

GEORGIA DEPARTMENT OF JUVENILE JUSTICE	Transmittal # 18-14	Policy # 20.13
Applicability: <input type="checkbox"/> All DJJ Users <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Community Services <input type="checkbox"/> Secure Facilities	Related Standards & References: Uniform Rules of the Juvenile Court: 4.3 (a), (b), (c), (d), (e), (f); 6.7 O.C.G.A. §§ 15-11-510, 15-11-515, 15-11-602, 15-11-706 ACA Standard: 3-JDF-5A-05	
Chapter 20: CASE MANAGEMENT	Effective Date: 7/25/18	
Subject: INFORMAL ADJUSTMENT	Scheduled Review Date: 7/25/19	
Attachments:	Replaces: 8/1/17 Community Services Division	
A – Informal Adjustment Agreement	APPROVED: 	
	Avery D. Niles, Commissioner	

I. POLICY:

All youth may be considered for an informal adjustment when it is in the best interest of the youth and the community. All informal adjustments are subject to the court's direction or guidelines.

II. DEFINITIONS:

Informal Adjustment: An informal resolution to a case other than by formal adjudication and disposition.

Intake Officer: Staff responsible for intake, which is the process of making a preliminary determination to enter or not enter a youth into the juvenile justice system.

Child in Need of Services (CHINS): A child adjudicated to be in need of care, guidance, counseling, structure, supervision, treatment, or rehabilitation and who is adjudicated based on one of the provisions listed in O.C.G.A. §15-11-2, Paragraph (11) (A) (i.-vii.) or a child who has committed a delinquent act and is adjudicated to be in need of supervision but not in need of treatment or rehabilitation.

III. PROCEDURES:

A. Pre-requisites for informal adjustment:

1. The admitted facts must bring the youth within the jurisdiction of the court.
2. The intake officer or other officer designated by the court may withhold the filing of a petition in cases where a youth is alleged to be a child in need of services (CHINS) or have committed a delinquent act that is not of a serious nature, but appears to be amenable to informal handling.

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3. It must be determined that counsel and advice without adjudication would be in the best interest of the youth and the community.
 4. The youth and his/her parent, guardian, or other custodian must consent to the informal adjustment with knowledge that consent is not obligatory.
 5. If the youth is alleged to have committed a designated felony act, as defined in O.C.G.A. §15-11-602, the case is not subject to informal adjustment, counsel, or advice without the prior written notification of the district attorney or his/her authorized representative.
- B. After a conference with the youth and his/her parents or legal guardians concerning the complaint, the intake officer may choose any of the following informal adjustment alternatives:
1. Counseling and Adjustment – If the intake officer concludes that a satisfactory adjustment of the problem has been accomplished through counseling with the youth and his/her parent or legal guardian at the informal conference and that there is no further need to see the youth or family, the informal adjustment may be considered complete.
 2. Counseling and Advice – Where there is a need for follow-up services by the intake officer on a less formal basis than actual probation, the youth will receive counseling and advice for a period not to exceed 3 months from the day of the informal conference at which the counseling and advice was commenced. The Intake Officer must request an extension from the court, with clear justification, to extend the counseling and advice for a period not to exceed an additional 3 months. A youth will not be detained in a secure facility during the period of counseling and advice unless otherwise permitted by law.
 - a) The Intake Officer will develop individualized conditions and stipulations that are appropriate to the offense and circumstances.
 - b) The conditions and stipulations may include, but are not limited to: letters of apology, book reports, essays, traffic school, and volunteer work with a community organization.
 - c) The Intake Officer will place the youth on counsel and advice until the requirements of the agreement have been met.
 - d) The Intake Officer will attach the conditions and stipulations to the Informal Adjustment Agreement (Attachment A).
 3. Failure to comply with the agreement may result in the filing of a petition on the complaint prior to the expiration of the Informal Adjustment Agreement.

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4. Youth on informal adjustment will be supervised in accordance with the local juvenile court requirements.
- C. The Intake Officer will file the Informal Adjustment Agreement (Attachment A) with the clerk of juvenile court. The Intake Officer will give a copy of the agreement to the youth, his/her attorney and parent/legal guardian.
 - D. The Intake Officer will enter youth who are informally adjusted into the Juvenile Tracking System (JTS). All contacts made with or on behalf of the youth will be entered into JTS case notes within 72 hours. All services provided to the youth will be entered into JTS within 72 hours.
 - E. If, after the filing of a petition, it appears that an informal adjustment best suits the needs of the youth and the community, the Judge may direct the withdrawal of the petition in order for the matter to proceed to informal adjustment.
 - F. After completion of informal adjustment, the court or its designee will inform the Clerk of Court of the disposition of the case by either court order or written statement by intake officers.
 - G. At the request of the Court, the Intake Officer or intake supervisor will send a report of informally adjusted cases to the juvenile court judge to provide for a review of the cases.
 - H. An incriminating statement made by a youth to a person giving counsel or advice will not be used against the youth over objection in any hearing except in a hearing on disposition in a juvenile court proceeding or in a criminal proceeding against him/her after conviction for the purpose of a pre-sentence investigation.

IV. LOCAL OPERATING PROCEDURES REQUIRED: YES

- Local juvenile court procedures serve as the local operating procedure for this policy.