

THIS PAMPHLET  
ANSWERS:

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- Do victims have rights in juvenile court?
- What should the prosecuting attorney do to protect my rights?
- What are my rights in court?
- Do I have to come to court?
- Can I be paid back for medical bills or property damage I have because of the juvenile's delinquent acts?
- Will I be notified if the juvenile is released from the custody of the Department of Juvenile Justice?
- What other civil remedies do I have?

IMPORTANT CONTACT NUMBERS

Whitfield County Sheriff's Office  
(706) 278-1233

Dalton Police Department  
(706) 278-0985

Tunnel Hill Police Department  
(706) 673-5535

Varnell Police Department  
(706) 694-3141

Cohutta Police Department  
(706) 694-3330

Georgia State Patrol  
(706) 272-2200

Whitfield County Juvenile Court  
(706) 278-6558

District Attorney's Office  
(706) 876-1300

Department of Juvenile Justice  
(706) 272-2343

VICTIM'S RIGHTS IN  
JUVENILE COURT

WHEN AN INDIVIDUAL  
HAS BEEN VICTIMIZED,  
INJURED, OR HAD  
PROPERTY DAMAGED BY A  
JUVENILE  
(UNDER 17 YEARS OF AGE)



A guide to the rights of victims in the  
Juvenile Court of Whitfield County

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Judge Connie Blaylock

## VICTIM'S RIGHTS AND WHO

### PROTECTS THEM

In Georgia, victim's rights are protected by state law. For juvenile cases, these statutes include: O.C.G.A. 15-11-64; O.C.G.A. 17-10-1.1 (as amended July 1, 2010); and O.C.G.A. 17-17-9 (as amended July 1, 2010).

Each step of the investigation, prosecution, and disposition (sentencing) process guarantees that victims will be protected, reimbursed for their damages, and given an opportunity to be heard.

1). **Criminal justice agency** (an arresting law enforcement agency, custodial authority, investigating law enforcement agency, or the State Board of Pardons and Paroles) must notify the victim of:

- The accused's arrest or release from custody.
- Any judicial proceeding at which the release of the accused will be considered.
- An escape by the accused and his/her subsequent re-arrest.
- When appropriate, the accused's violation of terms/conditions of electronic release and monitoring program.

2). **Prosecutor** should notify the victim of:

- The rights and steps in processing a criminal case, including the right to restitution, and to be notified when restitution has been paid.
- The right to request hearing dates.
- Procedures if a victim is subjected to threats or intimidation.
- The names and phone numbers of contact persons at investigating agency for return of victim's property
- The right to refuse to speak with an attorney or agent for the accused.

3). **Juvenile Court** should notify the victim:

- That they may submit a victim impact when the juvenile did an act which caused serious damage or injury.
- Should advise the victim of the right to address the court prior to the entry of a dispositional order for a delinquent child.
- Should attempt to minimize the victim's contact with the accused, the accused's family and friends, and witnesses for the accused when the victim is excluded from the courtroom (pursuant to a motion) and no waiting area is available separate from the juvenile, the juvenile's family and friends, and witnesses for the accused.
- Should provide a victim with instructions for requesting that inmate mail be blocked. 17-17-12.1 (b)(3).

4). **Department of Juvenile Justice**

- If a victim submits a request to block inmate mail, DJJ must notify any other custodial authority having actual custody of the inmate and the names and addresses of such victim and the family or household members denoted by such victim.
- DJJ must notify the inmate of the request to have mail blocked and advise the inmate that violations will result in appropriate sanctions.

5). **The Federal Government**

- The Sex Offender Registration and Notification Act (SORNA) applies to "sex offender[s]" juveniles at least 14 years old who are adjudicated delinquent for particularly serious sex offenses. See 42 U.S.C. 16911(1), (8). The Adam Walsh Act has similar requirements. Georgia law has not enacted a statutory method to comply with these federal requirements at this time.

## FREQUENTLY ASKED QUESTIONS:

### Do I have to come to court?

If you are subpoenaed to come to court, yes, you must come to court. This means that the juvenile has denied the charges, and you must be present as a possible witness. Or, if restitution is requested, you may need to testify about property damage or medical care resulting from the crime.

However, even though you are subpoenaed, contact the prosecutor who will help accommodate your appearance, and make it as safe and convenient as possible. The Court will try to work around important conflicts, accommodate physical needs or ailments, and keep you seated where you will not have direct contact with the accused juvenile.

If you are not served with a subpoena, you have the right to be present, but you do not have to attend if you do not want to do so. You can send a victim's impact statement, instead of making a court appearance.

### I am a victim and the parent, why does my child have both an attorney and a court appointed guardian?

In cases where the parent is a witness against the child, the court is required to provide counsel and a person to represent the best interests of the child in court. Sometimes the child's attorney can zealously represent the child and represent the child's best interest, but sometimes there is a legal conflict between the two positions.

If the child's attorney notifies the court of a conflict, the judge will appoint another trained attorney Guardian Ad Litem to represent the child's best interest.

### Do I have a right to bring a civil suit?

If you have been seriously injured or damaged, you can bring a civil suit (lawsuit) against a juvenile and/or their family. You would need to hire an attorney, and file the action in Superior or Magistrate Court. Restitution may repay you without going through this process.