

**IN THE JUVENILE COURT OF FORSYTH COUNTY**

**STATE OF GEORGIA**

**IN RE:** \*

**Operating Procedures** \*

\*

**JUVENILE COURT ADMINISTRATIVE ORDER 2002-05**

The Juvenile Court of Forsyth County having the inherent authority to identify and implement new procedures for the purpose of operating the Court in a more efficient and effective manner, and it now appearing that the Court's policy regarding the receipt of juvenile delinquent and status offense Complaints needs to be changed, IT IS HEREBY ORDERED as follows:

Juvenile Court Internal Operating Procedure 2000-1 previously filed on February 10, 2000, shall be Vacated and Set Aside in its entirety upon the filing of this Order.

Commencing with all juvenile delinquency and status offense Complaints originating on the 4<sup>th</sup> day of March, 2002, the Forsyth County Sheriff's Department and the Cumming Police Department shall file all such Complaints directly with the Forsyth County Clerk's office within 48 hours of the taking of such Complaint. In the event the 48-hour time period expires on a weekend or a holiday, the Complaint should be filed by no later than 9:00 a.m. on the next business day following the weekend or holiday period. If the child is detained at the Gainesville Regional Youth Development Center (RYDC) based upon the Complaint thus necessitating the child's appearance before the Juvenile Court Judge for a detention hearing, then the Complaint resulting in the detention of the child shall be filed by no later than 9:00 a.m. on the next business day following the

child's detention on the Complaint. At the first available moment, the Juvenile Court Administrator or her designee shall notify the Juvenile Clerk that a child is in detention and that a detention hearing has been scheduled on a Complaint so that the Clerk may prepare the file and present the same to the Judge at the time of the detention hearing. If the Complaint on a detained child has not been received from law enforcement prior to the detention hearing as outlined above, it shall be the responsibility of the Juvenile Prosecutor to locate and file the Complaint by contacting the supervisor of the Uniform Patrol Division of the Sheriff's Office or the equivalent administrator with the Cumming Police Department depending on which agency originated the Complaint.

Copies of all Incident Reports supporting the Complaint should be filed with the Complaint as it may be necessary for the Judge to make a probable cause determination based upon the written information contained in the Complaint and other supporting documentation. Investigative case files and any other original evidence should not be filed with the Complaint, but should be forwarded as appropriate by the investigating law enforcement agency to the prosecuting attorney.

Upon receiving the Complaint, the Clerk of Court or his designee shall file the Complaint, shall open a file and assign a case number. Juvenile Court Judge's office staff shall copy each Complaint filed on a daily basis and shall provide a copy of such Complaints and any supporting documentation to the designated intake officers by leaving the same in the designated pick-up files located in the Judge's office by no later than 4:00 p.m. each business day. The designated intake officers for delinquent offenses, complaints alleging both delinquent and status offenses or for subsequent complaints filed against juveniles already being supervised by The Department of Juvenile Justice

are Department of Juvenile Justice Staff. The designated intake officer for status offenses (runaway, unruly or truancy) is the Juvenile Court Services Specialist. The designated intake officers may informally adjust a Complaint or recommend to the Juvenile Court and/or the Juvenile Prosecutor that the Complaint be dismissed or that a Petition be filed on the Complaint. An informal adjustment agreement, a request for dismissal or an endorsement shall be presented to the Court as soon as possible, but in no event shall it be presented later than thirty days from the date of the initial complaint without leave of the Juvenile Court Judge or the Juvenile Court Administrator. The designated intake officer shall file with the Juvenile Court Judge's office the notice containing a recommendation that a Complaint be informally adjusted, dismissed or petitioned. Judge's staff shall file such notice in the Clerk's office and upon the same day of filing shall personally serve the Juvenile Prosecutor with a copy of said notice accompanied by the Complaint and all supporting documentation filed previously therewith in the Clerk's office. Except in cases where children are detained, pursuant to Uniform Juvenile Court Rule 4.1 *et al*, the Juvenile Prosecutor shall have 30 days from the date of the filing of such endorsement notice by the intake officer to either recommend dismissal of the Complaint or to file a Petition thereon. The Juvenile Prosecutor may dismiss a Complaint by filing a notice of intent not to prosecute and the Clerk will close said case. The Juvenile Prosecutor shall cause a copy of such notice to be forwarded to the Juvenile Court Judge's Office contemporaneously with the filing of the same in the Clerk's Office.

In cases where children are detained on complaints, the intake officer will not be required to file an endorsement because the Judge makes a probable cause ruling at the

detention hearing. The Juvenile Prosecutor must comply with O.C.G.A. § 15-11-49(b) or (e) depending on whether the child was released or detained at the detention hearing.

§15-11-49(b) requires the filing of a petition within thirty days of the filing of the complaint if the child is released from detention and §15-11-49(e) requires the filing of a petition within seventy-two hours if the child is continued in detention.

A mediation referral may be made on petitioned cases only. Mediations will be scheduled on arraignment dates so that arraignment on the Petition can go forward in the event that mediation is unsuccessful in resolving the case. The Juvenile Prosecutor shall complete a Mediation Referral Form with the assigned arraignment date shown on the face thereof and shall transmit the same to the Juvenile Court Administrator for processing and scheduling of the mediation.

SO ORDERED, this 28<sup>th</sup> day of February, 2002.

---

J. Russell Jackson, Judge  
Juvenile Court of Forsyth County  
Bell-Forsyth Judicial Circuit