Rules and Regulations of the State of Georgia

Department 97 DEPARTMENT OF JUVENILE JUSTICE

Current through Rules and Regulations filed through November 6, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER - Emergency Rule

Rev. - Revised

Chapter 97-1, entitled "Rules of General Applicability," containing Rules 97-1-.01 to 97-1-.07 has been adopted. Filed September 1, 1992; effective September 21, 1992.

Emergency Rule 97-3-0.1 entitled "Transfer of At-Risk Youth to the Department of Corrections" was filed on March 24, 1993; effective March 23, 1993, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Chapter covering the same subject matter, as specified by the Agency. Said Rule was adopted to protect the health and

safety of the public. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 97-2, entitled "Administrative Revocation of Juvenile Community Placement," containing Rules 97-2-.01 to 97-2-.08 has been adopted. Filed May 26, 1993; effective July 1, 1993, as specified by the Agency.

Emergency Rule 97-3-0.1 has been repealed and Chapter 97-3, entitled "Transfer of At-risk Youth to the Department of Corrections" containing Rules 97-3-.01 to 97-3-.08 has been adopted. Filed June 21, 1993; effective July 15, 1993, as specified by the Agency.

Emergency Rules 97-3-0.2-.02 and 97-3-0.2-.03 were filed September 20, 1993, effective September 17, 1993, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Chapter covering the same subject matter, as specified by the Agency. Said Rule was adopted to "properly comply with the statue (O.C.G.A. 49-5-10.1)..." (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rules 97-3-0.2-.02(b) and 97-3-0.2-.03(2) have been repealed and new Rules 97-3-.02 and 97-3-.03, same titles, adopted. Filed December 8, 1993; effective December 28, 1993.

Emergency Rule 97-3-0.3-.02 was filed May 4, 1994, effective May 3, 1994, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter, as specified by the Agency. Said Rule was adopted "in order to properly comply with statute O.C.G.A. 49-5-10.1). . ." (Said Emergency Rule will not be published; copies may be obtained from the Agency).

Grant 97-4-.01 submitted May 4, 1994.

Rule 97-3-.02 has been amended. Filed July 27, 1994; effective August 16, 1994.

Chapters 97-2 and 97-3 have been amended. Filed April 25, 1995; effective May 15, 1995.

Grant Chapter 97-4 submitted May 28, 1997.

Chapters 97-1, 97-2 have been amended; Chapter 97-3 has been repealed; Agency renamed "Department of Juvenile Justice". Filed May 28, 1997; effective July 1, 1997, as specified by the Agency.

Rule 97-1-.06 amended. F. Jan. 24, 2013; eff. Feb. 13, 2013.

Rule 97-1-.04 amended. F. Sep. 30, 2015; eff. Oct. 20, 2015.

Rules 97-1-.02, 97-1-.03, 97-2-.01 amended. Chapter 97-5 entitled "Transfer of Community Supervision of Certain Youth in the Department's Custody to the Department of Community Supervision", containing Rules 97-5-.01 and 97-5-.02, adopted. F. Aug. 2, 2016; eff. Aug. 22, 2016.

Chapter 97-1. RULES OF GENERAL APPLICABILITY.

Rule 97-1-.01. Organization of the Board; Membership.

The Board of the Department of Juvenile Justice consists of fifteen members appointed by the Governor with the consent of the Senate with at least one but not more than two Board members from each congressional district in the State.

(a) The Governor shall designate the initial terms of the members of the Board as follows: three members shall be appointed for one year; three members shall be appointed for two years; three members shall be appointed for three years; three members shall be appointed for four years; and three members shall be appointed for five years. Thereafter, all succeeding appointments shall be for five-year terms from the expiration of the previous term.

(b) Vacancies in office are to be filled by appointment of the Governor, subject to confirmation by the Senate for the balance of the unexpired term.

(c) There shall be a Chairman of the Board elected by and from the membership of the Board who shall be the presiding officer of the Board.

(d) The Board shall meet monthly in Atlanta unless otherwise determined by the Board.

(e) Eight members of the Board shall constitute a quorum. The action of a majority of a quorum present at any meeting shall be the action of the Board, except as otherwise provided in the Bylaws of the Board.

Cite as Ga. Comp. R. & Regs. R. 97-1-.01
Authority: O.C.G.A. Secs. 49-4A-2, 49-4A-6.
History. Original Rule entitled "Organization of the Board; Membership" adopted. F. Sept. 1, 1992; eff. Sept. 21, 1992.
Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 97-1-.02. Authority.

(A) The general authority and powers of the Board are created and defined by law, Georgia law provides that the Board of the Department of Juvenile Justice is charged with the responsibility of:

(1) Providing leadership in developing programs to successfully rehabilitate delinquents and children committed to the state's custody;

(2) Providing technical assistance to private and public entities for prevention programs for children at risk;

(3) Ensuring that detention assessment, risk assessment, and risk and needs assessment instruments that are utilized by intake personnel and courts are developed in accordance with law;

(4) Adopting rules and regulations governing the management and treatment of children committed to the Department to ensure that evidence based programs or practices, including the use of a risk and needs assessment and any other method the Board deems appropriate, guide decisions related to placing a committed child in a facility or into the community, preparing a child's release into the community, and managing children probationers in the community;

(5) Requiring the Department to collect and analyze data and performance outcomes to prepare an annual report to be submitted in accordance with law; and

(6) Adopting rules and regulations governing the transfer of children who are at least 17 years of age and are released from restrictive custody due to an adjudication for a Class A designated felony act or Class B designated felony act, as such terms are defined by law, to the Department of Community Supervision to ensure balanced attention to the protection of the community, the imposition of accountability, and the development of competencies to enable each child to become a responsible and productive member of the community, taking into consideration a child's level of participation in the Department's educational, vocational, and other services prior to such release.

(B) The Commissioner of the Department of Juvenile Justice shall be both appointed and removed by the Board, subject to the approval of the Governor.

(C) The Board is authorized to promulgate, adopt, and establish rules and regulations for the government, operation, and maintenance of all training schools, facilities, and institutions under the Jurisdiction and control of the Department.

(D) The Board shall perform duties required of it and be responsible for the promulgation of all rules and regulations not in conflict with the law that may be necessary and appropriate to the administration of the Department, to the accomplishment of its purposes, and to the performance of the duties and functions of the Department as required by law.

Cite as Ga. Comp. R. & Regs. R. 97-1-.02
Authority: O.C.G.A. §§ 49-4A-2, 49-4A-3, 49-4A-4, 49-4A-5, 49-4A-6.
History. Original Rule entitled "Authority" adopted. F. Sept. 1, 1992; eff. Sept. 21, 1992.

Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.
Amended: F. Aug. 2, 2016; eff. Aug. 22, 2016.

Rule 97-1-.03. General Definitions.

The following definitions shall apply generally to all rules and regulations of the Department of Juvenile Justice.

(a) "Board" shall mean the Board of the Department of Juvenile Justice.

(b) "Delinquent child or youth" or "child in need of services" shall mean any person so adjudged under Article 1 of Chapter 11 of Title 15.

(c) "Department" shall mean the Department of Juvenile Justice.

(d) "Commissioner" shall mean the Commissioner of the Department of Juvenile Justice.

(e) "Restrictive custody" means in the custody of the Department for purposes of housing in a secure residential facility or nonsecure residential facility.

(f) "Secure residential facility" means a hardware secure residential institution operated by or on behalf of the Department and shall include a youth development center or a regional youth detention center.

(g) "Nonsecure residential facility" means community residential locations operated by or on behalf of the Department and may include group homes, emergency shelters, wilderness or outdoor therapeutic programs, or other facilities that provide 24 hour care in a residential setting.

(h) "Class A designated felony act" means a delinquent act committed by a child 13 years or older which, if committed by an adult, would be one or more of the specific crimes listed in O.C.G.A. § 15-11-2(12).

(i) "Class B designated felony act" means a delinquent act committed by a child 13 years or older which, if committed by an adult, would be one or more of the specific crimes listed in O.C.G.A. § 15-11-2(13).

Cite as Ga. Comp. R. & Regs. R. 97-1-.03
Authority: O.C.G.A. §§ 49-4A-1, 50-11-2.
History. Original Rule entitled "General Definitions" adopted. F. Sept. 1, 1992; eff. Sept. 21, 1992.
Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.
Amended: F. Aug. 2, 2016; eff. Aug. 22, 2016.

Rule 97-1-.04. Commissioner of the Department of Juvenile Justice. Amended.

(1) The Board shall appoint a Commissioner to serve as the chief administrative officer of the Department of Juvenile Justice. The Commissioner shall hold office at the pleasure of the Board and be both appointed and removed by the Board subject to the approval of the Governor. Subject to the general policy and rules and regulations of the Board, the Commissioner shall supervise, direct, account for, organize, plan, administer, and execute the functions of the Department of Juvenile Justice.

(2) In recognition of the security, emergency, and continuous operational needs of the Department, and with particular recognition of the need for a capability of immediate reaction to emergency situations, the Commissioner is authorized to require the Director of certain facilities, as a condition of employment, to reside in housing on the facility grounds, where such housing is available. In the event such housing is not available, the Department shall lease adequate housing close to the Director's assigned facility.

(3) The occupation of such housing by the Director shall be pursuant to an agreement whereby it will be acknowledged by the Director, that: the occupancy of administrative housing is a condition of employment and is not provided as an additional benefit for the performance of his or her job; the occupancy of the housing does not create an entitlement arising out of the Director's job; each Director shall agree to abide by the terms, conditions and provisions of the agreement as a condition of his or her employment; and will acknowledge that the agreement creates no estate or other interest in the real property occupied. The immediate family members of the Director shall be allowed to reside in the housing as long as they comply with the terms agreed to by the Director. The Commissioner or the Commissioner's designee shall be authorized to enter into and execute such agreements on behalf of the Department.

Cite as Ga. Comp. R. & Regs. R. 97-1-.04
Authority: O.C.G.A. §§ 49-4A-2(d), 49-4A-3(a), 49-4A-4, 49-4A-5(c)(2), 49-4A-6(a), 50-13-3, and 50-13-4.
History. Original Rule entitled "Commissioner of the Department of Children and Youth Services" adopted. F. Sept. 1, 1992; eff. Sept. 21, 1992.
Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.
Amended: F. Sep. 30, 2015; eff. Oct. 20, 2015.

Rule 97-1-.05. Adoption of Rules and Regulations.

(1) The Commissioner of the Department of Juvenile Justice shall formulate and submit to the Board those reasonable rules and regulations or changes thereto which are required to govern the Department.

(2) Rules and regulations adopted by the Board shall recognize that a primary purpose of youth development centers and other juvenile detention facilities is to carry out rehabilitative programs to the end that children and youth housed in said centers shall develop their self-respect and self-reliance and acquire the necessary knowledge and skills to become good citizens who are qualified for honorable employment.

(3) Board approval shall be required prior to the promulgation and adoption of rules and regulations.

(4) Actions undertaken in the preparation of rules and regulations for adoption by the Board, including notices of intended action, provision of an opportunity for interested parties to present data, formatting, and other rule-making requirements shall be as prescribed by the Georgia Administrative Procedure Act.

Cite as Ga. Comp. R. & Regs. R. 97-1-.05
Authority: O.C.G.A. Secs. 49-4A-2, 49-4A-6, 50-13-4.
History. Original Rule entitled "Adoption of Rules and Regulations" adopted. F. Sept. 1, 1992; eff. Sept. 21, 1992.
Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 97-1-.06. Request for Information.

Requests for information shall be in writing addressed to the Georgia Department of Juvenile Justice, Office of Legal Services, 3408 Covington Highway, Decatur, GA 30032.

Cite as Ga. Comp. R. & Regs. R. 97-1-.06
Authority: O.C.G.A. Secs. 49-4A-5, 49-4A-6, 50-13-4.
History. Original Rule entitled "Request for Information" adopted. F. Sept. 1, 1992; eff. Sept. 21, 1992.
Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency
. Amended: F: Jan. 24, 2013; eff. Feb. 13, 2013.

Rule 97-1-.07. Inspection of Records.

Most records maintained are not public records and cannot be inspected by the public. Those rules, statements of policy, interpretations, final orders and decisions which are public, may be inspected during business hours at the office of the Commissioner of the Department of Juvenile Justice.

Cite as Ga. Comp. R. & Regs. R. 97-1-.07
Authority: O.C.G.A. Secs. 49-4A-3, 49-4A-6, 50-13-4.
History. Original Rule entitled "Inspection of Records" adopted. F. Sept. 1, 1992; eff. Sept. 21, 1992.
Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Chapter 97-2. ADMINISTRATIVE REVOCATIONS OF JUVENILE COMMUNITY PLACEMENT.

Rule 97-2-.01. Definitions.

Unless a different meaning is required by the context, the following terms as used in these rules and regulations shall have the meaning hereinafter respectively ascribed to them:

(a) "Administrative Revocation" is the termination of the conditional, community placement of a youth committed to the custody of the Department; provided however, that a youth has completed the initial trial period when the administrative action to terminate occurs. If violations occur prior to the completion of the trial period, a youth may be transferred to a Youth Development Campus or any other placement without regard to these procedures.

(b) "Trial Period" is an initial diagnostic or probationary period, not to exceed sixty (60) days, during which a committed youth is conditionally placed in a community treatment center, community school, intensive supervision program, group home, or other alternate placement.

(c) "Preliminary Hearing" is an informal hearing, the purpose of which is to establish whether there is probable cause to believe that the youth has violated the conditions of placement. The hearing also serves as a detention hearing.

(d) "Waiver" is a voluntary relinquishing of a known right or privilege by one who knows the consequences of such act.

(e) "Final Revocation Hearing" is an administrative proceeding in which an administrative law judge, under authority of O.C.G.A. §§ 50-13-13 and 50-13-41, makes findings of fact and conclusions of law and disposition, subject to appellate review, in the matter of revocation of community placement.

(f) "Community Placement" means any placement made for a youth committed to the Department as an alternative to placement at a State Youth Development Campus.

(g) "Case Manager" means a Community Services Worker or other employee of the Division of Community Services who provides direct supervision and coordination of services for a youth committed to the Department.

(h) "Department" means the Department of Juvenile Justice of the State of Georgia.

(i) "Commissioner" means the chief administrative officer of the Department of Juvenile Justice.

(j) "YDC" means a Youth Development Campus.

(k) "RYDC" means a Regional Youth Detention Center.

(l) "Office of State Administrative Hearings" means the State Agency authorized by law to determine contested cases not presided over by the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 97-2-.01
Authority: O.C.G.A. § 49-4A-1, *et seq.*
History. Original Rule entitled "Definitions" adopted. F. May 26, 1993; eff. July 1, 1993, as specified by the Agency.
Amended: F. Apr. 25, 1995; eff. May 15, 1995.
Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Amended: F. Aug. 2, 2016; eff. Aug. 22, 2016.

Rule 97-2-.02. Provisions.

(1) Administrative revocations are based on one or more violations of the written conditions of placement and may result in a return to or placement in an institutional treatment program or other change in placement when it is determined that such return or placement is necessary for the youth's treatment and rehabilitation. It is not necessary to follow revocation procedures if the youth is to be removed from the placement during the initial sixty-day trial period.

(2) Revocations may take place as a result of violations of the conditions of community placement. If a youth has been accused of the commission of an act of delinquency or unruliness, a complaint should be filed with the juvenile court having jurisdiction in accordance with the court's local operating procedures. If the court will not authorize the filing of a petition, a violation report may be filed alleging that the conditions of placement have been violated in that the youth committed a delinquent or unruly act. The matter can then be handled as an administrative revocation.

Cite as Ga. Comp. R. & Regs. R. 97-2-.02
Authority: O.C.G.A. Sec. 49-4A-1, *et seq.*
History. Original Rule entitled "Provisions" adopted. F. May 26, 1993; eff. July 1, 1993, as specified by the Agency.
Amended: F. May 28, 1997; eff July 1, 1997, as specified by the Agency.

Rule 97-2-.03. Administrative Revocation: Preliminary Procedures.

If a case manager proposes to revoke administratively a community placement, the following procedures will be initiated:

(a) Violation Report. A violation report will be filed with the immediate supervisor of the case manager alleging a violation of the conditions of a youth's community placement. Only those conditions which have been put into writing and explained to the youth can be used as a basis for revocation.

1. The violation report must include the specific violations that are alleged, the dates of the occurrence, a summary of the circumstances of each violation, and the time and place of detention if the youth is detained.

2. The violation report must be explained to the youth and a copy must be delivered to the youth and the youth's parent or guardian as soon as possible after filing and no later than 24 hours prior to a preliminary hearing.

(b) Request for Detention. The case manager, upon authorization, has the authority to request the detention of a youth in a detention facility for 72 hours. Such a request should be made only if detention is required to protect the person or property of others or of the youth or if there is reason to believe that the youth will not appear at a preliminary hearing.

(c) Notice of Preliminary Hearing. The youth and the youth's parents or guardian, if available, must be given at least 24 hours notice that a preliminary hearing is to be held to consider the allegations made in the violation report.

1. The notice will indicate the time and place of the hearing, its purpose and the youth's rights.

2. It shall be read and explained to the youth by the case manager and a copy shall be given to the youth and the youth's parents or guardian, if they are available.

(d) Preliminary Hearing: Nature and Purpose. The preliminary hearing is an informal hearing, the purpose of which is to establish whether there is probable cause to believe that the youth has violated the conditions of the youth's community placement. The hearing officer may accept testimony and evidence not otherwise admissible if he believes it to be reliable.

1. The case manager's immediate supervisor or designee will present the charges and evidence regarding the alleged violations. The case manager will perform the role of witness for the Department. If a supervisor is actively managing the case, he will present the charges and serve as a witness for the Department.

(e) Waiver. If the youth admits to the charges, the youth and the youth's parents may waive the right to a final revocation hearing, and the youth may be returned to an institution with no further proceedings. This information is recorded on an Admission of Violation/Waiver form. If the parents or guardian are not reasonably available at the hearing, the youth may waive any further hearing without the youth's parents if the youth fully understands the implications of such a waiver. A notation of such non-availability of the parents or guardian shall be recorded by the hearing officer.

(f) Findings of Preliminary Hearing. The hearing officer must record the results of the preliminary hearing on the "Findings of Preliminary Hearing" form. He will record a summary of the hearing including the substance of the charges, evidence presented, the defense, the admission or denial of the charges, and his conclusions.

1. If the youth waives a final hearing, the preliminary hearing officer shall have the authority to make the same disposition that the administrative law judge for the final revocation hearing could make. If no probable cause is determined, the youth shall be immediately continued in the community.

2. If probable cause is determined and the youth does not waive the final hearing, a final revocation hearing will be scheduled. The preliminary hearing officer will also

determine whether the youth shall be detained until the final hearing. The decision to detain the youth shall be made only if detention is required to protect the person or property of others or of the youth or if there is reason to believe the youth will not appear at the final hearing.

3. Copies of the findings shall be given to the youth and the youth's parents or guardian, if reasonably available, within ten working days.

Cite as Ga. Comp. R. & Regs. R. 97-2-.03
Authority: O.C.G.A. Sec. 49-4A-1, *et seq*; 50-13-41.
History. Original Rule entitled "Administrative Revocation: Preliminary Procedures" adopted. F. May 26, 1993; eff. July 1, 1993, as specified by the Agency.
Amended: F. Apr. 25, 1995; eff. May 15, 1995.
Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 97-2-.04. Administrative Revocation: Final Hearing Procedures.

If a final revocation hearing is to be held the following procedures are required:

(a) Notice. The youth and the youth's parents or guardian, if reasonably available, and the youth's attorney, if any, must be given at least 24 hours notice by copy of the Notice of Revocation Hearing form.

(b) Final Revocation Hearing: Nature and Purpose. The purpose of the final revocation hearing is to make a determination of the allegation(s) and to make disposition. The Office of State Administrative Hearings will appoint an administrative law judge to conduct the final revocation hearing. The administrative law judge will, based on the preponderance of the evidence presented, make the initial decision that (1) the youth has or has not committed the acts as alleged; (2) that the acts, if found to be as alleged, are substantial violations which justify revocation; and (3) the plan of care is revoked or not revoked. The administrative law judge may accept an alternate plan previously agreed upon between the parties as an informal disposition of the case as provided for in the Georgia Administrative Procedure Act (O.C.G.A. §§ 50-13-13 and 50-13-41); provided however, that the administrative law judge is not hereby authorized to receive evidence concerning alternate plans nor to decide upon the merits of alternate plans other than to accept alternate plans previously agreed upon between the parties. The results of the hearing shall be put in writing. Copies shall be given to the youth and the youth's parents or guardian, if reasonably available.

(c) Appeal. The initial decision of the administrative law judge becomes final if no application for review is made within 30 days. Pending the review, any change in plan of care and treatment is effective. The youth, the youth's parents or guardian, or the youth's attorney can apply to the Commissioner of the Department of Juvenile Justice or his designee for review of the initial decision.

1. If, upon an application for review, the Commissioner or his designee upholds the initial decision of the administrative law judge, further appeal may be made through proceeding in superior court in accordance with Georgia Laws 1964, pages 338, 354, as amended (O.C.G.A. § 50-13-19).

2. The change in plan of care is effective during the pendency of the appeal unless a stay has been requested and granted.

Cite as Ga. Comp. R. & Regs. R. 97-2-.04
Authority: O.C.G.A. Sec. 49-4A-1, *et seq.*; 50-13-41.
History. Original Rule entitled "Administrative Revocation: Final Hearing Procedures" adopted. F. May 26, 1993; eff. July 1, 1993, as specified by the Agency.
Amended: F. Apr. 25, 1995; eff. May 15, 1995.
Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 97-2-.05. Hearing Officers: Designation and Authority of.

Preliminary Hearing Officers shall be designated and appointed by the Commissioner of the Department of Juvenile Justice. Administrative law judges shall be appointed by the Chief Judge, Office of State Administrative Hearings. The administrative law judges shall have the duties and authority of hearing officers as outlined in Georgia Laws 1964, pages 338, 348, as amended (O.C.G.A. 50-13-13) and Georgia Laws 1994, page 1856 (O.C.G.A. 50-13-41).

Cite as Ga. Comp. R. & Regs. R. 97-2-.05
Authority: O.C.G.A. Sec. 49-4A-1, *et seq.*; 50-13-41.
History. Original Rule entitled "Hearing Officers: Designation and Authority of" adopted. F. May 26, 1993; eff. July 1, 1993, as specified by the Agency.
Amended: F. Apr. 25, 1995; eff. May 15, 1995.
Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 97-2-.06. Hearings: Time Limitations.

(1) Preliminary Hearings. If a youth who has been charged with a violation is detained, a preliminary hearing shall be held within 72 hours after the youth is placed in detention, provided that if the 72-hour time period expires on a Saturday, Sunday, or legal holiday, the hearing shall be held on the next day which is not a Saturday, Sunday, or legal holiday. If not detained, a hearing shall be held within 10 working days of the filing of a violation report. The hearing officer may continue the hearing until a later date if the situation so necessitates.

(2) Final Revocation Hearing. A final revocation hearing shall be held by the Office of State Administrative Hearings within ten working days of the preliminary hearing if the youth is in detention and within twenty working days if not in detention, unless a continuance is granted.

Cite as Ga. Comp. R. & Regs. R. 97-2-.06
Authority: O.C.G.A. Sec. 49-4A-1, *et seq.*; 50-13-41.
History. Original Rule entitled "Hearings: Time Limitations" adopted. F. May 26, 1993; eff. July 1, 1993, as specified by the Agency.
Amended: F. Apr. 25, 1995; eff. May 15, 1995.
Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 97-2-.07. Attorneys.

When a violation report has been filed and a revocation proceeding initiated, a youth may be represented by an attorney. If the youth or the youth's parents or guardian are unable to retain an attorney, then an attorney will be provided for the final hearing, at no expense, upon proof of indigency only under the following conditions:

(a) An attorney will be provided for final revocation hearings, upon timely request, where necessary to ensure that the youth's interests are adequately represented when there is either a colorable claim:

1. that the youth has not committed the acts as alleged; or

2. even if the violations are established, there are substantial mitigating circumstances; or

3. that revocation is inappropriate under the particular circumstances.

(b) An attorney will be provided in any case for final revocation hearings in which a youth requests it and the youth is not assisted by a parent(s), guardian or other adult, or the youth cannot be effectively assisted by a parent(s) or guardian, because their interests conflict.

Cite as Ga. Comp. R. & Regs. R. 97-2-.07
Authority: O.C.G.A. Sec. 49-4A-1, *et seq.*
History. Original Rule entitled "Attorneys" adopted. F. May 26, 1993; eff. July 1, 1993, as specified by the Agency.
Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 97-2-.08. Other Changes in Plan of Care.

At any time when a change in plan of care is considered, other than possible placement at a Youth Development Campus, that would impose greater limitations on a youth's liberty, the youth and the youth's parents shall, at least, have the opportunity for a conference with the immediate supervisor of the youth's worker. Upon request, a conference with the supervisor and the youth and parents shall be held to fully explain what action is being considered and why. The youth and the youth's parents or guardian shall be given the opportunity to give evidence or reasons why the change in plan of care should not be made. Results shall be put in writing with copies given to the youth and the youth's parents or guardian.

Cite as Ga. Comp. R. & Regs. R. 97-2-.08
Authority: O.C.G.A. Sec. 49-4A-1, *et seq.*
History. Original Rule entitled "Other Changes in Plan of Care" adopted. F. May 26, 1993; eff. July 1, 1993, as specified by the Agency.
Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Chapter 97-3. REPEALED (97-3-.01 thru 97-3-.08).

Cite as Ga. Comp. R. & Regs. R. dept. 97, ch. 97-3

Rule 97-3-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 97-3-.01
Authority: O.C.G.A. Secs. 49-5-10.1, 50-13-4, 49-4A-2.
History. Original Rule entitled "Rule-making Authority" was filed as ER. 97-3-0.1-.01 on Mar. 24, 1993; eff. Mar. 23, 1993, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Jun. 21, 1993; eff. July 15, 1993, as specified by the Agency.
Repealed: F. May 28, 1997; eff July 1, 1997, as specified by the Agency.

Rule 97-3-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 97-3-.02
Authority: O.C.G.A. Secs. 49-5-10.1, 50-13-4, 49-4A-2.
History. Original Rule entitled "Criteria for Placement of At-risk Youth" was filed as ER. 97-3-0.1-.02 on Mar. 24, 1993; eff Mar. 23, 1993, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Jun. 21, 1993; eff. July 15, 1993, as specified by the Agency.
Amended: ER. 97-3-0.2-.02 filed on Sept. 20, 1993; eff. Sept. 17, 1993, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter, as specified by the Agency.
Amended: Permanent Rule adopted. F. Dec. 8, 1993; eff. Dec. 28, 1993.
Amended: F. July 27, 1994; eff. August 16, 1994.
Repealed: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 97-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 97-3-.03
Authority: O.C.G.A. Secs. 49-5-10.1, 50-13-41, 50-13-4, 49-4A-2.
History. Original Rule entitled "Process to Determine At-risk Youth" was filed as ER. 97-3-0.1-.03 on Mar. 24, 1993; eff. Mar. 23, 1993, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Jun. 21, 1993; eff. July 15, 1993, as specified by the Agency.
Amended: ER. 97-3-0.2-.03 filed on Sept. 20, 1993; eff. Sept. 17, 1993, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter, as specified by the Agency.
Amended: Permanent Rule adopted. F. Dec. 8, 1993; eff. Dec. 28, 1993.
Amended: F. Apr. 25, 1995; eff. May 15, 1995.

Repealed: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 97-3-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 97-3-.04
Authority: O.C.G.A. Secs. 49-5-10.1, 50-13-4, 49-4A-2.
History. Original Rule entitled "Information Sharing" was filed as ER. 97-3-0.1-.04 on Mar. 24, 1993; eff. Mar. 23, 1993, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Jun. 21, 1993; eff. July 15, 1993, as specified by the Agency.
Repealed: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 97-3-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 97-3-.05
Authority: O.C.G.A. Sec. 49-5-10.1.
History. Original Rule entitled "Consultation and Monitoring" was filed as ER 97-3-0.1-.05 on Mar. 24, 1993; eff. Mar. 23, 1993, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Jun. 21, 1993; eff. Jul 15, 1993, as specified by the Agency.
Repealed: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 97-3-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 97-3-.06
Authority: O.C.G.A. Sec. 49-5-10.1.
History. Original Rule entitled "Case Management" was filed as ER 97-3-0.1-.06 on Mar. 24, 1993; eff. Mar. 23, 1993, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Jun. 21, 1993; eff. July 15, 1993, as specified by the Agency.
Repealed: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 97-3-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 97-3-.07
Authority: O.C.G.A. Secs. 49-5-10.1, 50-13-4, 49-4A-2.
History. Original Rule entitled "Lengths of Stay" was filed as ER. 97-3-0.1-.07 on Mar. 24, 1993; eff. Mar. 23, 1993, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Jun. 21, 1993; eff. July 15, 1993, as specified by the Agency.
Repealed: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Rule 97-3-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 97-3-.08
Authority: O.C.G.A. Sec. 49-5-10.1.
History. Original Rule entitled "Discharge and Aftercare Planning" was filed as ER 97-3-0.1-.08 on Mar. 24, 1993; eff. Mar. 23, 1993, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter, as specified by the Agency.
Amended: Permanent Rule of same title adopted. F. Jun. 21, 1993; eff. July 15, 1993, as specified by the Agency.
Repealed: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

Chapter 97-4. GRANT PROGRAMS.

Rule 97-4-.01. The Family Connection.

(1) **Purpose of Program.** The Family Connection is a collaborative effort of the Departments of Education, Human Resources, Medical Assistance, Juvenile Justice, and local communities. Emphasis is placed on increasing school completion and reducing the incidence of teen pregnancy, substance abuse, and juvenile delinquency through strong family, community, and school linkages.

(2) **Terms and Conditions.** Competitive one-year grants were first awarded to four Family Connection Sites in the winter of 1993. Continuation grants for existing programs are made each year. Additional grants are awarded through a competitive process.

(3) **Eligible Recipients.** Family Connection Sites with existing contracts are eligible for continuation funding. Other Family Connection Sites are eligible to apply for funding through a competitive process.

(4) Criteria for Award.

(a) Continuation funding will be awarded to Family Connection Sites with existing contracts based on the demonstrated success of their programs.

(b) Additional juvenile delinquency programs will be funded based on an application process open to Family Connection Sites who do not already have contracts through this program. Proposals will be prepared and submitted to the Department which include:

1. A statement of need indicating the need for delinquency prevention services expressed in quantitative terms.

2. Program goals and objectives which focus on early intervention, prevention, family-centered comprehensive services, at-risk adolescents and their families and community capacity building in delinquency prevention.

3. Program descriptions outlining activities such as school-based prevention activities, family-centered support services, youth empowerment activities, or capacity-building efforts for community delinquency prevention efforts.

(5) **Directions and Deadlines for Applying.** Deadlines for applications will be announced each year after the adjournment of the General Assembly. Requests for information regarding the process should be directed to the Department of Juvenile Justice, Office of Prevention, Program Development and Evaluation, 2 Peachtree Street, Atlanta, Georgia 30303-3139.

Cite as Ga. Comp. R. & Regs. R. 97-4-.01
Authority: O.C.G.A. Secs. 49-4A-3, 49-4A-7.
History. Original Grant description entitled "The Family Connection" submitted May 4, 1994.
Submitted: May 28, 1997.

Chapter 97-5. .

Rule 97-5-.01. Definitions.

Unless a different meaning is required by the context, the following terms as used in these rules and regulations shall have the meaning hereinafter respectively ascribed to them:

(a) "DJJ" means the Department of Juvenile Justice.

(b) "DCS" means the Department of Community Supervision.

(c) "Delinquent child or youth" means any person so adjudged under Article 1 of Chapter 11 of Title 15.

(d) "Restrictive custody" means in the custody of the Department for purposes of housing in a secure residential facility or nonsecure residential facility.

(e) "Class A designated felony act" means a delinquent act committed by a child 13 years or older which, if committed by an adult, would be one or more of the specific crimes listed in O.C.G.A. § 15-11-2(12).

Cite as Ga. Comp. R. & Regs. R. 97-5-.01
Authority: O.C.G.A. §§ 49-4A-1, 42-3-2(a), 42-3-3(a)(4), 50-11-2.
History. Original Rule entitled "Definitions" adopted. F. Aug. 2, 2016; eff. Aug. 22, 2016.

Rule 97-5-.02. Transfer Provisions.

(A) No child's community supervision shall transfer to the DCS, unless all of the following criteria have been met:

(1) The child is 17 years of age or older, adjudicated delinquent for a Class A designated felony act, and has been released from restrictive custody by DJJ;

(2) The child is not amenable to treatment and programming services offered by DJJ;

(3) The child has not made substantial progress towards treatment and service plan objectives; and

(4) The child has not completed academic goals as outlined in the individualized program of study.

(B) In determining whether to transfer a child, DJJ shall give balanced attention towards the protection of the community, the imposition of accountability, and the development of competencies to enable each child to become a responsible and productive member of the community.

Cite as Ga. Comp. R. & Regs. R. 97-5-.02
Authority: O.C.G.A. § 49-4A-2(b)(6), O.C.G.A. § 42-3-2(a), O.C.G.A. § 42-3-3.
History. Original Rule entitled "Transfer Provisions" adopted. F. Aug. 2, 2016; eff. Aug. 22, 2016.