

West's Code of Georgia Annotated

Title 15. Courts

Chapter 11. Juvenile Code (Refs & Annos)

Article 2. Juvenile Court Administration (Refs & Annos)

Ga. Code Ann., § 15-11-71

§ 15-11-71. Establishment of juvenile treatment court division; planning group; statements and records

Effective: July 1, 2024

[Currentness](#)

(a)(1) As used in this subsection, the term “risk and needs assessment” means an actuarial tool approved by the Council of Accountability Court Judges of Georgia and validated on a target population that is scientifically proven to determine an individual's risk to recidivate and to identify criminogenic risk factors that, when properly addressed, can reduce such individual's likelihood of committing future delinquent or criminal behavior.

(2) As used in this subsection, the term “child” has the same meaning as defined in [Code Section 15-11-2](#).

(3) Any juvenile court may establish a juvenile treatment court division to provide an alternative to the traditional judicial system for the disposition of juvenile delinquency and child in need of services cases, provided that nothing in this Code section shall extend a court's ability to incarcerate a child. The goal of a juvenile treatment court division is to reduce the likelihood of family disruption or removal to an alternative placement, reduce the use of detention and commitments to the state, reduce recidivism, and increase likelihood of successful rehabilitation through early, continuous, and intense judicially supervised treatment by:

(A) Reducing alcohol or drug abuse and addiction in the child;

(B) Treating the mental and behavioral health and related needs of the child;

(C) Increasing the educational, personal, familial, and societal accountability of the child;

(D) Preventing and reducing gang involvement and affiliation; and

(E) Promoting effective intervention and use of resources among child welfare personnel, law enforcement agencies, treatment providers, community agencies, the department of juvenile justice, independent probation officers, and the courts.

(4) In any delinquency or child in need of services proceeding, when the child meets the eligibility criteria for the juvenile treatment court division and consents to the participation, such case may be assigned to the juvenile treatment court:

(A) Prior to the entry of adjudication if the prosecuting attorney or other petitioner consents;

(B) As part of a disposition in a case; or

(C) Upon modification or revocation of probation or a new petition for a violation of probation.

(5) Each juvenile treatment court division shall establish a planning group to develop a work plan. The planning group shall include the judges, prosecuting attorneys, sheriffs or their designees, public defenders, community supervision officers, and probation officers and may include other individuals and agencies that the court finds have expertise in services available to children. The work plan shall address the operations, coordination, resource management, information management, and evaluation needs of the juvenile treatment court division. The work plan shall include juvenile treatment court division policies and practices related to the implementation of the standards and practices developed pursuant to this paragraph. The work plan shall ensure a risk and needs assessment is used to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The work plan shall include eligibility criteria for the juvenile treatment court division. The juvenile treatment court division shall combine judicial supervision, treatment of juvenile treatment court division participants, drug testing, and mental health treatment.

(6)(A) The Council of Accountability Court Judges of Georgia shall establish standards and practices for juvenile treatment court divisions, taking into consideration guidelines and principles based on current research and findings that are published by experts on the health needs and treatment options for children. Standards and practices shall include, but shall not be limited to, the use of a risk and needs assessment to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The Council of Accountability Court Judges of Georgia shall update its standards and practices to incorporate research, findings, and developments in the juvenile treatment court field. The Council of Accountability Court Judges of Georgia may further adopt standards and practices for separate tracks of juvenile treatment courts such as, but not limited to, a juvenile drug court track or a juvenile mental health court track. Each juvenile treatment court division shall adopt policies and practices that are consistent with the standards and practices published by the Council of Accountability Court Judges of Georgia.

(B) The Council of Accountability Court Judges of Georgia shall provide technical assistance to the juvenile treatment court division to assist them with the implementation of policies and practices, including, but not limited to, guidance on the implementation of risk and needs assessments in the juvenile treatment court division.

(C) The Council of Accountability Court Judges of Georgia shall create and manage a certification and peer review process to ensure juvenile treatment court divisions are adhering to the Council of Accountability Court Judges of Georgia's standards and practices and shall create a waiver process for juvenile treatment court divisions to seek an exception to the Council of Accountability Court Judges of Georgia's standards and practices. In order to receive state appropriated funds, any juvenile treatment court division established on and after July 1, 2026, shall be certified pursuant to this subparagraph or, for good cause shown to the Council of Accountability Court Judges of Georgia, shall receive a waiver from the Council of Accountability Court Judges of Georgia.

(D) On and after July 1, 2026, the award of any state funds for a juvenile treatment court division shall be conditioned upon a juvenile treatment court division attaining certification or a waiver by the Council of Accountability Court Judges of Georgia. On or before December 1, 2026, the Council of Accountability Court Judges of Georgia shall publish an annual report listing certified juvenile treatment court divisions.

(E) The Council of Accountability Court Judges of Georgia shall develop and manage an electronic information system for performance measurement and accept submission of performance data in a consistent format from all juvenile treatment court divisions. The Council of Accountability Court Judges of Georgia shall identify elements necessary for performance measurement, including, but not limited to, recidivism of participants in juvenile treatment court division, drug testing results, number of moderate-risk and high-risk participants in a juvenile treatment court division, participant educational improvement, the number of participants who successfully complete the program, and the number of participants who did not complete the program.

(F) On or before July 1, 2026, and every three years thereafter, the Council of Accountability Court Judges of Georgia shall conduct a performance peer review of the juvenile treatment court divisions for the purpose of improving juvenile treatment court division policies and practices and the certification and recertification process.

(7) The court instituting the juvenile treatment court division may request any of the following individuals to serve in the juvenile treatment court division:

(A) One or more prosecuting attorneys designated by the prosecuting attorney for the jurisdiction; and

(B) One or more defense attorneys designated by the public defender, comparable agency, or other means.

(8) The clerk of the juvenile court that is instituting the juvenile treatment court division or such clerk's designee shall serve as the clerk of the juvenile treatment court division.

(9) The court instituting the juvenile treatment court division may request other employees of the court, including, but not limited to, community supervision officers, probation officers, Department of Juvenile Justice probation officers, other employees of the court, and other interested agencies to perform duties for the juvenile treatment court division. Such individuals shall perform duties as directed by the judges of the juvenile treatment court division.

(10) The court instituting the juvenile treatment court division may enter into agreements with other courts and agencies for the assignment of personnel and probation supervision from other courts and agencies to the juvenile treatment court division.

(11) Expenses for salaries, equipment, services, and supplies incurred in implementing this Code section may be paid from state funds, funds of the county or political subdivision implementing such juvenile treatment court division, federal grant funds, and funds from private donations.

(b) Each juvenile treatment court division shall establish written criteria which define the successful completion of the juvenile treatment court division program and which may provide for dismissal of charges upon successful completion. Programs may be pre-adjudication or post-adjudication. Any admission or plea of nolo contendere entered pursuant to this Code section shall not be withdrawn without the consent of the court.

(c) Any statement made by a juvenile treatment court division participant as part of participation in such court division, or any report made by the staff of such court division or program connected to such court division, regarding a participant's substance

usage shall not be admissible as evidence against the participant in any legal proceeding or prosecution; provided, however, that, if the participant violates the conditions of his or her participation in the program or is terminated from the juvenile treatment court division, the reasons for the violation or termination may be considered in sanctioning, sentencing, or otherwise disposing of the participant's case. Any attorney representing such child shall have full access to records of such child's participation. Such child shall receive credit for participation in such program against any future disposition in the same matter.

(d) Notwithstanding any provision of law to the contrary, the juvenile treatment court division shall be provided, upon request, with access to all records relevant to the treatment of the juvenile treatment court division participant from any state or local government agency. All records and proceedings of the juvenile treatment court, including, but not limited to, the contents of any case management system, shall be treated as confidential, shall not be disclosed to any person outside of the juvenile treatment court division, and shall not be subject to Article 4 of Chapter 18 of Title 50, relating to open records, or subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding. Such records and the contents thereof shall be maintained by the juvenile treatment court division in a confidential file not available to the public.

(e) Any fees received by a juvenile treatment court division from a juvenile treatment court division participant as payment for treatment and services shall not be considered as court costs or a fine.

(f) The court may have the authority to accept grants, donations, and other proceeds from outside sources for the purpose of supporting the juvenile treatment court division. Any such grants, donations, or proceeds shall be retained by the juvenile treatment court division for expenses.

Credits

[Laws 2024, Act 576, § 2, eff. July 1, 2024.](#)

Ga. Code Ann., § 15-11-71, GA ST § 15-11-71

The statutes and Constitution are current through Act 378 of the 2024 Regular Session of the Georgia General Assembly. Some sections may be more current, see credits for details. The statutes are subject to changes by the Georgia Code Commission.