



---

## HOUSE BILL 242 JUVENILE JUSTICE CODE REWRITE BILL

*Signed into law by Governor Nathan Deal Thursday, May 2, 2013*

### **Key provisions:**

- Reorganizes, revises, and modernizes Title 15, Chapter 11 of the OCGA
- Provides clear definitions of key terms to apply in all juvenile court proceedings:
  - Abuse – Previous juvenile court provisions did not include a definition of abuse. HB 242 defines abuse to include emotional abuse and prenatal abuse, in addition to physical abuse, sexual abuse, and exploitation.
  - Child in Need of Services (CHINS) – A new designation for what was previously called an “unruly” child. Youth who are CSEC victims are considered CHINS.
  - Dependency – In the past, Georgia used the term “deprivation” to describe cases where the court intervenes to protect children from abuse and neglect. HB 242 changes this term to “dependency,” which is the term used in all other states for these cases.
  - Party – This definition clarifies that children are parties to juvenile court proceedings involving their interests.
  - Sexual exploitation – Conduct by a caregiver or other person responsible for a child who allows, permits, encourages, or requires a child to engage in prostitution or sexually explicit conduct for the purpose of producing any visual or print medium depicting such content.
- If a court finds that a child who was adjudicated for a delinquent act for a sexual crime was a victim of sexual exploitation, the court shall order the sealing of the files and records from the proceedings.
- Prohibits a child in need of services from being held in jail or other detention facility designed for adults, and limits the use of secure detention to only those children who have run away from home or are ungovernable
  - Helps others to view CSEC victims as victims, rather than as delinquents
  - Attempts to limit the amount of trauma and social stigma CSEC victims face after being rescued
- A child in need of services may not be held in secure detention for more than 24 hours before a court hearing or 24 hours after the hearing
- Allows a child in need of services to be taken into temporary custody if the child has run away from home, the child is in immediate danger from his or her surroundings, or the court reviews a detention assessment and makes an order that the child’s welfare is endangered by staying at home
  - CSEC victims who are in dangerous environments can be immediately taken into DFCS custody through this legislation



- 
- Clarifies that in CHINS cases, children should receive services in the least restrictive environment possible, preferably at home with their parents
    - Significant for CSEC victims because they are more likely to be placed in environments where they can build stable relationships and learn to navigate daily life
  - Diverts juveniles away from detention facilities into community-based alternatives
  - Supports programs that focus on early intervention and effective alternatives to automatic detention (e.g., services for at-risk and confirmed CSEC youth)

OCGA 15-11