

As the New Legislative Session Begins, One Bill Looms Above the Rest



Monday marks the first day of the 2012 session of the Georgia General Assembly and while many bills will be considered and debated on the floor of the state Capitol, for those interested in juvenile justice, one piece of legislation gets all of the attention. The

juvenile code rewrite, in the form of two separate bills, SB 127 in the state Senate and HB 641 in the House, was reintroduced last year, working its way through various committees and stakeholder meetings.

This year, advocates are guardedly optimistic the code rewrite, officially known as the Child Protection and Public Safety Act, will pass the Legislature and land on Gov. Nathan Deal's desk for a signature.

"That's our objective," said [Voices for Georgia's Children](#) Executive Director Pat Willis. "We have great support from the sponsors and committees where the tough work gets done."

But, there is still work to be done, says Julia Neighbors, [JUSTGeorgia](#) Project Manager at Voices for Georgia's Children and a lead on the code rewrite.

"It's not a done deal," she said. "For the advocates that want to see this happen, our work is still not done."

Advocates for revision of the code argue that changes need to be made to the current law to address everything from legal

representation of children, to juveniles being charged as adults for certain crimes to, restoring judicial discretion to both judges and prosecutors.

The Georgia Department of Juvenile Justice is also working with lawmakers and stakeholders to refine the code rewrite, according to a statement by DJJ spokesperson Jim Shuler.

“The Georgia Department of Juvenile Justice continues to work with our partners to pursue a positive legislative agenda for 2012,” Shuler said in the statement. “The juvenile code rewrite bills that are currently proposed, although they represent many improvements, still include some areas that leave room for clarification. DJJ will continue to work with all parties to resolve those legislative issues for this session.”

Sen. Bill Hamrick first introduced legislation containing the code rewrite in 2009 and reintroduced the bill in 2011 after review and revisions by legislators and stakeholders. In 2011, Rep. Wendell Willard introduced a similar bill into the House.

The code rewrite is based on a proposed model code developed by the Young Lawyers Division of the Georgia State Bar and includes significant input from stakeholders and the public. Lead agencies include JUSTGeorgia and Georgia Appleseed. The juvenile code handles everything from delinquency and truancy to abused and neglected children, Willis said.

“It’s about children from birth until age 17 and the issues they encounter as they are referred to the juvenile courts,” she said.

The code, she continued, “is the place where we really spell out how we respect children. It’s all spelled out in the code.”

The offices of the Governor and the Speaker of the House were also very cooperative, Willis said.

According to Neighbors, stakeholders were also vital to the process.

“We have had tremendous input from stakeholders,” Neighbors said. “Advocates have been meeting with stakeholders since April in preparation for the upcoming legislative session.”

And as the General Assembly meets again, the code rewrite continues to be refined, she said.

“This is not the time to be silent,” she said. “It’s important to talk to legislators and juvenile court judges and tell them why it’s important to you.”

Advocates aren’t the only ones hoping the bill will pass this year. Rep. Willard, who introduced the House version of the bill is also optimistic, according to a staff member who wished to remain anonymous because she is not authorized to speak on the subject.

Following a recommendation from the [Criminal Justice Reform Commission](#) that released its report in late 2011, there has been some speculation whether the Legislature might establish a permanent Criminal Justice Oversight Commission that could also be tasked with a review of Georgia’s juvenile justice system.

However, that legislation is unlikely because, according to Rep. Willard’s staff member, other juvenile justice legislation is “being held back so that lawmakers and stakeholders can focus on the code rewrite.”

Prefiling of bills in the General Assembly began Nov. 15, 2011. So far, no new juvenile justice legislation has been filed.

Show Me Your Papers, It's Not Kids Play, It's UnAmerican

Martin Castro, chairman of the United States Commission on Civil Rights, while giving a talk recently in Lawrenceville, Ga., made a little joke. He said one in six Americans is a Latino – he paused and then added that the other five out of six Americans soon will be related to that one. He is correct. Your neighbors and co-workers today will likely become your in-laws tomorrow. Hence, I, and lots of others folks, would argue that any political group that angers the Latino community does so at its own peril.

Castro also told a story about his 10-year-old son. The story has the power of a Biblical parable illustrating the intrinsic dangers of state laws passed to hunt down illegal Latino immigrants in states such as Georgia, Alabama and Arizona. His son just started middle school when a group of kids came up to him and demanded to know if he was a legal or illegal alien. When he refused to answer that question, they wanted to know his national origin. When he refused to answer that question, they asked him to put his arms up against the wall because they were going to frisk him. That act, Castro reminds us, "Happens to individuals every day."

Cops and robbers has always been among the games kids play. With the expanded power of our police to check your papers, that too becomes part of the game.

The United States of America I grew up in not long after World War II, shunned any attempt at having us show our papers because our young men and women had just ended fighting and dying to rid the world of needing to carry papers. Needing to show your papers was tantamount to being subjugated to a police state that preyed on minorities and dissidents. If you are Latino in the United States today, legal or not, the

possibility of a nation where first the police, then your employers, then your neighbors, then the kids in the school yard, want proof you are as American as they are, is very real – and very dangerous because it never stops with just one group of people.

If we really want to demonstrate how American we are, let's do so by demanding that the show-me-your papers laws in Georgia, Alabama and Arizona and everywhere else are rescinded, ripped up and thrown into the legislative trash barrel, where they belong.

Watch JJIE's interview with Martin Castro below.

Part One

Part Two

Youth Courts 101: A How-to Video Primer and Manual

[Greg Berman](#), director of the [Center for Court Innovation](#) in New York City gives an excellent overview of how youth courts work in this video interview with Leonard Witt of the JJIE.org. They are completely teen driven with teens as judges, attorneys and juries who hear actual cases either referred by the police or the courts. Each teen judge, attorney or juror gets 30-hours of training and has to pass a "bar exam" to be able to serve.

In the youth courts Berman's center helps oversee, the kids running the courts come from a variety of backgrounds, so the offenders are being judged by their real peers. In fact, kids

who once came before the court often come back later to serve as judges, attorneys and jurors, so Berman says it can be “a life changing experience.”

Kids sent to the court have already admitted guilt and are at the mercy of their peers to design the sanctions that will be administered.

The kids ask great questions, Berman says, and have “great BS detectors.” They listen to the individual cases and then the jury delivers a sanction that, according to Berman, tends to emphasize restoration.

The outcome might be a letter of apology, public service work or links to anger management. It turns peer pressure on its head, he says, making it a positive rather than a negative and that is the nub of the youth court idea.

Watch the video below for more details. You can download the manual on [Recommended Practices for Youth Courts](#) published by the Center for Court Innovation.

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Read up:

Governor Deal (GA) signs Human Trafficking bill into law:

<http://bit.ly/k5dzBP>

OJJDP census of kids on probation:

<http://bit.ly/kidsonprobi>

CDC teen pregnancy stats 1991-2009 [infographic]:

<http://bit.ly/preginfo>

Justice Department report sheds light on human trafficking stats:

<http://bit.ly/traffstats>

Youth Justice Barbecue celebrates year of progress:

<http://bit.ly/voxbbq>

Host: Ryan Schill

Video: Clay Duda

**Senate Committee To
Reschedule Code Rewrite**

Hearing

The clock is ticking for supporters of Georgia's long-awaited juvenile code rewrite. Crossover day – the critical mid-point in the legislative session, when Senate bills move over to the House of Representatives and House bills transition to the Senate – is now a little less than a week away. So far [Senate Bill 127](#), also known as the [Child Protection and Public Safety Act](#), has not yet made it out of the **Senate Judiciary Committee** (SJC) and if it does not do so before that critical deadline, it won't be able to advance any further during this legislative session. That would be a major blow for supporters who have been involved in the rewrite process since 2004.

The committee was scheduled to discuss the measure at a hearing Wednesday. But the panel ran out of time after five hours, though members did manage to have extended discussions of several other bills. Representatives from the many stakeholder groups involved in the code rewrite, including JUST Georgia, the [Georgia Appleseed Center for Law and Justice](#) and the Department of Juvenile Justices (DJJ) sat through the marathon meeting, waiting to no avail for the bill to top the agenda. Most of them left at 5 p.m. when it was announced that the bill would not be discussed that day.

[Barton Child Law and Policy Center](#) Policy Director **Kirsten Widner**, who has been leading the legislative effort on the measure, says it is not uncommon for committees to be jam-packed with discussions on several bills as the critical midpoint in the session approaches. She is now working with committee chairman [Sen. Bill Hamrick](#) (R- Carrollton) on establishing a time to reschedule the code hearing, ideally for some time later this week. Keep checking www.JJIE.org for updates.

The new code – the first in four decades – was introduced in 2009, but it failed to make it to the floor for a vote by the

end of the two-year legislative term. It was reintroduced on February 23 as SB 127, also known as “the Children’s Code.” If passed, the code rewrite would comprehensively revise Title 15, Chapter 11 of the Official Code of Georgia Annotated, relating to juvenile courts and the cases they hear. Throughout 2009 and 2010, the SJC and a specially appointed subcommittee reviewed the bill in detail, and a group of stakeholders met to agree on issues that needed refinement in the Act.

Can You Sue a 4 year old? Yes, You Can.

✘ The New York Supreme court has redefined the legal age of accountability. This comes from an October 1, 2010 ruling from Justice Paul Wooten who determined that it is possible for a 4 year old to be negligent. As a result, there is a negligence suit against a 4 year old child. The details are laid out in the [New York Times](#),

Two years ago Juliet Breitman and Jacob Kohn, both four at the time, were racing their bicycles on a sidewalk. The bicycles had training wheels. Juliet ran into an 87 year-old woman, resulting in a hip fracture that required surgery. Three weeks later, the woman died. The woman’s family then sued both children and their mothers.

Juliet’s lawyer, James P. Tyrie argued that Juliet should not be sued. He based his arguments on the fact that her mother was supervising the little girl, and he cited a 1928 court case as precedent. The court case states that kids under the age of four are considered unable to commit the act of

negligence.

Justice Wooten disagreed. He found the fact that Juliet was being supervised irrelevant, citing the word too vague to hold any meaning. He also stated that it didn't matter that the mother was present because Juliet knew the difference between right and wrong. It would have been different if her mother had encouraged her. The 1928 precedent was also thrown out because Juliet was three months shy of turning five at the time of the accident. Justice Wooten pointed out that there is no "bright line rule" for children over the age of four.