

# Juvenile Court Cherokee County CHINS System Protocol

## Overview

On January 1, 2014, the State of Georgia substantially modified and revised the Juvenile Code. The changes included the creation of a new category of children and new approach to addressing the needs of this group of at risk youth: Children In Need of Services (CHINS). O.C.G.A. §§15-11-380 THROUGH 15-11-451.

Specifically, CHINS are defined in O.C.G.A §15-11-2(11):

(A) A child adjudicated to be in need of care, guidance, counseling, structure, supervision, treatment, or rehabilitation and who is adjudicated to be:

(i) Subject to compulsory school attendance and who is habitually and without good and sufficient cause **truant**, as such term is defined in Code Section 15-11-381, from school;

(ii) Habitually disobedient of the reasonable and lawful commands of his or her parent, guardian, or legal custodian and is **ungovernable** or places himself or herself or others in unsafe circumstances;

(iii) A **runaway**, as such term is defined in Code Section 15-11-381;

(iv) A child who has committed an offense applicable only to a child;

(v) A child who wanders or **loiters** about the streets of any city or in or about any highway or any public place between the hours of 12:00 Midnight and 5:00 A.M.;

(vi) A child who **disobeys the terms of supervision** contained in a court order which has been directed to such child who has been adjudicated a child in need of services; or

(vii) A child who **patronizes any bar** where alcoholic beverages are being sold, unaccompanied by his or her parent, guardian, or legal custodian, or who possesses alcoholic beverages; or

(B) A child who has committed a delinquent act and is adjudicated to be in need of supervision but not in need of treatment or rehabilitation.

Local government was given the responsibility to address this area with the ability of Juvenile Court Judges to create appropriate community based risk reduction programs. The risk reduction programs include early intervention, protocol agreements, and the involvement of all local and state agencies that provide children and family services. O.C.G.A. §15-11-38.

## *Cherokee County Diversion System*

**Mission Statement:** Identify at risk youth and provide appropriate out of court intervention services while continuing to reassess the needs of the youth and family to determine if services should be modified.

CHINS matters involve behavior by youth that can be related to immature decision making, temporary crisis in the family (health, instability, grief, transitions), substance abuse, or untreated mental health needs of the child or parents, to safety issues of abuse or neglect. It is vital to initially assess the needs of the child and family to determine the cause of the youth's behavior so that proper services may be provided. The needs will be then reassessed on an ongoing basis.

Services can range from none based upon the issue was a temporary behavior that has resolved itself or the family has addressed the need with proper services on their own; basic counseling services to address on ongoing youth or family need; intensive services to address substantial risk within the family; or removal of the child from the family based upon safety concerns.

### *Screening*

Upon the filing of the complaint, the clerk's office shall notify the CHINS coordinator. Within one business day, the coordinator shall notify the District Attorney's office of the case and complete the first two steps:

1. Determine if the family/child is currently involved with DFCS or DJJ in any manner or has pending delinquent case(s). If so, then the coordinator will notify the agencies of the CHINS complaint and take steps to ensure the family/child's need are being addressed. The matter can then be closed.
2. Whether the matter is screened out to DFCS or DJJ or not, the coordinator shall contact the family and the complainant. An interview will be conducted to determine if the family has addressed the underlying issues on their own, if there is no agency involvement. Upon confirmation of the family resolving the issue, the matter can then be closed.
3. If the matter remains open, the coordinator will then staff with the District Attorney's office regarding recommendations for the case. The District Attorney will be responsible to consult with the complainant, including any law enforcement involved. The time frame is to have the matter set for court within two weeks of the filing of the complaint.

## *Court*

1. The matter shall be set on an arraignment or other regularly scheduled delinquency court date by the coordinator.
2. The attorney of the day will be made available for representation of the child. Depending on the nature of the underlying allegations, the coordinator can request a Guardian Ad Litem be appointed. The coordinator, family, child, district attorney designee, and attorney(s) shall meet prior to any court hearing to determine if a diversion agreement is appropriate. If so, the diversion agreement is entered and the matter is removed from the court docket. Any modifications of the diversion agreement will be handled in the same manner.
3. The CHINS coordinator shall then take responsibility as case manager and provide ongoing supervision to the family/child. If DFCS begins a family preservation plan with the family, it may be incorporated into the diversion agreement.
4. If a diversion agreement is not reached, the child and attorney appear before the Court to enter a denial. The matter is then set for trial.
5. If a youth is adjudicated and placed under supervision, DJJ will provide supervision, if resources are available.

## *Assessment*

1. Initial intake/screening process: determine system path. Intake shall include a county legal history with all available court and clerk files for the child, sibling(s), parent(s), and adult(s) living in the home.
2. Needs assessment: the coordinator, in consultation with the CHINS stakeholders, will develop various assessment tools to develop a treatment plan.
3. Ongoing assessment: the family/child needs will be reassessed during the treatment plan.

## *Case Management*

1. Agency coordination: weekly contact with DFCS, DJJ, and the School District to determine if the agency is providing services to the family. Court interventions shall be modified to supplement any services so as to best serve the needs of the child.
2. Child contact:
  - (a) weekly contact.
  - (b) minimum monthly face to face visits: minimum risk level once per month; medium and high risk level twice per month.

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(c) school visit: once per month during school year.

### *Data*

1. The goal of the Juvenile Court is to objectively review the effectiveness of the CHINS system. To that end, it will need an effective data protocol which will standardize the collection process, track outcomes, target community needs, identify system strengths and weaknesses, and serve as a basis for ongoing review and improvement.

2. Data sharing agreements shall be entered into between various stakeholders as needed.

3. Data fields to be collected:

**Bio:** age, gender, race/ethnicity, offense(s)

**Outcome:** Diversion at Intake; Diversion to DJJ; Diversion to DFCS; Diversion agreement successful; Diversion agreement failed; Court Intervention

**Reentry:** 6 month pre-offense and 6 month, 12 month post case closed: number and type offense(s);

**Education:** 6 month pre-offense and 6 month post, 12 month post case closed: attendance, disciplinary reports, grade point average;

**Services provided to the family:** (list of current court programs);

**Well-being:** 6 and 12 month post-closing of case: youth reports same, better, or no difference; family reports same, better, or no difference

**90 day follow up**

### *Case Closure*

Prior to a request to close a case, a current county legal history with all available court and clerk files for the child, sibling(s), parent(s), and adult(s) living in the home shall be conducted.

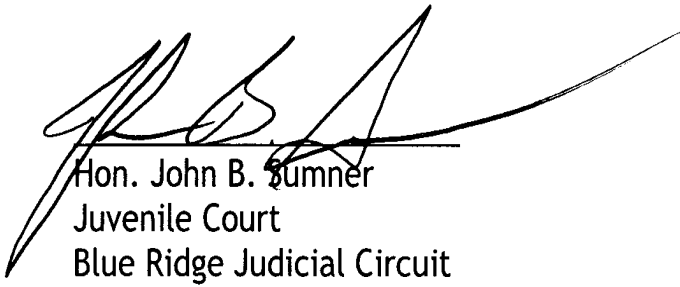
### *Truancy*

Truancy cases will processed through the Truancy Panel system of the school district, which shall include a multi-disciplinary team. The CHINS coordinator shall participate on the panel. Truancy cases not resolved by the Truancy Panel shall be filed with the Juvenile Court.


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## Collaborative

Pursuant to O.C.G.A. §15-11-38, this protocol will serve as a community based risk reduction program developed with the participation and cooperation of the appropriate stake holders and shall conduct regular and ongoing meetings to serve said purpose.



Hon. John B. Sumner  
Juvenile Court  
Blue Ridge Judicial Circuit



Hon. Jennifer L. Davis  
Juvenile Court  
Blue Ridge Judicial Circuit