

**4.3 Informal Adjustment.** In cases where a child is alleged to have committed a delinquent act which is not of a serious nature, or has been alleged to have committed an unruly act, but appears to be amenable to informal handling, the intake officer may withhold the filing of a petition with a view toward first seeking an informal adjustment of the matter, where it is in the best interest of the child and the community. If, after the filing of a petition, it appears that informal adjustment best suits the need of the child and the public, the judge may direct the withdrawal of the petition so the matter may proceed to informal adjustment.

**(a) Prerequisites.** In order for informal adjustment to occur:

1. The admitted facts must bring the child within the jurisdiction of the court.
2. It must be determined that counsel and advice without an adjudication would be in the best interest of the public and the child; and
3. The child and the child's parents, guardian, or other custodian must consent to the informal adjustment with knowledge that consent is not obligatory.
4. If the child is alleged to have committed a designated felony act as defined in O.C.G.A. §15-11-63, the case shall not be subject to informal adjustment, counsel, or advice without the prior written notification of the district attorney or his or her authorized representative.

**(b) Informal Adjustment Alternatives.** After a conference with the child and the child's parents or guardian concerning the complaint, the intake officer may do any of the following:

1. Counseling and adjustment. If the intake officer feels that a satisfactory adjustment of the problem has been accomplished through counseling with the child and the child's parents at the informal hearing or conference and that there is no further need to see the child or the child's family, the informal adjustment may be considered complete.
2. Counsel and advice. Where there is an apparent need for follow-up services by the intake officer on a less formal basis than actual probation, the child shall be placed on counsel and advice for a period not to exceed three months from the day of the informal hearing or conference at which the counsel and advice was commenced. The court may extend the counsel and advice for a period not to exceed an additional three months. A child may not be detained during the period of counsel and advice unless otherwise permitted by law.
3. Referral to counseling resource. The child may be placed on counsel and advice pending successful completion of the recommended counseling.
4. The intake officer may style individualized agreements which are appropriate to the offense and circumstances. Such agreements may include, but are not limited to, letters of apology, book reports, essays, traffic school and volunteer work with a community service organization. The child should be placed on counsel and advice until the requirements of the disposition have been met. Failure to comply with such agreements may result in the filing of a petition on the complaint.

**(c) Disposition by Informal Adjustment.** After completion of informal adjustment, the court or its designee shall inform the clerk of court of the disposition of the case.

**(d) Notification of Judge.** The case files or a report of informally adjusted cases shall be sent by the intake officer or intake supervisor for review to the juvenile court judge on a regular basis.

**(e) Incriminating Statements.** See O.C.G.A. §15-11-69(c).

**(f) Informal Adjustment Agreement.** An informal adjustment agreement shall be prepared on each case adjusted by a court officer, and filed with the clerk of juvenile court by the officer adjusting the case. A copy of said agreement shall be furnished to the child and the child's attorney and/or legal guardian.