

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

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I. STATEMENT ON COMMITTEE CONTINUATION

The charge of the Study Committee on Juvenile Justice "Committee" is to study and make recommendations on aspects of the juvenile justice system, propose education and training programs for judges and prepare and update the juvenile law benchbook. The major work of the Committee has been the completion of the two-volume set of the *Illinois Juvenile Law Benchbook*.

Annual updates of both volumes of the benchbook are necessary due to the rapid and continuing changes in juvenile law. In light of the continued legislation and changes in case law in this area, the Committee believes that continued instruction of judges concerning all aspects of juvenile law is necessary. Further, the Committee believes that it would be useful to collect and disseminate information regarding statewide juvenile justice initiatives, balanced and restorative justice proposals, and offender reentry programs. Therefore, the Committee requests that it be permitted to continue implementing its assigned charge.

II. SUMMARY OF COMMITTEE ACTIVITIES

A. Juvenile Law Benchbook

During this Conference year, the Committee continued updating Volume I of the *Juvenile Law Benchbook*. Approximately 400 judges have received copies of the two-volume set. Volume I, published in 2000, covers juvenile court proceedings involving allegations of delinquency, minors requiring authoritative intervention (MRAI) and addicted minors. The Committee anticipates an update for Volume I will be available in 2005.

Because of significant expansion of statutory and case law governing Illinois juvenile court proceedings in recent years, the benchbook was divided into two volumes. The two-volume set is designed to provide judges with a practical and convenient guide to procedural, evidentiary, and substantive issues arising in Juvenile Court proceedings. The books suggest to trial judges relevant statutory provisions, identify areas and issues that present challenges unique to these proceedings and, where possible, suggest the controlling case law. Volume II addresses exclusively proceedings brought in the juvenile court which involve allegations of abuse, neglect and dependency. The Committee hopes these volumes will serve two functions. First, the books will afford judges, particularly judges who are new to the Juvenile Court, an idea of the issues and problems that should be anticipated in presiding in Juvenile Court proceedings. Second, the books will provide all judges quick access to controlling statutory and case law needed on the bench, and during the hearing, when time, circumstances and case loads do not afford the opportunity for a recess and research.

The discussion in each book is organized transactionally, i.e., 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. The Appendix in each book 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. The Committee anticipates updating each volume annually.

B. Uniform Juvenile Court Orders

During the Conference year, the Committee monitored the use of uniform juvenile court orders it designed. The orders are designed for use by judges involved in abuse, neglect or dependency proceedings in the Juvenile Court. The Committee designed the uniform orders to fulfill a number of critical functions. First, the orders incorporate the findings required by federal law (45 C.F.R. § 1356.21 (2000)) when a child is removed from the custody of a biological parent or parents. Second, the proposed orders incorporate the findings required by the Illinois Juvenile Court Act. Third, the orders are designed to provide a clear judicial statement to the parties which identifies the parental problems which the court will require be addressed before custody will be returned to the parent or parents. Fourth, the orders provide a convenient summary of the previous findings made and steps taken by the court which hopefully will ease any change in caseworkers, attorneys or judges.

Supreme Court Order M.R. 17494 was considered in drafting the uniform orders. The Supreme Court Order was issued in response to newly promulgated regulations by the U.S. Department of Health and Human Services (HHS). Among other things enacted, those regulations changed HHS' requirements for judicial determinations that a court must make when removing or authorizing removal of a child from his/her parents. Each uniform order, including the temporary custody order, contains each of those judicial determinations. The uniform orders and instructions are included in the Appendix section of Volume II of the *Illinois Juvenile Law Benchbook*.

C. Juvenile Court Federal Review

In 2003, the Illinois Child Welfare System underwent a Federal Children and Family Services Review. The purpose of the review was to evaluate the strengths and weaknesses of the Illinois Child Welfare System and the State's conformance to federally mandated performance indicators. The review focused on all components of the Illinois Child Welfare System, including the State's juvenile courts. The Federal Government determined that Illinois was not in substantial conformity with federal standards. Accordingly, Illinois must now successfully implement a program improvement plan (PIP) to avoid the loss of federal funds. The PIP, which in part relates to court processes, is currently under negotiation.

The Committee continued to discuss at great length the review process. Although individual

members of the committee are involved with the review process, the Committee had hoped that it would be allowed some official role and that the Illinois Department of Children and Family Services would consult with the Committee in developing and implementing the PIP. In light of the role that the Administrative Office of the Illinois Courts has undertaken as the representative of the Illinois judiciary in the PIP, the Committee has ceased any efforts to involve itself in the review process.

D. State-wide Juvenile Justice Initiatives

The Committee has begun to identify the various statewide juvenile justice initiatives in Illinois. Once the Committee has compiled a description of these initiatives, the Committee will evaluate whether the compilations should be included in the *Juvenile Law Benchbook* or disseminated as part of the Committee's education activities.

E. Balanced and Restorative Justice

The Illinois Juvenile Court Act codifies principles of balanced and restorative justice. Balanced and restorative justice focuses on the victim, the juvenile offender, and the community. It has as its goals accountability, competency development, and community safety. To achieve these goals various programs have been instituted in Illinois. Examples of balanced and restorative justice programs include victim-offender conferences, victim impact panels, teen courts, peer juries, community service, restitution to victims, and community education forums. The Committee has begun to identify and compile information on promising balanced and restorative justice programs in Illinois. Like the Committee's efforts with statewide juvenile justice initiatives and reentry programs, the Committee will evaluate whether the compilation should be included in the *Juvenile Law Benchbook* or disseminated as part of the Committee's education activities.

F. Reentry Programs

The reentry into the community of juvenile offenders released from secure facilities has received increased attention among juvenile justice experts. The Committee has thus begun to identify and compile information on promising programs that exist in different parts of Illinois. Like the Committee's efforts with statewide juvenile justice initiatives and balanced and restorative justice, the Committee will evaluate whether the compilation should be included in the *Juvenile Law Benchbook* or disseminated as part of the Committee's education activities.

G. Juvenile Drug Courts

The concept of juvenile drug courts was introduced to the Committee as a topic of discussion to study throughout the Conference year. Juvenile drug courts are specialized courts that focus either on substance-abusing juveniles in juvenile justice cases or substance abusing

family members in child protection cases. The goals of juvenile drug courts are to provide (1) immediate intervention in the lives of children using drugs or exposed to substance abuse addiction through family members and (2) structure for the juveniles through the ongoing, active oversight and involvement of the drug court judge. The Committee obtained information from the National Council of Juvenile and Family Court Judges to become familiar with this form of court and plans to continue to explore the development of this non-traditional juvenile court process.

H. Education

The Committee continued its commitment to educating Illinois judges on juvenile law issues during the 2004 Conference Year. Various Committee members assisted in the presentation of programs on juvenile law, introducing judges to the issues and problems they might experience presiding in juvenile court. The Committee will continue to offer recommendations for judicial education programs in this rapidly changing area of the law.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

.During the 2005 Conference Year, the Committee will draft updates for Volume I and Volume II of the *Illinois Juvenile Law Benchbook*. The Committee also intends to recommend and participate in the presentation of juvenile law education programs. The Committee will continue to monitor other proposed and enacted legislation, executive initiatives and developing common law that may affect the juvenile justice system.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

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