

**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 dependence 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 by transaction, 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 ends with post-disposition 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 2010.

## 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 I of the Juvenile Law Benchbook. Volume I, published in 2000 and most recently updated in 2007, addresses proceedings brought in juvenile court that involve allegations of delinquency, addicted minors, minors requiring authoritative intervention (MRAI) and truant minors in need of supervision. It also addresses confidentiality and juvenile court records. In preparing the update to Volume I, the Committee researched statutory changes and relevant case law through June, 2009. In particular, the Committee has been tracking the status of House Bills 1129, 2298, and 2627, which propose amendments to the Juvenile Court Act concerning the admissibility of evidence, the vacating of a delinquency finding, and the detaining of a minor. The Committee reasonably anticipates that its update to Volume I will be available for the New Judge Seminar in December, 2009. Through its work on the benchbook, along with member participation in various juvenile law seminars, the Committee remains interested in the education of judges in juvenile issues.

*B. Conference Year 2008 Continued Projects/Priorities*

The following subjects represent the projects/priorities assigned by the Court to the Committee for consideration in Conference Year 2008, which were extended into Conference Year 2009.

*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 juvenile drug courts in Cook, Kane, Peoria and Will counties. As the Committee discovered this Conference year, however, each of the programs utilizes different criteria and collects limited statistics as to the program's effectiveness. In particular, there appear to be no analytical data, such as recidivism rates for those successfully completing the program, to measure the effectiveness of the program. For example, the statistics for Peoria County's Juvenile Drug Court indicate that from 2008 through April 2009, there were 17 participants with 9 graduating, 1 unsuccessful completion, 6 pending in the program and 1 on warrant status. The Committee therefore concluded that other states' standards and data collection should be studied to gain insight on establishing more effective juvenile drug courts in Illinois.

## *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 the past Conference year, 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 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.

Following the Initiative's launch in Pennsylvania in 2004, the Initiative expanded to Illinois in 2005, to Louisiana in 2006 and to Washington in 2007. Pennsylvania and Washington have focused on improving access to mental health programs and services for juveniles. In particular, the Committee found the Initiative's work in Pennsylvania to be instructive with respect to encouraging collaboration among diverse groups to provide mental health services for juveniles. For example, Pennsylvania has outlined the following strategies to improve the coordination of and access to juvenile mental health services: (1) collaborations at the state and county levels among the agencies responsible for juveniles with mental health problems in the child welfare and juvenile justice systems; (2) creation of interagency teams to expedite placement of juveniles into appropriate programs; (3) adoption of a single multi-system screening and assessment instrument for all young offenders; (4) promulgation of policies to reduce contact with the juvenile justice system for juveniles with mental health needs and divert them into community-based programs; (5) development of blended or integrated funding

strategies; and (6) delivery of evidence-based practices and programs. Although adopting similar strategies in Illinois would appear to be beneficial, the Committee expressed frustration in recommending such efforts given the lack of funding available. The Committee therefore concluded that, given the limited resources available, it was necessary to look outside traditional resources for providing mental health services to juveniles.

### *C. Conferences Year 2009 Projects/Priorities*

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 has been monitoring 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 the 2010 Conference Year, the Committee seeks to update Volume II of the *Illinois Juvenile Law Benchbook*, which addresses juvenile court proceedings involving allegations of abused, neglected and dependent minors. The Committee requests that it be permitted to continue its work with juvenile drug courts by studying other states with the hope of gaining suggestions on appropriate standards and data collection. Lastly, the Committee would like to continue its work with juvenile mental health services by studying programs in other states to obtain suggestions on better providing such services to juveniles in Illinois.

### **IV. RECOMMENDATIONS**

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