

GEORGIA DEPARTMENT OF JUVENILE JUSTICE	Transmittal #15-12	Policy #1.3
Applicability: {x} All DJJ Staff { } Administration { } Community Services { } Secure Facilities (RYDCs and YDCs)	Related Standards and References ACA Standards: 4-JCF-6D-05 O.C.G.A. §45-15-34 DJJ 3.80, 17.22, 18.21, 18.22, 20.35	
Chapter 1: ADMINISTRATION	Effective Date: 10/5/15	
Subject: LEGAL SERVICES	Scheduled Review Date: 10/5/16	
Attachments: A – Request for Representation	Replaces: 6/15/13 Office of Legal Services APPROVED:  <hr/> Avery D. Niles, Commissioner	

**I. POLICY:**

The Department of Juvenile Justice Office of Legal Services shall identify and protect the legal interest of the Department by providing support to all of the divisions, facilities, programs and offices within the Department. The Office of Legal Services shall serve as the official liaison to the State of Georgia Department of Law. The Commissioner or General Counsel shall receive all service of lawsuits against DJJ.

**II. DEFINITIONS:**

None.

**III. PROCEDURES:**

A. The Office of Legal Services will advise the Commissioner, the Board, and DJJ staff on all legal matters affecting the Department to ensure compliance with applicable state and federal laws, rules, and regulations and with departmental policies and procedures. Office responsibilities include, but are not limited to, the following:

1. Monitoring all litigation initiated against the Department;
2. Researching legal issues and responding to requests for legal opinions and information;
3. Assisting in developing and reviewing policies;
4. Assisting in the promulgation of rules and regulations for the Board of Juvenile Justice pursuant to the Georgia Administrative Procedures Act;
5. Reviewing personnel disciplinary actions that will result in adverse actions (See DJJ 3.80, Employee Progressive Discipline);

Chapter	Subject	Policy #	Page
ADMINISTRATION	LEGAL SERVICES	1.3	2 of 3

6. Representing the Department in personnel disciplinary actions before the Office of State Administrative Hearings;
  7. Representing the Department in community administrative revocations before the Office of State Administrative Hearings;
  8. Assisting in training staff regarding legal issues upon request; and
  9. Responding to requests for records pursuant to the Open Records Act, by subpoena, and discovery related to DJJ.
- B. When an employee has knowledge of a potential legal matter involving the department or a youth in the department's care, the employee will notify the Office of Legal Services immediately, but no later than the next business day.
- C. When an employee is contacted by a non-DJJ attorney or investigator, the employee will immediately refer that attorney/investigator to the Office of Legal Services and inform the Office of Legal Services of the referral.
- D. Whenever an employee receives a request or subpoena to give testimony in any matter related, directly or indirectly, to a lawsuit involving the Department or to a youth in the department's care, the employee will immediately notify his/her immediate supervisor. The immediate supervisor will notify the appropriate Deputy Commissioner and Office of Legal Services, through the chain of command, by the next business day. This includes a request or subpoena to appear for a deposition, in court, or before a grand jury.
- E. Lawsuits and Other Legal Actions:
1. All lawsuits and any other legal action against the Department must be served upon the Commissioner, General Counsel, or designee.
    - a. No other employee may accept service, or sign any documents regarding service, of a lawsuit and any other legal action against the Department.
    - b. If an employee receives any documentation regarding service of a lawsuit, the employee must immediately forward that documentation to the Office of Legal Services.
  2. All garnishments filed against a Department employee must be served upon the Director of the Office of Human Resources or designee.
    - a. No other employee may accept service, or sign any documents regarding service, of a garnishment filed against a Department employee.

<b>Chapter</b>	<b>Subject</b>	<b>Policy #</b>	<b>Page</b>
ADMINISTRATION	LEGAL SERVICES	1.3	3 of 3

- b. If an employee receives any documentation regarding a garnishment, the employee must immediately forward that documentation to the Director of the Office of Human Resources.
3. If an employee is named as a defendant in a lawsuit arising out of his/her employment, the employee will immediately notify the General Counsel by email. The employee may request to be represented by the Attorney General's office by completing the Request for Representation Form (Attachment A).
4. The Office of Legal Services will serve as the Department's official liaison to the Attorney General's Office.
5. Employees will not file any motion with a court, make unsolicited recommendations to a court, or request a youth's early release directly from the court. Staff may complete Youth Status Reports (in accordance with DJJ 18.21, Supervision of Designated Felons in Secure Facilities; 20.35 Supervision of Designated Felons in the Community; and DJJ 18.22, Superior Court Youth) or may request an early release through the Office of Legal Services (in accordance with DJJ 17.22, Designated Felon Order Modifications and Terminations).

**IV. LOCAL OPERATING PROCEDURES REQUIRED: NO**