

Or Alternate Process

Court can refer the child to a community based risk reduction program at the continued custody hearing or before

→ Dispositional Outcomes

- Return home with or without conditions
- Probation and/or community service
- Services and after school programs
- Any dependent disposition above

→ Dispositional Outcomes

Voluntary multidisciplinary family intervention plan

→ When must placement hearing be held after initial custody?

Within 2 days if no warrant, within 5 days if warrant

What are the placement options?

- Parent, non-custodial parent or relative
- Foster care or child welfare agency facility
- Home approved by the court
- Secure or nonsecure DJJ facility

→ Adjudication:

Within 10 days of petition filing if child is in custody, within 30 days if no custody

Or Alternate Process

The child may be referred to informal adjustment

→ Dispositional Outcomes

- Probation and/or community service
- Counseling or other services
- Child may not be committed to a DJJ facility for a misdemeanor unless prior felony history

→ Dispositional Outcomes

The court can use a variety of diversionary options centering around advice and counseling