

V. PROBABLE CAUSE HEARING

A. Code Section: O.C.G.A. §15-11-47

B. Uniform Juvenile Court Rule 8.1

C. Procedure

1. Purpose. To determine if reasonable grounds exist to believe the allegations contained in the complaint or petition are true.

2. When Held. This hearing is optional and generally occurs during a detention hearing or arraignment. It is not customarily set as a separate hearing.

3. Present in Court. Judge/Associate judge, Child, Parent(s), Intake Officer, Attorney for Child and/or Parent(s), Court Reporter/Recorder, and court clerk.

4. Step-by-Step Procedure.

a. Prior to commencement of the hearing, the court shall inform the parties of their right to counsel, right to appointed counsel, and the right to remain silent. Due to the nature of the hearing, it is often helpful to explain to the parties the nature and purpose of the hearing. If a party is not represented by counsel, the hearing may be continued for a **reasonable** period.

b. The hearing is informal and hearsay is admissible. The court may require some testimony, either from the arresting officer, victim, intake officer or other person with information and belief as to the facts, or may proceed on the information contained in the sworn complaint. Additionally, the court may allow the child and parent to cross-examine witnesses and present evidence.

c. The court shall determine if there is probable cause to believe the allegations contained in the complaint or petition are true. This determination looks to the sufficiency of the allegations, as well as probable cause to believe supporting facts. If the court finds there is not probable cause, the court shall issue an order dismissing the complaint. If there is probable cause to believe the allegations in the complaint are true, the court may order a petition be filed, proceed with arraignment, or continue the matter for trial and set bond if the child has been detained.

d. The child may not seek a rehearing by the judge, nor may the child request the hearing be conducted by the judge in the first instance.

e. The child is entitled to counsel at the probable cause hearing. A.C.G. v. State, 131 Ga.App. 156 (1974).