

Juvenile Code Revision

In early 2004 the Juvenile Law Committee (JLC) began a project to revise the Georgia Juvenile Code. Initiated by a request from then President of the Council of Juvenile Court Judges, the Honorable Robin Nash, the JLC was in a unique position to undertake this project. Currently, the juvenile code is difficult to use, lacks clarity, and does not reflect research-based best practices. More importantly, the code does not meet the needs of the juvenile courts and the legal practitioners who serve the courts.

After the submission of a proposal in September 2004, the Georgia Bar Foundation generously awarded the JLC a \$40,000 grant to begin the Juvenile Code revision project. The JLC hired Attorney Soledad McGrath to serve as the primary reporter. Ms. McGrath was previously a staff attorney with the Barton Child Law and Policy Clinic where she focused on research and editing on various Clinic projects as well as assisting in analyzing and drafting HB 1580, the Foster Parents Bill of Rights. Prior to joining the clinic, Ms. McGrath was an associate at Kilpatrick Stockton LLP where she practiced in the Labor and Employment group but also served as a guardian ad litem in custody cases and represented youth through the Truancy Intervention Project, among other pro bono efforts. Ms. McGrath received her B.A. from Northwestern University and her J.D. from Emory University School of Law. Ms. McGrath is joined by secondary reporters Judge Velma Tilley of the Bartow County Juvenile Court and Professor Lucy McGough of the Louisiana State University Paul M. Hebert Law Center.

Extensive research began in November 2004 with a focus on investigating the strengths and weaknesses of the current code, researching model codes, and researching best practices in juvenile law through a review of national resources and juvenile codes from other states. In addition, in early March 2005, the JLC held focus group meetings to identify specific areas of concern among practitioners. From fall 2005 to spring 2006, the JLC continued its code revision work through its participation in the legislative study committee on the juvenile code created by the Senate Resolution (SR) 161 and signed into law by Governor Perdue on May 5, 2005.

Following its participation in the study committee, the code project welcomed the volunteer assistance of Bartow County Juvenile Court Judge Velma Tilley, whose knowledge of and experience in Georgia juvenile law has made her an invaluable addition as a secondary code reporter. In addition, \$22,000 in renewed funding from the Bar Foundation during the 2006-2007 fiscal year enabled Ms. McGrath to continue her work in researching, drafting, and editing our model code.

Along with grants from the Bar Foundation, the Code Revision Project has received supplemental funding through Georgia Appleseed, which was awarded funds for a comprehensive juvenile justice reform effort through the Sapelo Foundation in November 2006. Georgia Appleseed, as well as Emory University Law School's Barton Child Law & Policy Clinic and Georgia Voices for Children together established the JUSTGeorgia Coalition (www.justga.org), which advocates for improvements in juvenile justice and the underlying social service systems that serve Georgia's children. The additional

funding allowed the Juvenile Law Committee to retain the services of a third code reporter, Professor Lucy McGough of the Louisiana State University Paul M. Hebert Law Center. Professor McGough assisted in drafting the current Georgia Juvenile Code and directed revisions of the current Louisiana Juvenile Code, which has received nationwide recognition for its organization and content. Professor McGough's expertise and assistance has been indispensable in drafting and revising code provisions.

Together, Ms. McGrath, Judge Tilley, and Professor McGough have completed five drafts of the code, are continuing further revisions presently, and have begun drafting reporter's notes as explanatory comments to the code. The JLC anticipates that the reporters will complete the model code with reporter's notes by the end of the 2008 legislative session. At that time, the code will be available for public review. As future funding permits, Ms. McGrath will continue to work on behalf of the JLC, incorporating any needed revisions and changes based upon academic analysis, as well as public and stakeholder comments obtained through the work of Georgia Appleseed and other grant partners. In addition, Ms. McGrath will make presentations related to the model code to various groups, including but not limited to the YLD Executive Committee, the State Bar of Georgia Legislative Committee, the State Bar of Georgia Board of Governors, members of the Georgia General Assembly, and stakeholders in the child welfare and juvenile law communities.

The goal of the Juvenile Code Revision Project is to create a research-based, comprehensive, and well-organized model juvenile code for Georgia that reflects best practices in child welfare and juvenile law. The State Bar Young Lawyers Division Juvenile Law Committee believes a revised and reorganized juvenile code will better fulfill the purpose of the juvenile courts, which in turn will result in better outcomes for Georgia's children. Ultimately, the project's mission is to provide judges and practitioners with the legal tools to better and more effectively meet the overarching goals of the juvenile code: to protect and restore the well-being of at-risk children.