

**ANNUAL REPORT  
OF THE  
STUDY COMMITTEE ON JUVENILE JUSTICE  
TO THE ILLINOIS JUDICIAL CONFERENCE**

Hon. C. Stanley Austin, Chair

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## I. STATEMENT ON COMMITTEE CONTINUATION

The purpose of the Study Committee on Juvenile Justice (Committee) is to review and assess practices related to the processing of juvenile delinquency, abuse, neglect, and dependency cases. The Committee's purpose also includes providing judges with current developments in the processing of juvenile court cases through up-dating and distributing the *Illinois Juvenile Law Benchbook* (Volumes I and II). Historically, the major work of the Committee has been the completion of the two-volume set of the Juvenile Law Benchbook, which is designed to provide judges with a practical and convenient guide to procedural, evidentiary, and substantive issues arising in juvenile court proceedings. Annual updates of both volumes of the benchbook are necessary due to the rapid evolution of juvenile law.

In light of the continuous statutory changes and case law developments in juvenile law, the Committee believes that continued instruction in this area of the law is necessary. Therefore, the Committee requests that it be permitted to continue its work in Conference Year 2007.

## II. SUMMARY OF COMMITTEE ACTIVITIES

### *A. Committee Charge*

The Committee is charged with studying and making recommendations on the processing of juvenile delinquency, abuse, neglect, and dependency cases; preparing supplemental updates to the juvenile law benchbooks for distribution to judges reviewing such proceedings brought in juvenile court; and making recommendations regarding training for juvenile court judges on emerging issues of juvenile law identified during the course of the Committee's work on the benchbook or during Committee meetings. This charge provides the framework to guide the Committee's work during the Conference year.

#### *1. Juvenile Law Benchbook*

The Juvenile Law Benchbook is divided into two volumes; however, the discussion in each volume is organized transactionally, whereby issues are identified and discussed in the order in which they arise during the course of a case. In general, the discussions begin with an examination of how a case arrives in juvenile court and end with post-dispositional matters such as termination of parental rights proceedings, termination of wardship, and appeal. Each volume provides judges with an overview of juvenile court proceedings, directs them to relevant statutory and case law, highlights recent amendments, and identifies areas that present special challenges. The appendix in each volume contains procedural checklists and sample forms that can be used or adapted to meet the needs of each judge and the requirements of the county and circuit in which he or she sits. Additionally, uniform court orders for abuse, neglect, and dependency cases and their accompanying instructions can be found in the Appendix of Volume II.

During this Conference year, the Committee will complete its update of Volume II of the Juvenile Law Benchbook. Volume II, published in 2002, addresses proceedings brought in juvenile

court that involve allegations of abuse, neglect, and dependency. It also addresses voluntary and involuntary termination of parental rights. In preparing the update to Volume II, the Committee researched statutory changes and relevant case law through June 2006. The Committee also decided to include reference to the Uniform Child-Custody Jurisdiction and Enforcement Act, as it relates to abuse and neglect issues. The Committee reasonably anticipates that an update to Volume II will be available for the New Judge Seminar in January 2007.

### *2. Juvenile Diversion Fee*

Juvenile diversion fees, in counties where adopted, are fees used for the operation and administration of a teen court, peer court, peer jury, youth court or other youth diversion program. The Committee discussed the insufficient funding for the above programs and the related lack of priority for juvenile diversion fees under Supreme Court Rule 529, which sets forth the percentage distribution of fines, penalties and costs collected for traffic offenses, which is equal to the bail required by Supreme Court Rule 526. The Committee therefore recommends that if the Supreme Court increases the \$75 bail for traffic offenses provided for in Rule 526, the juvenile diversion fee be given priority under Rule 529.

### *B. 2006 Projects and Priorities*

The following subjects represent the projects/priorities assigned by the Supreme Court to the Committee for consideration in Conference Year 2006.

#### *1. Confidentiality*

The Committee was asked to review and make recommendations regarding the scope of confidentiality in juvenile delinquency, abuse, neglect, and dependency cases. The issue of confidentiality of personal identity and case related information has been raised on several occasions by members of the Committee as an area of the benchbook needing further development. It is an aspect of legal practice that is impacted by federal law on privacy information sharing and, in juvenile court, by the dynamics of multiple parties and multiple proceedings. Therefore, it was proposed that the Committee investigate the reach of statutes and case law regarding confidentiality in juvenile court proceedings in anticipation of including a section on the topic in the juvenile benchbook.

In addressing this project, the Committee formed a subcommittee, which researched and drafted provisions on confidentiality for inclusion in Volume II of the benchbook. The new provisions will address issues as they relate to the scope of confidentiality for abuse, neglect, and dependency cases, including access to juvenile court proceedings and records by the press; access to juvenile court records for research; and use of a minor's name in notice by publication to the parent. The Committee also initiated its research into expanding the existing section on confidentiality contained in Volume I of the benchbook, including addressing juvenile sex offender registration.

### 2. "Problem-Solving Courts"

The Committee was asked to study, examine and report on the efficacy of "Problem-Solving Courts" in the management of juvenile delinquency, abuse, neglect, and dependency cases, and respondents. On behalf of the Committee, Judge C. Stanley Austin, as chair, sent a letter to the chief judges in the state to survey the existence/nature of any speciality courts handling juvenile cases and to obtain the local rules creating such courts. The Committee is in the process of collecting responses from the various circuits. Once the responses are collected, the Committee will prepare a report for the Court's consideration.

### III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2007 Conference Year, the Committee seeks to update Volume I of the *Illinois Juvenile Law Benchbook*, which addresses juvenile court proceedings involving allegations of delinquency, minors requiring authoritative intervention (MRAI), and addicted minors. The Committee further requests that it be permitted to continue its review of confidentiality for purposes of expanding its current section on that topic in Volume I of the benchbook and that it be permitted to complete its review of "Problem-Solving Courts" addressing juvenile matters. Finally, the Committee seeks to work with the Education Committee to prepare program ideas for juvenile law education seminars.

### IV. RECOMMENDATIONS

As noted above, the Committee recommends that the Illinois Judicial Conference approve the Committee to forward its recommendation to the Supreme Court that if the Supreme Court increases the \$75 bail for traffic offenses under Supreme Court Rule 526, the juvenile diversion fee be given priority in Supreme Court Rule 529.