

TIME LIMITS FOR DETENTION HEARING, PROBABLE CAUSE HEARINGS, FILING PETITIONS AND FORMAL HEARINGS

Detained/Taken into Custody- child is removed from the parent, guardian or custodian can be either a delinquency or deprivation charge.

Detention Hearing- The purpose of the detention hearings are to determine whether a child who has been taken into custody shall be released or detained pending further court proceedings and if reasonable grounds exist to believe that the allegations in the complaint are true.

THE FOLLOWING APPLIES IF THE CASE IS NOT TO BE ADJUSTED INFORMALLY.

I. CHILD NOT TAKEN INTO CUSTODY/DETAINED FOR EITHER A DELINQUENCY OR DEPRIVATION

- A Probable Cause Hearing or Administrative Order/Recommendation shall be held and petition to be filed and presented to the court within 30 days of notice of the complaint **
- Formal Hearing to be set within 60 days of the filing of the Petition. *

II. CHILD CHARGED WITH A DELINQUENCY (EXCEPT STATUS see B)

A. Child is Detained

- Detention Hearing or Authorization within 48 hours.
 - If Authorization only
 - Detention Hearing within 72 hours of being detained ***
 - If 72 hours expire on a Saturday, Sunday or legal holiday
 - Detention Hearing shall be held on the next day which is not a Saturday, Sunday or legal holiday

B. Child is Detained On A Warrant/Pick-Up Order

- Detention Hearing within 72 hours ***

C. **Child Detained pending a formal hearing**

- Petition made and presented to court within 72 Hours ****
- Formal Hearing to be set within 10 days of the filing of the Petition O.C.G.A. 15-11-39(a)

D. **Child Released pending a formal hearing**

- Petition made and presented to the court within 30 days of being released
 - Formal Hearing to be set within 60 days of the filing of the Petition*

III. **STATUS OFFENSE**

A. **Child is Detained Accused of a Status Offense**

- Detention Hearing within 24 hours
 - If 24 hours expire on a Saturday or Sunday, Detention Hearing shall be held on the next day which is not a Saturday, Sunday or legal holiday

B. **Child Detained pending a formal hearing**

- Petition and Formal Hearing within 24 hours of the Detention Hearing
 - If the 24 hours expire on a Saturday, Sunday or Holiday Formal Hearing shall be held on the next day which is not a Saturday, Sunday or legal holiday

C. **Child Release pending a formal hearing**

- Petition made and presented to court within 30 days of being detained
 - Formal Hearing to be set within 60 days of the filing of the petition

D. **Child Detained and Charged with a Violation of a Valid Status Offense Court Order**

- Detention Hearing within 24 hours
 - **Detained pending a formal hearing**

Petition and Formal Hearing within 72 hours of the child being detained

If 72 hours expire on a Saturday, Sunday or legal holiday Formal Hearing shall be held on the next day which is not a Saturday, Sunday or legal holiday

- **Released pending a formal hearing**

Petition made and presented to the court within 30 days of being detained

Formal Hearing to be set within 60 days of the filing of the petition

IV. CHARGE OF DEPRIVATION

A. Detained/Custody (removed from the parent, guardian or custodian)

- Detention Hearing within 72 Hours ***
- If 72 hour time expires on a Saturday, Sunday or legal holiday Detention Hearing shall be held on the next day which is not a Saturday, Sunday or legal holiday

B. Detained/Remain in Custody

- Petition made and presented to the court within 5 days of the detention hearing ****
- Formal Hearing to be set within 10 days of the filing of the Petition *

C. Returned to parent, guardian or custodian pending further Hearing

- A Probable Cause Hearing shall be held and a Petition shall be filed and presented to the court within 30 days of notice of the complaint **
- A formal hearing shall be set within 60 days of the filing of the petition *

* O.C.G.A. 15-11-39(a), Georgia Uniform Juvenile Court Rule 6.8 Time Limitations

** O.C.G.A. 15-11-49(b), Georgia Uniform Juvenile Court Rule 6.8 Time Limitations

*** O.C.G.A. 15-11-49(c), Georgia Uniform Juvenile Court Rule 6.8 Time Limitations)

*** O.C.G.A. 15-11-49(c) (3), Georgia Uniform Juvenile Court Rule 6.8 Time Limitations

**** O.C.G.A. 15-11-49(e), Georgia Uniform Juvenile Court Rule 6.8 Time Limitations

CODE OF FEDERAL REGULATIONS

[28 CFR 31.303(f) (2)]

[28 CFR 31.303(f) (3) (IV)]