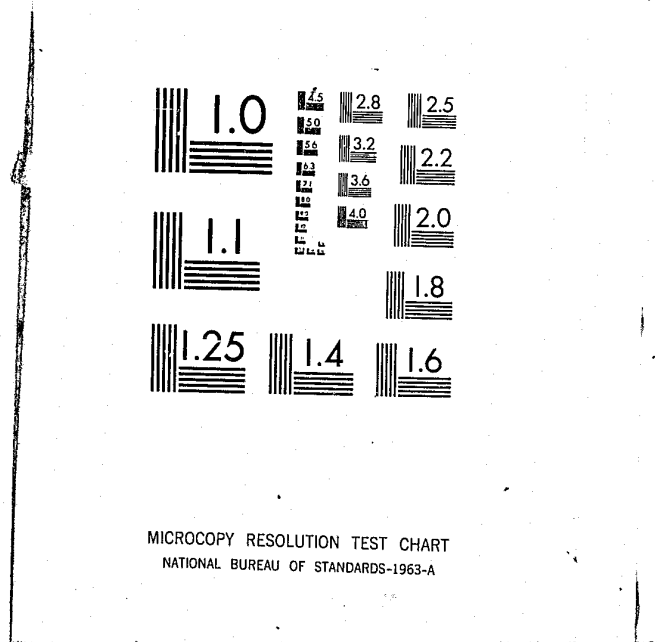


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10/08/81

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The General Assembly  
State Capitol  
Atlanta

TO: THE GOVERNOR, LIEUTENANT GOVERNOR, SPEAKER OF THE HOUSE  
OF REPRESENTATIVES, MEMBERS OF THE GENERAL ASSEMBLY OF  
GEORGIA, AND OTHER INTERESTED PERSONS

REPORT OF THE  
SENATE JUVENILE JUSTICE STUDY COMMITTEE

THE COMMITTEE

HONORABLE BILL LITTLEFIELD, CHAIRMAN  
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February, 1981

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INTRODUCTION

The Senate Juvenile Justice Study Committee was created by Senate Resolution 353 during the 1980 session of the General Assembly. The committee was authorized to examine the system of juvenile justice in Georgia, including the problems of discipline within the state's public schools, the nature and extent of the need for change in delivery of services to juveniles, and the legislative response to the needs of troubled children.

As in past years, the study committee was again aided by an advisory committee consisting of 47 members. Represented on this committee were the courts, law enforcement officers, and organizations concerned with delinquency prevention and juvenile justice.

The study committee held seven hearings in which testimony was received from public school officials, juvenile court judges and probation officers, legislators, law enforcement officers, and employees of state and private agencies which provide treatment and care services to juveniles. In addition, committee members met informally with members of the Juvenile Court Judge's Association, the House Judiciary Subcommittee on Juvenile Courts, and the committee to revise the Judicial Article. The study committee staff also conducted an inquiry into the law and policies concerning the most effective operation of juvenile probation systems.

This report is a compendium of the study committee's findings and recommendations.

BACKGROUND

For the past six years, interim committees of the State Senate have been formed to study the various aspects of the juvenile justice system of Georgia. This committee began its work with a review of the findings and recommendations found in the 1979 committee report to determine the extent to which these recommendations have been met. In addition, the Masterplan for

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Juvenile Justice in Georgia (State Crime Commission, 1976) was reviewed to determine the extent to which the recommendations of this report and the recommendations of prior Senate committees have been implemented. Finally, a thorough review of legislation affecting children which was introduced during the 1979 and 1980 sessions of the General Assembly was made.

From this review, as well as from the testimony received by this committee, it is clear that the needs of children in Georgia can best be met by a coordinated program which would include child services agencies, both public and private, educational institutions, the legislature, and the court system itself.

#### FINDINGS AND RECOMMENDATIONS

The study committee focused its inquiry into several broad areas in which it was felt there were serious deficiencies. Each of these areas are discussed separately within this report. Recommendations for action to improve the effectiveness of dealing with troubled children are listed immediately following the committee's findings in each area.

##### I. Legislative Coordination of Troubled Children

As mentioned previously, there have previously been six Senate interim committees which have studied the response of juvenile justice institutions to the problems of children. However, these have not been the only committees which have examined the problems of troubled children. An indication of the deep concern of the Senate in the problems relating to this subject is confirmed by the fact that there have been 21 separate Senate committees formed since 1975 to study various aspects of the problems of troubled children. These committees have made 106 separate recommendations to the General Assembly. A list of these committees is attached to and made a part of this report as Appendix A.

The 1978 Report of the Mental Health Association of Georgia stated: "...The needs of troubled children in Georgia currently are not being met except in an inadequate manner. The fragmented manner in which Georgia now provides services to troubled children cannot be labeled as a unified delivery system. Rather it is a patchwork of often unrelated services, a nonsystem, in short."

Although some progress has been made, this statement, unfortunately, is still an accurate reflection of the state of affairs of troubled children in Georgia.

Nowhere is this statement more accurately reflected than in the General Assembly. Most of the past Senate committees have included in their recommendations that either a subcommittee or a standing committee of the Senate be created to address the problems of children. Under the present committee system in the Senate, legislation affecting juveniles may be sent either to the Judiciary, Special Judiciary, Education, or Human Resources Committees, with no coordination in regard to the overall needs of the state's youth.

The same situation has been true in the past in the House of Representatives. However, in 1980, a special subcommittee of the House Judiciary Committee was created to handle juvenile legislation. We commend the House of Representatives for their response to this committee's previous recommendations. The State Senate, on the other hand, has not yet created a standing committee or subcommittee for this purpose.

The establishment of a committee on children and youth would begin to unravel the fragmentation which exists within state government in its approach to services for children. Initially, it should be the only repository for all legislation introduced concerning children, services to and for children, and the juvenile courts. Such a committee should also have an overview function to monitor all programs and agencies providing services to children. In this overview capacity, the committee

could begin to give comprehensive legislative priorities on legislation affecting children and coordinate services offered to children by various state agencies. This would eliminate duplication of services and save unnecessary duplication of expenditures.

Most importantly, a committee on children and youth would provide a permanent mechanism within the legislature to monitor continuously programs and funds expended by the state for children to insure that these items are meeting the needs for which they were designed. In addition, it would eliminate the necessity for creating interim committees to examine various aspects of the juvenile services system. The time for creation of a committee on children and youth is long past due. With well over 50 percent of all crimes involving property being committed by juveniles, it is clear that the problems will not disappear overnight. Only by dealing with children in a positive rehabilitative manner, when they are still impressionable enough to become good citizens, will we begin to see positive results from the money being spent for services to the children of the State of Georgia.

RECOMMENDATION: The Georgia State Senate should create a standing committee on children and youth.

## II. Juvenile Courts

This study committee has again continued the work of three previous interim committees which have examined the juvenile court system in Georgia. In both the 1978 and 1979 sessions of the General Assembly, legislation was introduced to unify the fragmented system of juvenile courts in this state. In both instances, this legislation passed the Senate but failed to pass the House of Representatives.

Juvenile courts in Georgia are found in a variety of forms. Forty-eight county-financed juvenile court judges serve 59 counties; this includes 35 courts presided over by part-time

juvenile judges, five state court judges who have responsibility for hearing juvenile cases, and eight full-time juvenile judges who serve six counties. In 100 counties, superior court judges sit intermittently as juvenile judges. Thus, 153 of Georgia's 159 counties have juvenile judges who have other pressing responsibilities in addition to their juvenile court caseload. Present law requires that juvenile court judges must only "have attained the age of 30 years, (be) a citizen of the state three years, and shall have practiced law for three years." There is no requirement for ongoing training for juvenile court judges. Yet, as already mentioned, juveniles are estimated to be responsible for approximately 50 percent of all property crimes in Georgia. The juvenile court is, by statute, designed to provide treatment "in the best interest of the child"; yet, the judges who make decisions about the need for treatment are required to have no specialized training in either the legal or the dispositional aspects of juvenile justice.

Currently, the Constitution of the State of Georgia is under review and a new Constitution may be implemented in 1983. There has been an effort to delete juvenile courts from any classification, in effect, to prohibit juvenile courts. Instead, a domestic relations court would be implemented.

This committee feels a court which deals with juveniles should be broad enough in scope to deal also with parents when the resolution of a child's problem will best be served by such intervention. However, to allow that court's jurisdiction to be broad enough to encompass the issue of divorce would be counterproductive at the present time.

In juvenile courts, there are strenuous time limitations which must be observed that do not apply in superior courts. For example, children who are detained must have a hearing within 72 hours of confinement; once a petition is brought before the juvenile court, a hearing must be held within 60 days or the complaint is dropped; and cases involving children who are taken out of the home environment must be reviewed within two years or

the child is released to the home environment. In addition, juvenile judges must involve themselves with rehabilitation and placement of children by obtaining services for both the child and the child's family. This responsibility, if adequately met, demands familiarity with current behavioral theories and treatment methods as well as the ability to locate or develop resources necessary to assist the child and family. It also mandates special training in such rehabilitative concepts.

It should be pointed out that juvenile courts operate under the precept of their dispositions "being in the best interest of the child"; therefore, all cases are tried before a judge without the requirement of a trial by jury. On the other hand, the legal issue of "divorce" constitutionally allows for a trial by jury when demanded by either party. In many instances such trials are delayed for months, even years, because of overcrowded court calendars. The issue of disposition of the property of the parties is also, in many instances, a very heated, emotional issue which could, if requested, be decided by a jury.

Because of the length of time which is so often involved before a final disposition with respect to the issues of divorce and property is resolved, we fear the child's best interest would not be served by placing these issues within the juvenile court's jurisdiction. We fear the child again will be placed last on the court's list of priorities when it should be of paramount importance. For these reasons, we affirm the previous recommendation of this committee.

RECOMMENDATION: The General Assembly should enact Senate Bill 4. Senate Bill 4 is the most logical and thrifty proposal yet to surface to deal with the problems of the state's nonsystem of juvenile courts. The bill creates a unified, state-financed system of juvenile courts and establishes reasonable, yet

effective, minimum standards for juvenile judges and referees. Further, the bill establishes minimum salaries for juvenile judges commensurate with the responsibility and training demands of the office. While the cost of implementing Senate Bill 4 is not negligible, two factors make it reasonable: the current system is fraught with "hidden" and "deferred" costs connected with its failure to deal effectively with delinquency, and all other proposals to resolve the crisis are either potentially far more expensive or far less effective.

### III. Juvenile Probation

The juvenile justice probation system in Georgia is another example of the fragmented approach to juvenile justice. Currently, the Department of Human Resources is responsible for juvenile probation and aftercare in 137 counties, while 17 counties, primarily metropolitan, fund their own probation system. In these counties, the Department of Human Resources is responsible only for aftercare. The total cost to the counties for this burden of maintaining independent systems amounts to \$7.5 million annually.

During the 1980 session of the General Assembly, legislation was introduced to combine all existing probation systems into a unified system totally funded by the state. The rationale behind this legislation was to eliminate the "double" taxation on those counties which pay state taxes for the state-wide system and local taxes for the independent probation system.

The committee agrees that a unified probation system should be implemented, both from a conceptual standpoint of

quality and uniformity of services and an economic standpoint of reducing the tax burden on the state's taxpayers. However, such a plan should be fully funded prior to its implementation. Presently, the Department of Human Resources does not have the personnel to handle adequately the increased burden of the independent systems; and, without adequate personnel, any takeover by the state would surely have an adverse impact on delivery of probation and aftercare services.

This committee feels that unification of juvenile court services is one of the most important facets in eliminating the fragmentation of the juvenile justice system. However, we shall only deal briefly in this area since a separate study committee was created to study this one concept.

RECOMMENDATION: A unified system should be completely funded before being implemented and provisions should be made for personnel currently employed by independent systems to be transferred into the new system on a preferential basis where practical.

#### IV. Discipline in the School Systems

Discipline has become a major problem within the state's school systems, both public and private. Not only has discipline become a problem for teachers and administrators, but for students as well.

Last year's committee examined the problem of discipline within our school systems and concluded that the schools were in many instances routinely suspending or expelling students rather than taking the time to discipline the youth. In many instances, this has been characterized as the "briar patch" syndrome. A child who does not wish to be in school, many times because of an undiscovered learning disability which kept him from contributing to the class, realizes that all he needs to do is misbehave. This will result in his being placed on the street, by suspension

or expulsion, which is where he wants to be. Without supervision, this child is much more likely to come before the juvenile court for an act of delinquency, either a misdemeanor or felony.

Many school systems have been innovative in dealing with this problem by establishing alternatives to suspension or expulsion. Such programs include "in-school suspension" and "alternative schools" for students with disciplinary problems. These alternatives are also available for those who do not meet academic standards of the classroom yet who also do not qualify under federal law to be placed in a "special" classroom. However, these programs have either been funded totally by local school funds or a combination of local and federal funds.

The State Department of Education has totally ignored this problem and has consistently refused to fund alternative programs or to set guidelines for misuse of the expulsion or suspension powers of local boards. If such guidelines were mandated, in all likelihood, the committee feels the school systems could contribute greatly in the prevention and reduction of juvenile delinquency.

RECOMMENDATION: This committee recommends the State Department of Education fund programs for alternative schools and in-school suspension programs and promulgate guidelines which would restrict the use of suspension and expulsion as a routine method of discipline. We emphasize the word "routine" because we know that in certain instances the use of suspension and/or expulsion is necessary, justified, and in the best interest of all. However, such a program would mandate close scrutiny of these extreme disciplinary measures before they are used.

## V. Alternative Programs

There are presently many alternative community-based programs to secure juvenile detention within this state. However, these community-based alternatives are, at present, insufficient to meet the needs of nonviolent delinquent offenders.

One such alternative program is the Appalachian Wilderness Outdoor Therapeutic Program which is located in the north Georgia mountains near Helen, Georgia. Last year, the General Assembly provided funds to allow the program to operate at its capacity of 50 clients. However, the needs of youth in other areas of the state are not served by this program.

RECOMMENDATION: This committee recommends three additional facilities and the funds necessary to make the facilities operational. The first facility should be located in southeast Georgia, a second in middle Georgia, and a third should serve girls.

Group homes are another alternative treatment program concept preferred by many professionals in child care and juvenile justice. A group home serves six to eight children who need a substitute home or an alternative living arrangement but who need not be institutionalized because they present no threat to society. Group homes provide a normal home environment in the community with substitute parents. The children enjoy the advantage of continuing to attend neighborhood schools and of participating in normal community activities.

Most juvenile judges would prefer to place nonviolent juvenile offenders in a group home setting rather than in secure detention; however, there are too few group homes in Georgia to meet the need. The Menninger Foundation of Topeka, Kansas, proposes to help Georgia create the beginnings of a network of family group homes. Over the past 15 years, the Menninger

Foundation has evolved the family group home model which is based on two principles: (1) a dependent, neglected, abused, pre-delinquent, and delinquent child in need of care must remain within the community to develop the skills necessary to be a contributing member of that community; and (2) the primary resource for this learning will be a substitute home operated by surrogate parents.

Quality houseparents are the key to the success of the family group home model. All other program components and staff assignments are designed to support these all-important parent figures. The houseparents are carefully selected and trained to serve as effective models of adult behavior and as good parents. The Menninger Foundation provides on-going training and technical assistance to family group homes at no cost.

Currently, the state is negotiating with the Menninger Foundation to provide for five group homes throughout the state; however, other group home providers are opposing any such contract primarily because of the higher cost of care reimbursement to be offered. While sympathetic to the disparity in cost of care paid to various group homes, it is certainly not reasonable to reject the services of such a prestigious organization. Quite the contrary, the establishment of the Menninger program in Georgia should be the first step in raising the quality of services offered in group homes as well as a step toward raising and equalizing cost of care reimbursement to all group homes in Georgia.

RECOMMENDATION: The Department of Human Resources should contract with the Menninger Foundation to provide group home services to the State of Georgia.

Testimony was presented to the study committee regarding an innovative and successful program known as symbolic restitution. Although programs of this nature exist in 11 of Georgia's 159 counties, the committee was only able to travel to Cobb County juvenile court to examine this program. Cobb, like

other counties utilizing this program, entered a contract for provision of purchase of services with the Council of Juvenile Court Judges. The symbolic restitution program enables young offenders to work within the community rather than being incarcerated or fined by the court. Fines are usually payable by the youth's parents. This program provides for adult supervision of children assigned to the court.

The juvenile court judge, a court probation officer, and the symbolic restitution program supervisor testified before the study committee. The present program was considered both successful and beneficial to its participants; not only does it keep them busy and productive, but it also teaches responsibility in the "working world." The court is eager to renew its program if funds exist in the future.

The study committee agrees that this program is impressive and it is concerned that programs of this nature do not exist in the majority of counties within the state. There are presently funds available to all counties to enable them to set up programs which would serve as an additional resource to the juvenile court as an alternative disposition. The study committee recognizes the efforts of the Council of Juvenile Court Judges to inform the counties of these funds and encourages them to continue to pursue aggressively the purchase of services to establish symbolic restitution programs or other such programs needed.

RECOMMENDATION: Additional funds provided by the state should be made available to the Council of Juvenile Court Judges to supplement this grant which would be limited to these programs.

The foregoing recommendations are an effort to focus upon the most pressing issues affecting children and troubled youth in the state. However, these are by no means the only issues. There are many other areas which were not addressed by this committee.

These recommendations do reflect a priority order which we feel requires immediate action by the General Assembly and agencies of the state. In selecting priority concerns, the study committee attempted to choose issues which could produce maximum impact on the juvenile justice system with the least cost to the state and, in some instances, tax savings to city and county governments.

The chairman and members of the study committee wish to express appreciation to the members of the advisory committee who have provided so much impact on the committee's work and recommendations. The committee wishes to express its special thanks to Joan Williams who has worked tirelessly in arranging meetings, compiling data, and formulating this report.

Respectfully submitted,

/s/	<u>BILL LITTLEFIELD, CHAIRMAN</u> BILL LITTLEFIELD, CHAIRMAN SENATOR, 6TH DISTRICT	/s/	<u>BILL LITTLEFIELD, CHAIRMAN</u> BILL LITTLEFIELD, CHAIRMAN SENATOR, 6TH DISTRICT
/s/	<u>ROBERT H. BELL</u> ROBERT H. BELL SENATOR, 5TH DISTRICT	/s/	<u>FLOYD HUDGINS</u> FLOYD HUDGINS SENATOR, 15TH DISTRICT
/s/	<u>RICHARD L. GREENE</u> RICHARD L. GREENE SENATOR, 26TH DISTRICT	/s/	<u>PERRY HUDSON</u> PERRY HUDSON SENATOR, 35TH DISTRICT



APPENDIX A

1980

Joint Child Abuse Study Committee  
Georgia High School Association Study Committee (House and Senate)  
Juvenile Justice Study Committee  
Probation Officers and Detention Center Study Committee  
Stop Drugs at the Source Study Committee (House and Senate)

1979

Legal Drinking Age Study Committee  
Juvenile Justice Study Committee  
Stop Drugs at the Source Study Committee (House and Senate)

1978

Juvenile Institutions Study Committee  
Joint Stop Drugs at the Source Study Committee

1977

Juvenile Institutions Study Committee  
Juvenile Crime and Violence Study Committee  
Juvenile Offenders Study Committee  
Juvenile Judge Qualifications Study Committee  
Violence and Vandalism in the Public Schools Study Committee

1976

Stop Drugs at the Source Study Committee  
Status Offenses Study Committee  
Joint Troubled Children Study Committee  
Young Adult Involvement Study Committee

1975

Retarded Children Subcommittee of the Senate Human Resources Committee  
Twelfth Grade Study Committee (House)

**END**