

## Press Release from the Southern Center for Human Rights

### Report finds juvenile justice system in Georgia lacking: Rights of children are routinely overlooked or under-represented

According to a report released Aug. 6, 2001, children accused of crimes in Georgia are not provided with effective legal representation. A study conducted by the American Bar Association Juvenile Justice Center and the Southern Center for Human Rights found that many of Georgia's indigent children face charges in juvenile court without legal counsel or appropriate treatment and sentencing options.

"While the poor state of Georgia's indigent defense system has received a fair amount of scrutiny lately, the juvenile system has gone largely unnoticed," said Tammy Sun, former Equal Justice Works fellow at the Southern Center for Human Rights. "Georgia's children are even more ill-equipped than adults to understand their due process rights and request the legal counsel to which they are entitled. Without competent, committed advocates many children are shuffled through the system without real opportunities for treatment and rehabilitation."

"We hope this report will contribute to further discussion and analysis of indigent defense services for children in Georgia." said Patricia Puritz, Director of the American Bar Association Juvenile Justice Center.

The report finds that many child defendants in Georgia face charges without an attorney. In some courts as many as 90 percent of children waive their right to counsel, often at the advice of probation officers or judges.

Additional highlights from the report include:

- **Lack of legal counsel.** Children are routinely permitted-even encouraged-to waive their right to counsel and proceed through the court system without an attorney.
- **Minimal representation.** Excessive caseload estimates for juvenile defense attorneys have been estimated as high as 900 cases per year-resulting in minimal contact with juvenile clients, limited preparation and investigation and cursory representation.
- **Lack of due process.** Juvenile court proceedings are based on serving the presumed "best interests of the child," often at the expense of presumption of innocence and the child's right to due process.
- **Little support for advocates.** Attorneys who vigorously defend and support their juvenile defendants are often seen as impeding the flow of cases.
- **Conflicting roles of probation offices.** The over-extended role of the probation office in the juvenile justice system forces these "neutral

parties" to fill the conflicting roles of legal advisor, prosecutor, child advocate and law enforcement.

- **Inappropriate sentencing options.** Children found guilty of crimes in Georgia are sentenced to probation, "boot camp" programs or the juvenile prison system. There are few options for non-violent offenders or children with drug abuse or mental health problems.

The report, Georgia: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings, stems in part from the recent debate surrounding flaws in Georgia's criminal indigent defense system. Calls for reforms in the system have focused almost exclusively on the adult system, with little attention paid to children.

"This assessment is most useful in prioritizing the needs of the juvenile justice system," says Terry Walsh, Chairperson of the Children and Courts Committee of the State Bar and partner at Alston & Bird. "It is imperative that members of the Bar and Blue Ribbon Commission on Indigent Defense give children their highest priority in their consideration and discussions."

The study was compiled by a team of national experts who investigated juvenile court systems in eleven Georgia counties. The representative sample provides a cross-section of the state's population, urban, suburban and rural areas, and diversity of juvenile and indigent defense programs.

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