

THE JUVENILE COURT OF FORSYTH COUNTY

STATE OF GEORGIA

*

*

ORDER

JUVENILE COURT INTERNAL OPERATING PROCEDURE 0107

Pursuant to O.C.G.A. § 15-11-28 (formerly § 15-11-5) granting exclusive jurisdiction over juvenile matters to the Juvenile Court, on a limited trial basis the Juvenile Court of Forsyth County hereby authorizes the Forsyth County Sheriff's Department's School Resource Officers to issue a Juvenile Court citation in lieu of a formal complaint charging any minor under the age of 17 within its jurisdiction in Forsyth County, Georgia with committing any of the following acts: **Affray, Criminal Trespass, Disorderly Conduct, Disruption of Public School, Simple Assault and Simple Battery**. A court date will be assigned by the ticketing officer and placed on the face of the citation at the time any citation is issued. The court date will be assigned from a list of delinquency arraignment dates provided by the Court.

For the purposes of this order, the term "fine" shall mean, and shall be treated as, a "supervision fee" as contemplated by O.C.G.A. § 15-11-71. A fine in the amount of \$50.00 shall be imposed for a first offense, and a fine in the amount of \$100.00 shall be imposed for a second offense. Fines may be paid to the Forsyth County Juvenile Court Clerk on or before the court date indicated on the face of the citation. The Clerk's Office shall not accept a fine unless the child and his or her parent or guardian appears in person to pay said fine and sign the admission to the offense contained on the citation form or otherwise provided by the court for such purpose. The Clerk's office will collect and maintain all such monies and pay the same over to the designated account with Forsyth County Government in the same manner in which other supervision fees are currently handled. All such fine monies collected shall be maintained and used exclusively by the Juvenile Court in the same manner as supervision fees are presently collected and used by the Court.

All citations issued pursuant to this order shall be filed with the Forsyth County Juvenile Court Clerk within five working days of the citation's date of issuance. The Clerk shall assign a "JCR" case number and open a file in the same manner as all other delinquency and unruly cases are handled. The Clerk shall make copies of all such citations for the Judge's Office Staff in the same as manner as all other juvenile complaints are now copied for pick up. All citations that remain unpaid by the time the first delinquency calendar for the court date assigned on the citation is published shall be placed on the calendar by the Clerk in the same manner as all other delinquency and unruly cases. The Clerk shall mark all cases for which a fine is paid after publication of the calendar, but before the assigned court date, as "**PAID**" on the face of the subsequently published calendars for that date.

Law Enforcement Officers who are authorized by this order to issue citations shall exercise good judgment in deciding whether or not a case is appropriate for the issuance of a citation. The presence or absence of physical injuries, and the severity thereof, are factors to be considered in making the determination of as to whether a citation should be issued. A citation pursuant to this order shall not be issued for any felony or to any juvenile who is currently on probation or has been previously cited or charged with a citation pursuant to this order on two or more occasions. In all such circumstances, a juvenile complaint form shall be completed and filed in the normal fashion if charges are to be lodged. The School Resource Officers are charged with the responsibility of determining when juveniles may and may not be issued a citation pursuant to this order.

In the event the juvenile appears in court on the court date assigned and denies that he or she committed the offense, the filed citation will become the initiating complaint. Denials shall be entered on the blue violator's copy of the citation or on forms provided by the Court. A "Trial and Dispositions" Court date will be assigned to all such cases and no further arraignment date will be required. The date assigned should be no less than 45 days after the date of the denial. The clerk and the prosecutor will coordinate to ensure that the prosecutor has a copy of any citation upon which a denial was entered as the citation acts as the initiating complaint from which a petition may be drawn. The

juvenile prosecutor may then decline to prosecute the case or file a petition within thirty days of the date of the denial without first receiving an endorsement. In the event a decline to prosecute is filed, the juvenile and his parents will be sent a copy of such notice by the juvenile prosecutor informing them that they need not appear on the date previously assigned as the case was dismissed. An endorsement from the Department of Juvenile Justice or intake officer shall not be required to prosecute a case initiated by a school citation.

In the event a fine is paid pursuant to this order, the disposition of the case will be reflected in the juvenile's records as an informal adjustment.

This order shall implement a temporary pilot project that shall be reviewed by the school system, the school resource officers, the juvenile prosecutor, the Department of Juvenile Justice and the juvenile court on a periodic basis. All parties shall review the project at the conclusion of the 2001-2002 Forsyth County school year to determine if the same should be continued for the following school years.

This order become effective upon filing with the Clerk's Office, and shall remain effective indefinitely thereafter until rescinded or amended by further order of this Court pursuant to the above outlined review process.

SO ORDERED, this 6th day of September, 2001, *nunc pro tunc* to August 8, 2001.

J. Russell Jackson, Judge
Juvenile Court of Forsyth County
Bell-Forsyth Judicial Circuit