

House Bill 127

By: Representative Squires of the 78th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
2 relating to juvenile proceedings, so as to authorize the juvenile court to order parents or other
3 persons legally obligated to support a child to pay certain costs and expenses in the form of
4 periodic child support in certain circumstances; to provide for application of child support
5 guidelines and for payment to the family support registry; to provide for income deduction
6 orders and hearings; to clarify the obligation of the district attorney regarding a petition in
7 juvenile court when the district attorney declines to prosecute certain children in superior
8 court; to authorize the juvenile court to order temporary child support for a child adjudicated
9 as deprived to be paid by a person or persons legally obligated to support the child; to
10 provide for enforcement of such orders for temporary support; to provide for transfer of a
11 case for jury trial; to clarify a provision for transfer to the juvenile court of the questions of
12 custody and support or investigation and report on such questions; to clarify a provision
13 relating to the time for a hearing on a petition in juvenile court; to change and reorganize
14 provisions so as to divide into separate parts those provisions relating to allegedly deprived
15 children and those provisions relating to allegedly unruly or delinquent children; to conform
16 cross references to such changes and reorganization; to change provisions relating to victim's
17 impact statements, evidence, and continuances; to clarify a provision relating to transfer of
18 legal custody of a child back to a person whose abuse of alcohol or another drug resulted in
19 the child's deprivation; to clarify when the juvenile court shall dismiss petitions alleging
20 delinquency or unruliness; to clarify when the court shall enter orders of disposition; to
21 clarify provisions relating to the duration of disposition orders; to provide for sealing records
22 in cases when petitions alleging delinquency or unruliness have been dismissed or informally
23 adjusted; to clarify a provision relating to written notice to a child's school system; to repeal
24 conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 *"(c) Custody Concurrent custody and support jurisdiction.*

2 (1) Where custody is the subject of controversy, except in those cases where the law
 3 gives the superior courts exclusive jurisdiction, in the consideration of these cases the
 4 juvenile court shall have concurrent jurisdiction to hear and determine the issue of
 5 custody and support when the issue is transferred by proper order of the superior court.

6 (2)(A) In any case where a child is alleged to be deprived, as defined in paragraph (8)
 7 of Code Section 15-11-2, the juvenile court upon a finding of deprivation shall have
 8 jurisdiction to order temporary child support for such child to be paid by that person or
 9 those persons determined to be legally obligated to support such child. Where there is
 10 an existing order of a superior court or other court of competent jurisdiction setting
 11 child support for the child, the juvenile court may order the child support obligor in the
 12 existing order to make such payments to the caretaker of the child on a temporary basis
 13 but may not otherwise modify the terms of the existing order. A copy of the juvenile
 14 court's order shall be filed in the clerk's office of the court that entered the existing
 15 order. The juvenile court shall have jurisdiction to order temporary child support for
 16 the child to be paid by any other person determined to be legally obligated to support
 17 such child. In determining such temporary child support, the juvenile court shall apply
 18 the child support guidelines as provided in Code Section 19-6-15.

19 (B) Temporary child support orders entered pursuant to subparagraph (A) of this
 20 paragraph shall be enforceable by the juvenile court as long as the juvenile court is
 21 entitled to exercise jurisdiction over the deprivation case through the contempt powers
 22 of the juvenile court as provided in Code Section 15-11-5 or through the Child Support
 23 Recovery Agency of the Department of Human Resources and its contractors as
 24 provided in the 'Child Support Recovery Act,' Article 1 of Chapter 11 of Title 19 and
 25 thereafter by the superior court that would otherwise have jurisdiction of the case or
 26 until the entry of a permanent child support order by a superior court or by a juvenile
 27 court in a legitimation case as provided in subsection (e) of this Code section.

28 (3) In the case of a temporary order of support entered pursuant to paragraph (2) of this
 29 subsection, if a demand for a jury trial as to support is properly filed by either parent, then
 30 the case shall be transferred to superior court for such a jury trial. Any order of support
 31 issued by the juvenile court shall operate as a temporary order pending the outcome of
 32 such jury trial."

33 SECTION 3.

34 Said article is further amended in said part by striking in its entirety subsection (b) of Code
 35 Section 15-11-30.1, relating to appointment of guardians and transfer of custody and support
 36 questions from superior courts, and inserting in lieu thereof the following:

1 ~~(d) In any delinquency proceeding in which a petition has been filed, the district attorney~~
 2 ~~or a member of the district attorney's staff shall conduct the proceedings on behalf of the~~
 3 ~~state if requested to do so by the juvenile court if the state is not otherwise represented by~~
 4 ~~a solicitor of the juvenile court. Notwithstanding any other provisions of law to the~~
 5 ~~contrary, in any delinquency proceedings conducted by the district attorney or a member~~
 6 ~~of the district attorney's staff, the district attorney or staff member shall be entitled to~~
 7 ~~complete access to all court files, probation files, hearing transcripts, delinquency reports,~~
 8 ~~and any other juvenile court records which may be of assistance to the district attorney or~~
 9 ~~staff member in the conduct of such delinquency proceedings. It shall be the duty of the~~
 10 ~~clerk and probation officers of the juvenile court to assist the district attorney or staff~~
 11 ~~member in obtaining any such files, transcripts, reports, or records, or copies thereof, as~~
 12 ~~may be requested by the district attorney or staff member. In any such case, the petition~~
 13 ~~shall be dismissed by the court upon the motion of the district attorney setting forth that~~
 14 ~~there is not sufficient evidence to warrant the further conduct of the proceeding.~~

15 ~~(e)(1) In any delinquency proceeding in which a petition has been filed, the juvenile~~
 16 ~~court shall notify any victim of a delinquent child's alleged offense that the victim may~~
 17 ~~submit a victim impact statement if:~~

18 ~~(A) The delinquent child, in committing a felony, caused physical, psychological, or~~
 19 ~~economic injury to the victim; or~~

20 ~~(B) The delinquent child, in committing a misdemeanor, caused serious physical injury~~
 21 ~~or death to the victim.~~

22 ~~(2) A victim impact statement submitted by a victim shall be attached to the case file and~~
 23 ~~may be used by the district attorney or the judge during any stage of the proceedings~~
 24 ~~against the child involving predisposition, disposition, or determination of restitution.~~

25 ~~(3) A victim impact statement shall:~~

26 ~~(A) Identify the victim of the offense and the perpetrator;~~

27 ~~(B) Itemize any economic loss suffered by the victim as a result of the offense;~~

28 ~~(C) Identify any physical injury suffered by the victim as a result of the offense along~~
 29 ~~with its seriousness and permanence;~~

30 ~~(D) Describe any change in the victim's personal welfare or familial relationships as~~
 31 ~~a result of the offense;~~

32 ~~(E) Identify any request for psychological services initiated by the victim or the~~
 33 ~~victim's family as a result of the offense; and~~

34 ~~(F) Contain any other information related to the impact of the offense upon the victim~~
 35 ~~that the court requires.~~

36 ~~(4) The victim may complete the victim impact statement form and submit such form to~~
 37 ~~the juvenile court. If the victim is unable to do so because of such victim's mental,~~

1 ~~emotional, or physical incapacity, or because of such victim's age, the victim's attorney~~
 2 ~~or a family member may complete the victim impact statement form on behalf of the~~
 3 ~~victim.~~

4 ~~(5) The court shall, in the manner prescribed by rule of court, provide the child with a~~
 5 ~~copy of the victim impact statement within a reasonable time prior to any hearing at~~
 6 ~~which it is to be considered and allow the child to have the opportunity to rebut the~~
 7 ~~victim's written statements.~~

8 ~~(6) No disposition of the child shall be invalidated because of failure to comply with the~~
 9 ~~provisions of this Code section. This Code section shall not be construed to create any~~
 10 ~~cause of action or any right of appeal on behalf of any person.~~

11 ~~(f) At any hearing on a petition alleging deprivation of a child, the court shall make and~~
 12 ~~file its findings as to whether the child is a deprived child, as defined in paragraph (8) of~~
 13 ~~Code Section 15-11-2, and whether such deprivation is found to have been the result of~~
 14 ~~alcohol or other drug abuse."~~

15 SECTION 6.

16 Said article is further amended in Part 6, relating to deprivation, by inserting a new Code
 17 section to be designated Code Section 15-11-54 to read as follows:

18 "15-11-54.

19 (a) *Findings.* After hearing the evidence on any petition alleging deprivation, the court
 20 shall make and file its findings as to whether the child is a deprived child. If the court finds
 21 that the child is not a deprived child, it shall dismiss the petition and order the child
 22 discharged from any detention or other restriction theretofore ordered in the proceeding.

23 (b) *Findings with regard to result of alcohol abuse or drug abuse.* If the court finds that
 24 a child is deprived, the court shall also make and file a finding as to whether such
 25 deprivation is the result of alcohol abuse or drug abuse by a parent or guardian.

26 (c) *Disposition.* The court shall proceed immediately or at a postponed hearing to make
 27 a proper disposition of the case in accordance with Code Section 15-11-55 if the court finds
 28 from clear and convincing evidence that the child is deprived."

29 SECTION 7.

30 Said part of said article is further amended in Code Section 15-11-55, relating to the
 31 disposition of a deprived child, by striking in its entirety subsection (e) and inserting in lieu
 32 thereof the following:

33 "(e) If a child is found to be a deprived child and the deprivation is found to have been the
 34 result of alcohol or other drug abuse by a parent or guardian, as specified in subsection (f)
 35 (b) of Code Section ~~15-11-41~~ 15-11-54, and the court orders transfer of temporary legal

1 custody of the child, as provided in paragraph (2) of subsection (a) of this Code section, the
 2 court is authorized to further order that legal custody of the child may not be transferred
 3 back to the ~~person having custody of the child when the deprivation occurred~~ child's
 4 custodian or guardian whose abuse of alcohol or another drug resulted in the child's
 5 deprivation unless such person undergoes substance abuse treatment and random substance
 6 abuse screenings and those screenings remain negative for a period of no less than six
 7 consecutive months."

8 SECTION 8.

9 Said part of said article is further amended by striking in its entirety Code Section 15-11-56,
 10 relating to court findings, disposition, evidence, continuances, and scheduling, and inserting
 11 in lieu thereof the following:

12 "15-11-56.

13 ~~(a) Findings. After hearing the evidence on any petition alleging delinquency, unruliness,~~
 14 ~~or deprivation, the court shall make and file its findings as to whether the child is a~~
 15 ~~deprived child or, if the petition alleges that the child is delinquent or unruly, after hearing~~
 16 ~~the evidence the court shall make and file its findings as to whether the acts ascribed to the~~
 17 ~~child were committed by the child. If the court finds that the child is not a deprived child~~
 18 ~~or that the allegations of delinquency or unruly conduct have not been established, it shall~~
 19 ~~dismiss the petition and order the child discharged from any detention or other restriction~~
 20 ~~theretofore ordered in the proceeding.~~

21 ~~(b) Disposition. The court shall proceed immediately or at a postponed hearing to make~~
 22 ~~a proper disposition of the case if the court finds from clear and convincing evidence that~~
 23 ~~the child:~~

24 ~~(1) Is deprived;~~

25 ~~(2) Is in need of treatment or rehabilitation as a delinquent child; or~~

26 ~~(3) Is in need of treatment or rehabilitation or supervision as an unruly child.~~

27 ~~(c)(a) Evidence. In dispositional hearings under subsection (b) (c) of this Code section~~
 28 Section 15-11-54 and in all proceedings involving custody of a child, all information
 29 helpful in determining the questions presented, including oral and written reports, may be
 30 received by the court and relied upon to the extent of its probative value even though not
 31 otherwise competent in the hearing on the petition. The parties or their counsel shall be
 32 afforded an opportunity upon request to examine and controvert written reports so received
 33 and to cross-examine individuals making the reports, except that portions of such reports
 34 not relied on by the court in reaching its decision which, if revealed, would be prejudicial
 35 to the interests of the child or any party to the proceeding may be withheld in the court's
 36 discretion. Confidential sources of information need not be disclosed.

1 ~~(d)~~(b) *Continuances; scheduling.* On its own motion or that of a party, the court may
 2 continue the hearings under subsection (c) of this Code section Section 15-11-54 for a
 3 reasonable period to receive reports and other evidence bearing on the disposition ~~or the~~
 4 ~~child's need for treatment or rehabilitation of a child.~~ In this event, the court shall make
 5 an appropriate order for detention protection of the child ~~or for the child's release from~~
 6 ~~detention subject to supervision of the court~~ during the period of the continuance. In
 7 scheduling investigations and hearings, the court shall give priority to proceedings in which
 8 a child is ~~in detention or has otherwise~~ has been removed from his or her home before an
 9 order of disposition has been made."

10 **SECTION 9.**

11 Said part of said article is further amended in Code Section 15-11-58, relating to family
 12 reunification, reports and plans, custody orders, duration of orders, review of determinations,
 13 hearings, and supplemental orders, by striking in its entirety paragraph (2) of subsection (n)
 14 and inserting in lieu thereof the following:

15 "(2) Reasonable notice of the factual basis of the motion and of the hearing and
 16 opportunity to be heard are given to the parties affected, ~~including~~ and to the foster
 17 parents, if any, of a child and any preadoptive parent or relative providing care for the
 18 child, ~~except that this~~ This provision shall not be construed to require that any foster
 19 parent, preadoptive parent, or relative providing care for the child be made a party to such
 20 a review or hearing solely on the basis of such notice and opportunity to be heard; and".

21 **SECTION 10.**

22 Said part of said article is further amended by striking in their entirety subsections (o), (p),
 23 and (q) of Code Section 15-11-58, relating to family reunification, reports and plans, custody
 24 orders, duration of orders, review of determinations, hearings, and supplemental orders, and
 25 inserting in lieu thereof the following:

26 "15-11-58.1.

27 ~~(o)~~(a) Except as otherwise provided by law, any other order of disposition in a proceeding
 28 involving ~~delinquency, unruliness, or~~ deprivation, except ~~in~~ an order involving the
 29 appointment of a guardian of the person or property of a child, continues in force for not
 30 more than two years. The court may sooner terminate its order or extend its duration for
 31 further periods. An order of extension may be made if:

- 32 (1) A hearing is held prior to the expiration of the order upon motion of a party or on the
 33 court's own motion;
- 34 (2) Reasonable notice of the factual basis of the motion and of the hearing and
 35 opportunity to be heard are given to the parties affected;

1 (3) The court finds that the extension is necessary to accomplish the purposes of the
2 order extended; and

3 (4) The extension does not exceed two years from the expiration of the prior order.

4 ~~(p)(b) Except as provided in Code Section 15-11-70, the~~ The court may terminate an order
5 of disposition of a child adjudicated as deprived or an extension of such a disposition order
6 prior to its expiration, on or without an application of a party, if it appears to the court that
7 the purposes of the order have been accomplished.

8 ~~(q)(c)~~ Unless otherwise provided by law, when ~~the~~ a child who has been adjudicated as
9 deprived reaches 21 years of age all orders affecting him or her then in force terminate and
10 he or she is discharged from further obligation or control."

11 SECTION 11.

12 Said article is further amended in Part 7, relating to delinquency and unruliness, by inserting
13 two new Code sections to be designated Code Sections 15-11-64.1 and 15-11-64.2 to read
14 as follows:

15 "15-11-64.1.

16 In any delinquency proceeding in which a petition has been filed, the district attorney or
17 a member of the district attorney's staff shall conduct the proceedings on behalf of the state
18 if requested to do so by the juvenile court if the state is not otherwise represented by a
19 solicitor of the juvenile court. Notwithstanding any other provisions of law to the contrary,
20 in any delinquency proceedings conducted by the district attorney or a member of the
21 district attorney's staff, the district attorney or staff member shall be entitled to complete
22 access to all court files, probation files, hearing transcripts, delinquency reports, and any
23 other juvenile court records which may be of assistance to the district attorney or staff
24 member in the conduct of such delinquency proceedings. It shall be the duty of the clerk
25 and probation officers of the juvenile court to assist the district attorney or staff member
26 in obtaining any such files, transcripts, reports, or records, or copies thereof, as may be
27 requested by the district attorney or staff member. In any such case, the petition shall be
28 dismissed by the court upon the motion of the district attorney setting forth that there is not
29 sufficient evidence to warrant the further conduct of the proceeding.

1 15-11-64.2.

2 (a) In any delinquency proceeding in which a petition has been filed, the juvenile court
3 shall notify any victim of a delinquent child's alleged offense that the victim may submit
4 a victim impact statement if:

1 (1) The allegedly delinquent child, in conduct which would constitute a felony if
 2 committed by an adult, caused physical, psychological, or economic injury to the victim;
 3 or

4 (2) The allegedly delinquent child, in conduct which would constitute a misdemeanor if
 5 committed by an adult, caused serious physical injury or death to the victim.

6 (b) A victim impact statement submitted by a victim shall be attached to the case file and
 7 may be used by the district attorney or the judge during any stage of the proceedings
 8 against the child involving predisposition, disposition, or determination of restitution.

9 (c) A victim impact statement shall:

10 (1) Identify the victim of the offense and the perpetrator;

11 (2) Itemize any economic loss suffered by the victim as a result of the offense;

12 (3) Identify any physical injury suffered by the victim as a result of the offense along
 13 with its seriousness and permanence;

14 (4) Describe any change in the victim's personal welfare or familial relationships as a
 15 result of the offense;

16 (5) Identify any request for psychological services initiated by the victim or the victim's
 17 family as a result of the offense; and

18 (6) Contain any other information related to the impact of the offense upon the victim
 19 that the court requires.

20 (d) The victim may complete the victim impact statement form and submit such form to
 21 the juvenile court. If the victim is unable to do so because of such victim's mental,
 22 emotional, or physical incapacity, or because of such victim's age, the victim's attorney or
 23 a family member may complete the victim impact statement form on behalf of the victim.

24 (e) The court shall, in the manner prescribed by rule of court, provide the child with a copy
 25 of the victim impact statement within a reasonable time prior to any hearing at which it is
 26 to be considered and allow the child to have the opportunity to rebut the victim's written
 27 statements.

28 (f) No disposition of the child shall be invalidated because of failure to comply with the
 29 provisions of this subsection. This subsection shall not be construed to create any cause
 30 of action or any right of appeal on behalf of any person."

31 **SECTION 12.**

32 Said article is further amended in said part by striking in its entirety Code Section 15-11-65,
 33 relating to disposition hearings for delinquent or unruly children and evidence, and inserting
 34 in lieu thereof the following:

35 "15-11-65.

1 (a) *Dispositional hearing for delinquent or unruly child.* If the court finds on proof
2 beyond a reasonable doubt that the child committed the acts by reason of which he or she
3 is alleged to be delinquent or unruly, it shall proceed immediately or at a later time to
4 conduct a dispositional hearing for the purpose of hearing evidence as to whether the child
5 is in need of treatment, rehabilitation, or supervision and shall make and file its findings
6 thereon. If the court finds that the allegations of delinquency or unruly conduct have not
7 been established, it shall dismiss the petition and order the child discharged from any
8 detention or other restriction theretofore ordered in relation to the allegations. If the child
9 is to be held in custody at a detention facility between the adjudicatory hearing and the
10 dispositional hearing, the court shall conduct the dispositional hearing within 30 days of
11 the adjudicatory hearing. ~~If the dispositional hearing is conducted more than 30 days after~~
12 ~~the adjudicatory hearing, unless~~ the court ~~shall make and file~~ makes and files written
13 findings of fact explaining the need for the delay. In the absence of evidence to the
14 contrary, evidence sufficient to warrant a finding that acts have been committed which
15 constitute a felony is also sufficient to sustain a finding that the child is in need of treatment
16 or rehabilitation. If the court finds that the child is not in need of treatment, rehabilitation,
17 or supervision, it shall dismiss the proceeding and discharge the child from any detention
18 or other restriction theretofore ordered.

19 (b) *Evidence.* In dispositional hearings under subsection (a) of this Code section and in
20 all proceedings involving custody of a child, all information helpful in determining the
21 questions presented, including oral and written reports, may be received by the court and
22 relied upon to the extent of its probative value even though not otherwise competent in the
23 hearing on the petition. The parties or their counsel shall be afforded an opportunity upon
24 request to examine and controvert written reports so received and to cross-examine
25 individuals making the reports, except that portions of such reports not relied on by the
26 court in reaching its decision which, if revealed, would be prejudicial to the interests of the
27 child or any party to the proceeding may be withheld in the court's discretion. Confidential
28 sources of information need not be disclosed.

29 (c) *Continuances; scheduling.* On its own motion or that of a party, the court may
30 continue the hearings under this Code section for a reasonable period to receive reports and
31 other evidence bearing on the disposition or the child's need for treatment or rehabilitation.
32 In this event, the court shall make an appropriate order for detention of the child or for the
33 child's release from detention subject to supervision of the court during the period of the
34 continuance. In scheduling investigations and hearings, the court shall give priority to
35 proceedings in which a child is in detention or has otherwise been removed from his or her
36 home before an order of disposition has been made."

SECTION 13.

Said article is further amended in said part by striking in its entirety Code Section 15-11-66, relating to disposition of delinquent children, and inserting in lieu thereof the following:
"15-11-66.

(a) At the conclusion of the ~~adjudicatory hearing~~ dispositional hearing provided in subsection (a) of Code Section 15-11-65, if the child is found to have committed a delinquent act and is subsequently determined to be in need of treatment or rehabilitation, the court may make any of the following orders of disposition best suited to the child's treatment, rehabilitation, and welfare:

(1) Any order authorized by Code Section 15-11-55 for the disposition of a deprived child;

(2) An order placing the child on probation under conditions and limitations the court prescribes, under the supervision of:

(A) The probation officer of the court or the court of another state as provided in Code Section 15-11-89;

(B) Any public agency authorized by law to receive and provide care for the child; or

(C) The chief executive officer of any community rehabilitation center acknowledging in writing such officer's willingness to accept the responsibility for the supervision of the child;

(3) An order placing the child in an institution, camp, or other facility for delinquent children operated under the direction of the court or other local public authority;

(4) An order committing the child to the Department of Juvenile Justice;

(5) An order requiring that the child make such restitution as defined in paragraph (7) of Code Section 17-14-2. Such order may remain in force and effect simultaneously with any other order of the court, including, but not limited to, an order of commitment to the Department of Juvenile Justice. While an order requiring restitution is in effect, the enforcement thereof may be transferred to the Department of Juvenile Justice. In the event that the child changes his or her place of residence while the order is still in effect, the court may transfer enforcement of its order to the juvenile court of the county of the child's residence and its probation staff; however, no order of restitution shall be enforced while such child is in placement at a youth development center unless the commissioner of juvenile justice certifies that a restitution program is available at such facility. Payment of funds under this paragraph shall be made by the child or the child's family or employer directly to the clerk of the juvenile court entering the order or another employee of that court designated by the judge, and that court shall disburse such funds in the manner authorized in the order;

1 (6) An order requiring that the child perform community service in a manner prescribed
2 by the court and under the supervision of an individual designated by the court; or

3 (7) An order requiring the child to remit to the general fund of the county a sum not to
4 exceed the maximum applicable to an adult for commission of any of the following
5 offenses: homicide by vehicle, manslaughter resulting from the operation of a motor
6 vehicle, any felony in the commission of which a motor vehicle is used, hit and run or
7 leaving the scene of an accident, racing on highways or streets, using a motor vehicle in
8 fleeing or attempting to elude an officer, fraudulent or fictitious use of a license, driving
9 under the influence of alcohol or drugs, possession of controlled substances or marijuana,
10 driving without proof of minimum required motor vehicle insurance, or any violation of
11 the Code sections contained in Title 40 which is properly adjudicated as a delinquent act.

12 (b) At the conclusion of the ~~adjudicatory hearing~~ dispositional hearing provided in
13 subsection (a) of Code Section 15-11-65, if the child is found to have committed a
14 delinquent act, the court may, in addition to any other treatment or rehabilitation, suspend
15 the driver's license of such child for any period not to exceed the date on which the child
16 becomes 18 years of age or, in the case of a child who does not have a driver's license,
17 prohibit the issuance of a driver's license to such child for any period not to exceed the date
18 on which the child becomes 18 years of age. The court shall retain the driver's license for
19 a period of suspension and return it to the offender at the end of such period. The court
20 shall notify the Department of Public Safety of any such actions taken pursuant to this
21 subsection. If the child is adjudicated for the commission of a delinquent act, the court
22 may in its discretion, in addition to any other treatment or rehabilitation, order the child to
23 serve up to a maximum of 90 days in a youth development center.

24 (b.1) Notwithstanding the provisions of subsections (a) and (b) of this Code section, at the
25 conclusion of the ~~adjudicatory hearing~~ dispositional hearing provided in subsection (a) of
26 Code Section 15-11-65, if the child is found to have committed a delinquent offense which
27 would be a violation of subsection (k) of Code Section 40-6-391 if committed by an adult,
28 the court shall make an order of disposition which, for purposes of the child's
29 rehabilitation, imposes the same penalty, period of confinement, and period of community
30 service provided in Code Section 40-6-391 which are applicable to an adult convicted of
31 violating subsection (k) of Code Section 40-6-391, with any such period of confinement
32 to be served in an institution, camp, or other facility for delinquent children operated under
33 the direction of the court or other local public authority or, if no such facility is available,
34 in a regional youth detention center, provided that such child shall be kept segregated from
35 all children other than those confined for violating subsection (k) of Code Section
36 40-6-391. A previous finding that the child committed such a delinquent offense shall be
37 deemed a previous conviction for purposes of this subsection. The judge shall have the

1 same authority and discretion regarding allowing service of confinement on weekends or
 2 during nonworking hours as is provided under subsection (a) of Code Section 17-10-3.1.
 3 (c) In any case in which a child who has not achieved a high school diploma or the
 4 equivalent is placed on probation, the court may require as a condition of probation that the
 5 child pursue a course of study designed to lead to achieving a high school diploma or the
 6 equivalent; and, in any case in which such a condition of probation may be imposed, the
 7 court shall give express consideration to whether such a condition should be imposed."

8 SECTION 14.

9 Said article is further amended in said part by striking in its entirety Code Section 15-11-70,
 10 relating to duration, termination, and extensions of disposition orders for delinquent or unruly
 11 children, and inserting in lieu thereof the following:

12 "15-11-70.

13 (a) Except as otherwise provided by law, an order of disposition committing a delinquent
 14 or unruly child to the Department of Juvenile Justice continues in force for two years or
 15 until the child is sooner discharged by the Department of Juvenile Justice. The court which
 16 made the order may extend its duration for an additional two years subject to like
 17 discharge, if:

- 18 (1) A hearing is held upon motion of the Department of Juvenile Justice prior to the
 19 expiration of the order;
- 20 (2) Reasonable notice of the factual basis of the motion and of the hearing and an
 21 opportunity to be heard are given to the child and the parent, guardian, or other custodian;
 22 and
- 23 (3) The court finds that the extension is necessary for the treatment or rehabilitation of
 24 the child.

25 (b) Except as otherwise provided by law, any other order of disposition in a proceeding
 26 involving delinquency or unruliness, except an order involving the appointment of a
 27 guardian of the person or property of a child, continues in force for not more than two
 28 years. The court may sooner terminate its order or extend its duration for further periods.
 29 An order of extension may be made if:

- 30 (1) A hearing is held prior to the expiration of the order upon motion of a party or on the
 31 court's own motion;
- 32 (2) Reasonable notice of the factual basis of the motion and of the hearing and
 33 opportunity to be heard are given to the parties affected;
- 34 (3) The court finds that the extension is necessary to accomplish the purposes of the
 35 order extended; and
- 36 (4) The extension does not exceed two years from the expiration of the prior order.

1 (c) The court may terminate an order of disposition of a child adjudicated as delinquent
 2 or unruly or an extension of such a disposition order prior to its expiration, on or without
 3 an application of a party, if it appears to the court that the purposes of the order have been
 4 accomplished.

5 (d) Unless otherwise provided by law, when a child who has been adjudicated as
 6 delinquent or unruly reaches 21 years of age all orders affecting him or her then in force
 7 terminate and he or she is discharged from further obligation or control."

8 **SECTION 15.**

9 Said article is further amended in Part 8, relating to access to records and hearings, by
 10 striking in its entirety subsection (b) of Code Section 15-11-79, relating to inspection of court
 11 files and records, and inserting in lieu thereof the following:

12 "(b) Subject to the requirements of subsection ~~(c)~~ (a) of Code Section 15-11-56, subsection
 13 (b) of Code Section 15-11-65, and Code Section 15-11-79.2, the general public shall be
 14 allowed to inspect court files and records for cases arising under Code Section 15-11-73
 15 or any complaint, petition, or order from any case that was open to the public pursuant to
 16 subsection (b) of Code Section 15-11-78. The general public shall be allowed to inspect
 17 court files and records for proceedings involving a legitimation petition under the
 18 jurisdiction of the juvenile court pursuant to paragraph (1) or (2) of subsection (e) of Code
 19 Section 15-11-28."

20 **SECTION 16.**

21 Said article is further amended in said part in Code Section 15-11-79.2, relating to sealing
 22 records, by redesignating subsections (a), (c), and (d) as subsections (b), (d), and (e),
 23 respectively, and by inserting the following new subsections:

24 "(a) Upon dismissal of a petition or complaint alleging delinquency or unruliness, or, in a
 25 case handled through informal adjustment, following completion of the informal
 26 adjustment, the court shall order the sealing of the files and records in the case, including
 27 those specified in Code Sections 15-11-82 and 15-11-83."

28 "(c) Reasonable notice of the hearing required by subsection (b) of this Code section shall
 29 be given to:

30 (1) The district attorney;

31 (2) The authority granting the discharge if the final discharge was from an institution or
 32 from parole; and

33 (3) The law enforcement officers or department having custody of the files and records
 34 if the files and records specified in Code Sections 15-11-82 and 15-11-83 are included
 35 in the application or motion."

SECTION 17.

Said article is further amended in said part by striking in its entirety Code Section 15-11-80, relating to notice to school officials, and inserting in lieu thereof the following:

"15-11-80.

Within 30 days of any proceeding in which a child is adjudicated delinquent for a second or subsequent time or ~~any adjudicatory~~ a proceeding involving a designated felony in which a child is adjudicated as delinquent for one or more designated felony acts as defined in Code Section 15-11-63, the court shall provide written notice to the school superintendent or his or her designee of the school in which such child is enrolled or, if the information is known, of the school in which such child plans to be enrolled at a future date. Such notice shall include the specific delinquent act or designated felony act that such child committed."

SECTION 18.

All laws and parts of laws in conflict with this Act are repealed.