

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

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## I. STATEMENT ON COMMITTEE CONTINUATION

It is the function of the Study Committee on Juvenile Justice (Committee) to review and assess practices related to the processing of juvenile delinquency, abuse, neglect, and dependency cases. The Committee's stated purpose is to provide judges with current developments in the processing of juvenile court cases through up-dating and distributing the *Illinois Juvenile Law Benchbook*.

The Juvenile Law Benchbook, which consists of Volumes I and II, is designed to provide judges with a practical and convenient guide to procedural, evidentiary, and substantive issues arising in juvenile court proceedings. 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. 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 a particular county/circuit. Each volume is intended to provide judges with an overview of juvenile court proceedings, to direct them to relevant statutory provisions and case law, to highlight recent amendments, and to identify areas that present special challenges. Historically, the Committee has focused its attention on creating and updating this benchbook, each volume of which is updated every other year.

The Committee therefore believes that its work in providing instruction on the continually developing area of juvenile law is a valuable source of information for judges who preside over juvenile matters in Illinois. For this reason, the Committee requests that it be permitted to continue its work in Conference Year 2011.

## 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. The Committee also is charged with preparing supplemental updates to the juvenile law benchbook for distribution to judges presiding over juvenile proceedings. Finally, the Committee's charge includes 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.

Consistent with its charge, during this Conference year, the Committee will complete its update of Volume II of the Juvenile Law Benchbook. Volume II, published in 2002 and most recently updated in 2008, addresses proceedings brought in juvenile court that involve allegations of abuse, neglect, dependency and termination of parental rights. In preparing the update to Volume II, the Committee researched statutory changes and relevant case law through June 2010. In particular, the Committee has been tracking the status of Senate Bill 3406, which proposes amendments to the Juvenile Court Act to eliminate the provision that the State's Attorney may object to a court order of continuance under supervision. The Committee reasonably anticipates that its update to Volume II will be available for the New Judge Seminar in January 2011.

Pursuant to its charge, the Committee also considered a proposal to amend Supreme Court Rules 411, 605, 303 and 313, which had been forwarded by the Supreme Court Rules Committee. Following discussion of the proposal, the Committee voted to recommend adoption of the proposal to apply Rule 411 (Applicability of Discovery Rules) to juvenile delinquency proceedings since discovery rules are already being applied informally to juvenile proceedings. With respect to the proposal to create Rule 605A (Advice to Respondents in Juvenile Court Proceedings Other Than Delinquency), it is the Committee's position that the current rules on admonishment are sufficient. Therefore, the Committee voted not to recommend the creation of Rule 605A. With respect to the proposal to amend Rule 303 (Appeals from Final Judgments of the Circuit Court in Civil Cases) to appoint counsel to indigent parties on all appeals, the Committee voted not to recommend its adoption. It is the Committee's position that the appointment of counsel is limited by the provisions of the Juvenile Court Act. The Committee also expressed concern with providing counsel to indigent parties in appeals other than termination cases due to the financial burden on smaller counties. Finally, the Committee voted not to recommend the proposed amendment to Rule 313 (Fees in the Reviewing Court) to waive filing fees for parties on appeal determined to be indigent by the circuit court since it is the responsibility of the appellate court and not the circuit court to determine if a person on appeal qualifies as an indigent person. Pursuant to Supreme Court Rule 3, the Committee forwarded its recommendation to the Supreme Court Rules Committee.

#### *B. Conference Year 2009 Continued Projects/Priorities*

The following subjects represent the projects/priorities assigned by the Court to the Committee for consideration in Conference Year 2009, which were extended into Conference Year 2010.

##### *1. "Problem-Solving Courts"*

The Court requested that the Committee study, examine and report on the efficacy of "Problem-Solving Courts" in the management of juvenile delinquency, abuse, neglect, and

dependency cases, including the creation of standards and conformity for data collection. In Conference Year 2008, the Committee studied and reported to the Court about the juvenile drug courts in Cook, Kane, Peoria and Will counties. In Conference Year 2009, the Committee reported to the Court that each of the four juvenile drug court programs in Illinois utilizes different criteria and collects limited statistics as to the program's effectiveness. In particular, the Committee noted that there appear to be no analytical data, such as recidivism rates for those successfully completing the program, to measure the effectiveness of the program.

During this Conference year, the Committee studied other states' juvenile drug courts, finding that such programs are often evaluated through the use of standards for measuring recidivism, retention and sobriety. The Committee also found that national organizations have created standards for specialty courts that can be utilized to measure the effectiveness of Illinois' juvenile drug courts. The Committee, however, noted that establishing standards would be difficult in Illinois because the drug court is usually administered or funded from a source different than the source providing the standards. The Committee further determined that the effectiveness of juvenile drug courts depends on adequate funding for programs in the community, which offer an alternative to drug use, and depends on addressing the often underlying mental health issues of juvenile drug users. The Committee therefore concluded that the efficacy of juvenile drug courts is dependent on addressing other issues, including funding and mental health.

## *2. Mental Health Services*

The Committee was assigned the project of examining the availability and adequacy of mental health evaluations and services for juveniles in Illinois, including researching the issue in other states in order to gain insight on practices that might prove beneficial in Illinois. In Conference Year 2008, the Committee outlined for the Court the results of a survey administered to the judicial circuits in Illinois. The survey results indicated that there is a lack of mental health services available to juveniles in various regions of Illinois primarily due to scarcity of providers and funding. During Conference Year 2009, the Committee's research focused on the Models for Change, which is a long-term national initiative funded by the MacArthur Foundation to accelerate reform of juvenile justice systems across the country. The Initiative is based on an evidence-based approach to juvenile justice reform, and promotes a variety of systems reform models that are grounded in the core principles of fundamental fairness, developmental differences between youth and adults, individual strengths and needs, youth potential, responsibility and safety. By focusing its resources in a small number of key states, the Initiative seeks to create successful and replicable models for juvenile justice reform, including the area of mental health. The goal of the Initiative with respect to mental health for juveniles is that professionals in the fields of juvenile justice, child welfare, mental health, substance abuse, and education would work collaboratively to meet the mental health needs of youth without unnecessary juvenile justice system involvement.

Specifically, the Initiative seeks to respond to the mental health needs of juveniles through early identification of youth with mental health needs, diversion from the system where appropriate, and timely access to appropriate treatment.

During this Conference year, the Committee found that there are resources/data through federal and national organizations addressing the issue of providing mental health services for juveniles. The Committee, however, concluded that lack of adequate funding remains a major problem in providing mental health services for juveniles.

### *3. Guardianship Standard*

The Court requested that the Committee explore the applicability of the two varying standards used in guardianship cases: (1) the best interests of the minor standard arising from the Juvenile Court Act and (2) the superior rights standard arising from the Probate Act. In discussing the two standards, the Committee continues to monitor the status of pending legislation, which may resolve the issue of the standard appropriate in guardianship cases. Senate Bill 1430 seeks to amend the Probate Act to provide that a guardianship shall not be terminated by a court unless the court finds, based upon clear and convincing evidence, that there has been a material change in circumstances since the guardianship was created and that termination is in the minor's best interest. The Committee noted that the intent of the amendment seems to be to bring the Probate Act in conformity with the Juvenile Court Act. As of this writing, the bill remains pending in the House.

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

During Conference Year 2011, the Committee seeks to update Volume I of the *Illinois Juvenile Law Benchbook*, which addresses juvenile court proceedings involving allegations of delinquency, addicted minors, minors requiring authoritative intervention and truant minors in need of supervision. The Committee also seeks to undertake any other projects or initiatives assigned by the Court for its consideration.

## **IV. RECOMMENDATIONS**

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