

2012 REPORT

**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 2013.

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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 2010, addresses proceedings brought in juvenile court that involve allegations of abused, neglected and dependent minors. In preparing the update to Volume II, the Committee researched statutory changes and relevant case law through June 2012. The Committee reasonably anticipates that its update to Volume II will be available for the New Judge Seminar in January 2013.

B. Conference Year 2011 Continued Projects/Priorities

The Court requested that the Committee study the issue of disproportionate minority representation in juvenile justice and abuse and neglect cases. In addressing this issue, the Committee considered several resource materials as provided by the National Incidence Studies, MacArthur Foundation's Models for Change Initiative, Haywood Burns

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Institute, U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention, Illinois Juvenile Justice Commission, The Annie E. Casey Foundation and the Georgetown University Center for Juvenile Justice Reform. After examining these resources, the Committee determined that there are four key areas where suggested changes can assist in addressing the issue of disproportionate minority representation of juveniles.

1. Data Collection

First and foremost, the Committee determined that there cannot be a proper assessment of disproportionate minority representation in the juvenile system unless there is uniform data collection, which currently is lacking in the Illinois courts. It is the position of the Committee that there should be a systemic way to report on disproportionate minority representation in juvenile cases. More specifically, collection of standardized information, which includes the self-identified race and ethnicity of the juvenile, should be enforced. The Committee therefore recommends that the Supreme Court require all trial courts to require the collection and reporting of the race and ethnicity of all juveniles in juvenile abuse & neglect, juvenile delinquency and all other juvenile cases filed in the trial court.

2. Judicial Training

The Committee determined that training for judges is essential to combat disproportionate minority representation. Specifically, training would focus on heightening awareness of possible biases toward juvenile minorities. The Committee therefore recommends that the Supreme Court require judges who hear juvenile abuse & neglect, juvenile delinquency and other juvenile cases receive judicial training on disproportionate minority representation, evidence-based practices in juvenile court and cultural competency

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by incorporating these topics as a part of the biennial Education Conferences and New Judge Seminars.

3. Judicial Tenure

The Committee contends that consistency and continuity are necessary for judges to be effective in the juvenile court. As such, the Committee recommends that judges be assigned to juvenile court for a significant amount of time.

4. Legislation

The Committee determined that one of the biggest problems affecting and perpetuating disproportionate minority representation are certain flawed provisions in the Juvenile Court Act. It is the Committee's position that providing more judicial discretion in sentencing will assist trial courts in addressing disproportionate minority representation and increase the application of proven evidence-based practices to better address the specific risks and needs of the juvenile and his/her family. Specifically, the Committee examined four key provisions in the Juvenile Court Act regarding supervision, probation and detention and a related provision in the Sex Offender Registration Act. The Committee also discussed juvenile expungement, and suggested that it should not be more difficult to obtain an expungement of a juvenile matter than it is to obtain an expungement of an adult conviction. The Committee, however, decided not to propose amendments regarding juvenile expungement given pending legislation on this issue. The Committee therefore recommends that the Supreme Court encourage the legislature to amend the specific provisions of the Juvenile Court Act and the Sex Offender Registration Act as delineated in Exhibit A, which also includes the justification for each proposed amendment.

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C. Conference Year 2012 Projects/Priorities

The Court requested that the Committee study the issue of truancy and the lack of adequate measures to address it in the court system under the Juvenile Court Act. The Committee decided to defer its discussion on this issue until it has completed its task regarding disproportionate minority representation.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2013 Conference Year, 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 (MRAI) and truant minors in need of supervision. The Committee requests that it be permitted to continue its work on the issue of truancy and the lack of adequate measures to address it in the court system under the Juvenile Court Act. Finally, the Committee seeks to undertake any other projects or initiatives assigned by the Court for its consideration.

IV. RECOMMENDATIONS

The Committee recommends to the Conference that it forward to the Court for its consideration the Committee's aforementioned four recommendations regarding disproportionate minority representation; namely, (1) data collection, (2) judicial training, (3) judicial tenure in juvenile court assignments and (4) proposed amendments to the Juvenile Court Act and Sex Offender Registration Act.