

THIS PAMPHLET ANSWERS:

- Do victims have rights in juvenile court?
- What does law enforcement do to protect my rights?
- What should the Solicitor (Prosecuting Attorney) do to protect my rights?
- What are my rights in court?
- Do I have to come to court?
- Can I be paid back for medical bills or property damage I have because of the juvenile's delinquent acts?
- Will I be notified if the juvenile is released from custody of the Department of Juvenile Justice?
- What other civil remedies do I have?

NOTES:

IMPORTANT CONTACT NUMBERS

Columbia County Sheriff's Office
(706) 541-2800

Grovetown City Police
(706) 863-1212

Harlem City Police
(706) 556-6262

Georgia State Patrol
(706) 624-1477

Georgia Bureau of Investigation
(706) 624-1424

Solicitor (Prosecuting Attorney)
of the Columbia County Juvenile Court:
(706) 821-1135

Columbia County Juvenile Court
(706) 868-3320

COURT TIMES/DATES:

Arrestment:

Adjudication (Trial) or Plea:

Disposition (Sentencing):

**VICTIM'S RIGHTS
IN JUVENILE COURT**

WHEN AN INDIVIDUAL HAS BEEN
VICTIMIZED, INJURED, OR HAD
PROPERTY DAMAGED BY A JUVENILE
(UNDER 17 YEARS OF AGE)



A guide to the rights of victims in Juvenile
Court of Columbia County

Judge Douglas J. Flanagan
www.columbiacountyga.gov/juvenilecourt

VICTIM'S RIGHTS AND WHO PROTECTS THEM

In Georgia, victim's rights are protected by state law. For juvenile cases, these statutes include: OCGA §15-11-64; OCGA §17-10-1.1 (as amended July 1, 2010); and OCGA §17-17-9 (as amended July 1, 2010).

Each step of the investigation, prosecution, and disposition (sentencing) process guarantees that victims will be protected, reimbursed for their damages, and given an opportunity to be heard.

1) Criminal justice agency (an arresting law enforcement agency, custodial authority, investigating law enforcement agency, prosecuting attorney, or the State Board of Pardons and Paroles) must *notify* the victim of

- The accused's arrest or release from custody.
- Any judicial proceeding at which the release of the accused will be considered.
- An escape by the accused and his/her subsequent re-arrest.
- When appropriate, the accused's violation of terms/conditions of electronic release and monitoring program.

2) Solicitor (the attorney who is the State's prosecuting officer) should *notify* the victim of

- The rights and steps in processing a criminal case, including the right to restitution, and to be notified when restitution has been paid.
- The right to request hearing dates.
- Procedures if a victim is subjected to threats or intimidation.

- The names and phone numbers of contact persons at investigating agency for return of victim's property.
- The right to refuse to speak with an attorney or agent for the accused.

3) Juvenile Court

- Should *notify* a victim that they may submit a victim impact when the juvenile did an act which caused serious damage or injury.
- Should *advise* the victim of the right to address the court prior to the entry of a dispositional order for a delinquent child.
- Should *attempt to minimize* the victim's contact with the accused, the accused's family and friends, and witnesses for the accused when the victim is excluded from the courtroom (pursuant to a motion) and no waiting area is available separate from the juvenile, the juvenile's family and friends, and witnesses for the accused.
- Should *provide a* victim with instructions for requesting that inmate mail be blocked. 17-17-12.1(b)(3).

4) Department of Juvenile Justice

- If a victim submits a request to block inmate mail, DJJ must *notify* any other custodial authority having actual custody of the inmate the names and addresses of such victim and the family or household members denoted by such victim.
- DJJ must *notify* the inmate of the request to have mail blocked and *advise* the inmate that violations will result in appropriate sanctions.

5) The Federal Government

- The Sex Offender Registration and Notification Act (SORNA) applies to "sex offender[s]" juveniles at least 14 years old who are adjudicated delinquent for particularly serious sex offenses. See 42 U.S.C. 16911(1), (8). The *Adam Walsh*

Act has similar requirements. Georgia law has not enacted a statutory method to comply with these federal requirements at this time.

FREQUENTLY ASKED QUESTIONS:

DO I HAVE TO COME TO COURT?

If you are subpoenaed to come to court, yes, you must come to court. This means that the juvenile has denied the charges, and you must be present as a possible witness. Or, if restitution is requested, you may need to testify about property damage or medical care resulting from the crime.

However, even you are subpoenaed, contact the Solicitor who will help accommodate your appearance, and make it as safe and convenient as possible. The Court will try to work around important conflicts, accommodate physical needs or ailments, and keep you seated where you will not have to direct contact with the accused juvenile.

If you are not served with a subpoena, you have the *right* to be present, but you do not have to attend if you do not want to do so. You can send a victim's impact statement, instead of making a court appearance.

I AM A VICTIM AND THE PARENT. WHY DOES MY CHILD HAVE BOTH AN ATTORNEY AND A COURT APPOINTED GUARDIAN?

In cases where the parent is a witness against the child, the court is required to provide counsel and a person to represent the best interests of the child in court. Sometimes the child's attorney can zealously represent the child and represent the child's best interest, but sometimes there is a legal conflict between these two positions.

If the child's attorney notifies the court of a conflict, the judge will appoint another trained individual, either an attorney or a qualified non-attorney Guardian Ad Litem (some of these are citizens called C.A.S.A.s "court appointed special advocates") to represent the child's best interest.

DO I HAVE A RIGHT TO BRING A CIVIL SUIT?

If you have been seriously injured or damaged, you can bring a civil suit (lawsuit) against a juvenile and/or their family. You would need to hire an attorney, and file the action in Superior or Magistrate Court. Restitution may repay you without going through this process.