

**DAWSON COUNTY
JUVENILE COURT
CHILDREN IN NEED OF
SERVICES (CHINS) RISK
REDUCTION PROGRAM
(RRP) PROTOCOL:
CHINS TRUANCY PANELS**



Foreword

The overarching goal of this protocol is to support the prosocial development of children who become involved with the court and thereby ensure the safety of communities. The Court and Panel members recognize that much adolescent involvement in status offenses (acts that would not be offenses if committed by an adult) or delinquency is an extension of the kind of risk taking that is part of the developmental process of identity formation, and most adolescents mature out of these tendencies (National Research Council, et al., 2013). This protocol recognizes that harsh punishments aimed towards adolescents causes more harm than good, therefore aims to match a child's risk and needs with appropriate services and resources by implementing scientifically based interventions.

Purpose

Pursuant to O.C.G.A. §15-11-380, The purpose of Article 5, Children in Need of Services (CHINS), is:

1. To acknowledge that certain behaviors or conditions occurring within a family or school environment indicate that a child is experiencing serious difficulties and is in need of services and corrective action in order to protect such child from the irreversibility of certain choices and to protect the integrity of such child's family;
2. To make family members aware of their contribution of their family's problems and to encourage family members to accept the responsibility to participate in any program of care ordered by the court;
3. To provide a child with a program of treatment, care, guidance, counseling, structure, supervision and rehabilitation that he or she needs to assist him or her in becoming a responsible and productive member of society, and;
4. To ensure the cooperation and coordination of all agencies having responsibility to supply services to any member of a family referred to the court.

Under the authority of §15-11-38, The Dawson County Juvenile Court may order the establishment of a community-based risk reduction program (RRP) for the purpose of utilizing available community resources in assessment and intervention in cases of delinquency, dependency, or CHINS, so long as the court determines sufficient funds are available for such programs.

As part of an RRP, Dawson County Juvenile Court hereby adopts an early intervention program to identify children and families who are at risk of becoming involved with the court. Such early intervention program shall be for the purpose of developing and implementing intervention actions or plans to divert children and their families from becoming involved in future cases in the court. A multiagency staffing panel shall be created as part of the RRP to develop a multiagency intervention plan for children referred to the Panel for truancy complaints. That RRP Program and panel shall be known as the **"CHINS Truancy Panel"**.

Definitions

Pursuant to O.C.G.A. §15-11-2(11), a “Child in need of services” means:

(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. “Truant”, as defined in §15-11-381, means having ten (10) or more days of unexcused absences from school in the current academic year;

(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 defined in §15-11-381, means a child who without just cause and without the consent of his or her parent, guardian, or legal custodian, is absent from his or her home or place of abode for at least 24 hours;

(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.

CHINS Multiagency Staffing Panel or “CHINS Truancy Panel” Stakeholders

The Dawson County CHINS Truancy Panel may consist of members of:

- 1) Dawson County Juvenile Court staff member (other than the Judge), serving as a CHINS Program Coordinator
- 2) Dawson County School systems
- 3) Dawson County Department of Family and Children’s Services
- 4) Dawson County Health Department
- 5) The Department of Juvenile Justice
- 6) Any state or local department or agency
- 7) Any mental health agency or institution
- 8) Local physicians or health care providers
- 9) Licensed counselors and social workers
- 10) Any other social service, charitable or other entity or any other agency or individual providing educational or treatment service to families and children within Dawson County.

Sharing of Confidential Information

All members of the CHINS Truancy Panel shall be required to sign a confidentiality agreement prior to being authorized to access or exchange confidential information. Members shall agree to the restrictions, conditions, and penalties as provided in §15-11-40.

CHINS Truancy Panel Members will also sign a Confidentiality Reminder before each panel review.

CHINS Truancy Panel Members must provide their Agency/Organization specific Release of Confidential Information request forms, as well as any information regarding process and requirements for making referrals to their Agency/Organization.

Any misuse of confidential information obtained through the CHINS Truancy Panel is punishable by contempt of court.

Resourcing

Dawson County Family Connections publishes a Community Resource Directory annually. The CHINS Coordinator shall ensure to obtain current copies of the Community Resource Directory to distribute during panel meetings.

Meetings

Meeting times and schedules for the current shall be published by the CHINS Program Coordinator. Meetings shall be held in a hybrid fashion, both in-person and virtually, to accommodate the schedule of panel members.

CHINS Truancy Panel Members will formally meet with the child and family three (3) times. The first will be an initial meeting with the family to enter into an Informal Adjustment Agreement, a mid-point meeting about 45 days into supervision, and the final 90 day meeting will be held to either favorably release the child and family from the informal adjustment agreement, extend the agreement, or formally petition the complaint. However, if at any time the child and family fail to abide by the terms of the agreement without reasonable cause or excuse, the case may go forward for a formal petition. Between those meetings, the School Social worker shall stay in regular communication with the family and with the Juvenile Court.

CHINS Truancy Panel Members will conduct internal progress reviews of intervention plans twice a month. Because the nature of Truancy complaints, the school social workers shall be considered the case managers and will communicate with the family regularly, and provide updates to the panel. Based upon the status updates, Panel Members will decide whether any violations of the terms of the Informal Agreement merit termination and formal petition.

CHINS Truancy Panel members will meet twice a month to review truancy cases.

In the event that a CHINS Truancy Panel member is not able to participate in a CHINS Truancy review due to a schedule conflict, the Panel member should email the CHINS Coordinator their input and recommendations to be read to all panel members during the Truancy review.

Stakeholders Meetings shall be held once a month, in conjunction with an informal Truancy Review, to share information. Those meetings may be held in a hybrid fashion. The CHINS Coordinator shall request speakers for those meetings.

Referral to the CHINS Truancy Panel

A child may be referred to the CHINS Truancy Panel through the following avenues:

1. Referral may be made by an agency or entity participating in this CHINS RRP protocol agreement via a CHINS Complaint to the Juvenile Court Intake Officer.
2. Any person authorized under O.C.G.A. §15-11-420 to file a CHINS petition.
3. The Juvenile Court Judge may refer a child to the CHINS Truancy Panel in an attempt to divert the child and family from involvement with the court.

Schools shall not file a Truancy Complaint after Spring Break as that will not allow proper supervision and progress review of attendance throughout the summer. Exceptions may be made if the school social worker feels that the child is in urgent need for supervision by the CHINS Truancy Panel and must complete summer school.

A child is afforded one opportunity to appear before the panel and be supervised through an informal adjustment agreement. If more than one CHINS complaint is received on or about the same time period, they may be joined into one CHINS agreement.

CHINS Truancy complaints/referrals shall be emailed or delivered to the Juvenile Court Intake Officer, Mrs. Tiffany Ramsey

The Juvenile Court Intake Officer shall forward a CHINS complaint/referral to the CHINS Program Coordinator, Ms. Virginia Hurtado, for CHINS Truancy Panel consideration based on the following eligibility criteria:

- 1) First Truancy Status Offense for the Juvenile
- 2) The Juvenile is between 13-15 years of age.
- 3) The Juvenile is not party to an active dependency matter involving DFCS

If a child commits a serious delinquent offense after a CHINS Truancy complaint was filed, but before the CHINS Truancy Panel case is heard, the matter will be denied by the CHINS Truancy Panel and a petition will be filed for the CHINS complaint.

General Guidelines

Per O.C.G.A. § 15-11-515, the period of informal adjustment shall not extend beyond three months unless extended by the court for an additional period not to exceed three months.

Any incriminating statements made by the child participating in this informal adjustment in the discussion or conferences incident thereto shall not be used against the

child over objection in any hearing except on disposition in a juvenile court proceeding for the purpose of presentence investigation.

Upon referral for CHINS Truancy Panel consideration, the Juvenile Court CHINS Program Coordinator shall have seven (7) business days to review and screen a referral, contact the family, schedule an initial CHINS Truancy panel meeting, and mail CHINS Truancy Panel information and forms to the child and family. The CHINS Truancy Panel initial meeting shall be scheduled within 25 days of the complaint.

A child and family's participation in the CHINS Truancy Panel is voluntary. However, upon agreeing to participate in the CHINS Truancy Panel, the child and family agree to following conditions of the program and agrees to comply with the CHINS Truancy Panel's intervention plan (once developed). Failure to comply with the intervention plan or any portion thereof may constitute the basis for a referral to DFCS and/or filing of a formal Petition for CHINS through the court.

The CHINS Coordinator shall make all reasonable efforts to ensure interpreter services are provided, if requested or required by a family.

Failure to show for the initial CHINS Truancy review will result in a formal filing of a CHINS petition.

During the initial CHINS Truancy Panel review, the panel members will interview the parent and child and review any current service providers or programs the family is currently involved with. The child will also be advised of his or her conditions and requirements of the individualized intervention plan.

During the Initial Review, the CHINS Truancy Panel shall develop a case plan and requirements for the child, and the family may agree to participate in the CHINS Truancy Panel if they agree to the case plan and requirements.

A child involved in the CHINS Truancy Panel must be present during the initial review and final 90 day reviews, and must be accompanied by his or her parent(s), guardian(s), or legal custodian(s).

Participation in the CHINS Truancy Panel is strictly voluntary. If at any time, the child and parent/guardian/custodian disagree with the recommendation or Individualized Intervention Plan of the CHINS Truancy Panel, the parent/custodian/guardian may file a "Notice of Objection and Request for Hearing" and proceed with formal processing.

CHINS Truancy Panel Fees

In accordance with §15-11-37, the court may collect supervision fees from those who are placed under the court's formal or informal supervision. Those fees will be used to expand the provision of services such as Truancy intervention services, and other additional programs and services needed to meet the best interests, development, and

rehabilitation of a child. The CHINS Truancy Panel is an informal supervision program through the courts, with an intent to divert the child and families from further involvement with the court.

A child and family that voluntarily agrees to participate in the CHINS Truancy Panel will be required to pay an initial supervision fee of: \$75 due to the Clerk of Court within 30 days of the initial CHINS Truancy Panel review and entry into an Informal Adjustment Agreement.

**If a child/family is unable to pay the supervision fee, they may ask for a payment plan or fee waiver through the CHINS Coordinator. **

Conditions

1. Because children are initially referred via a CHINS complaint through the Juvenile Court Intake Officer, children and families must decide whether or not to voluntarily waive statutory time limits required for prosecution of CHINS complaints.

a. If the child and/or family elects to waive the time limits and agrees to voluntarily participate in the CHINS Truancy Panel, the matter shall be handled through the CHINS Truancy Panel, and a CHINS petition will not officially be filed through the courts.

b. If the child and/or family does not waive the time limits, a formal CHINS petition will be filed with the Clerk within thirty (30) days of filing of the complaint.

c. If the child and/or family waives the time limits and agrees to voluntarily participate in the CHINS Truancy Panel, but fails to show for the initial CHINS Truancy Panel review, or is non-compliant with the individualized intervention plan, a formal CHINS petition will be filed with the Clerk.

2. The child and family must be present for the initial CHINS Truancy Panel review, mid-point 45 day review, and the final 90 Truancy review.

3. The child and/or family must make progress and be in compliance with the individualized intervention plan as developed by the CHINS Truancy Panel in order to continue to participate in the RRP. Progress is defined as actively making reasonable efforts to meet requirements or conditions of a child and/or families individualized intervention plan.

4. If a child and/or family makes progress and meets conditions and requirements of the individualized intervention plan, the child and family shall be diverted from involvement with the juvenile court.

5. If a child and/or family fails to make progress or is non-complaint with the individualized intervention plan as developed by the CHINS Truancy Panel, the following measures may be taken:

a. If a CHINS complaint was filed and a family waived statutory time limits required for prosecution of CHINS complaints to voluntarily participate in the RRP, a petition may be formally filed with the Juvenile Court; or

b. If participation in the RRP was referred by the Juvenile Court Judge, the matter shall be brought before the Court, and the Court may issue an order restraining or otherwise controlling the conduct of such child's parent(s), guardian(s), or legal custodian(s) so as to promote such child's treatment, rehabilitation, and welfare, as authorized by §15-11-29.1

Completion of CHINS Truancy Panel

When a child successfully completes requirements for the CHINS Truancy panel, the CHINS program coordinator will submit a request for Dismissal to the Juvenile Court. Once signed, the case will be sealed with no further action.

References

National Research Council, et al. (2013). *Reforming Juvenile Justice: A Developmental Approach*. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington DC: The National Academies Press.

Official Code of Georgia (2021). Title 15, Chapter 11, Juvenile Code.