

**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 2012.

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 2009, 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 2011. In particular, the Committee discussed the Supreme Court's decision in *In re Veronica C* (S. Ct. Docket No. 108953, September 23, 2010), which represents a major change in practice by reminding judges of the times and places where supervision should be discussed. The Committee reasonably anticipates that its update to Volume I will be available for the New Judge Seminar in December 2011.

B. Conference Year 2010 Continued 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. During the past and prior conference years, the Committee monitored the status of Senate Bill 1430, which sought to amend the Probate Act and appeared to resolve the issue of the standard appropriate in guardianship cases. No action, however, was taken with respect to the bill and it was not reintroduced as a new bill.

The Committee, however, reviewed the amendments to the Probate Act (755 ILCS 5/11-14.1) set forth in Public Act 96-1338, which became effective January 1, 2011. The Committee determined that it resolved the issue of guardianship standards that the Committee has been reviewing. More specifically, the amendment to the Probate Act precludes the termination of guardianship if the guardian establishes that termination would not be in the best interests of the minor. As such, the court is now required to consider the best interests of the minor with respect to custody under the Probate Act as well as in the juvenile court arena. Consequently, the Probate Act now seems to be in conformity with the Juvenile Court Act with respect to guardianship standards.

C. Conference Year 2011 Projects/Priorities

The Court requested that the Committee study the issue of disproportionate minority representation in juvenile justice and abuse and neglect cases. In its attempt to gain insight and

direction on this issue, the Committee considered several resource materials on this issue as provided by the National Incidence Studies, MacArthur Foundation's Models for Change Initiative and the Haywood Burns Institute. Initially, the Committee determined that judicial education and training for judges is essential because there is a need to heighten awareness of judges as to possible biases toward minorities. The Committee also determined that there are various initiatives, including standardized arrest forms, school involvement, youth outreach services, group home training and family engagement efforts, addressing this issue in Illinois circuits. Having identified the available research on this issue, the Committee intends in the next conference year to begin the next step of identifying relevant programs for the Court's consideration.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2012 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 on the issue of disproportionate minority representation in juvenile cases. The Committee also requests that it be permitted to address the growing problem 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 is making no recommendations to the Conference at this time.