

Introduction to the Illinois State Supplement

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The information contained in this supplement is intended to assist students who are interested in relating the material contained in text to the laws, policies, and practices in juvenile justice in the state of Illinois. A brief summary of each chapter in the text is presented. In addition, review questions for each chapter are included and references and websites that students may find useful are presented both throughout the supplement and in the reference section.

The history of juvenile justice in Illinois is outlined briefly. The various agencies involved in the juvenile justice process are discussed and current programs and concepts in juvenile justice in Illinois are presented and discussed.

Chapter 1: Juvenile Justice in Historical Perspective: A Brief History of the Illinois Juvenile Justice System

In 1899, Illinois created the first juvenile court in the United States. The Illinois Juvenile Court Act of 1899 was a formal recognition that youthful offenders had special problems and needs that could best be addressed through a system distinct from the one used for adult offenders. Since that time, the legal mandates of juvenile justice in Illinois have undergone many changes, but juvenile justice has remained largely separate from the adult criminal justice system. As a pioneer and leader in the field, the state has adopted many creative and innovative approaches over the past one-hundred years. This section of the text will provide highlights and trends in the juvenile system.

As indicated in chapter 1 in the text, juvenile courts in Illinois and throughout the country were established under the doctrine of *parens patriae*, whereby the state acts as the guardian or responsible authority for a minor to protect the youth from dangerous conduct or harmful environments. The state is to act on behalf of the child and provide care and protection equivalent to that of a parent. Historically, the juvenile justice system's goal has been to provide individualized treatment and guidance, rather than punishment. To accomplish this goal, the juvenile courts and other segments of the juvenile system have developed a variety of procedures and programs to handle youth problems, including delinquency, status offenses, addictions, dependency, abuse and neglect. The individualized approach is based on the principle that minors are developmentally incapable of forming the necessary criminal intent to be held responsible for their actions and are still impressionable enough to be diverted from further delinquent behavior.

The child saving movement (see Chapter 1) resulted in the passage of the Illinois Juvenile Court Act of 1899, which established the nation's first independent juvenile court. The traditional interpretation is that the reformers embraced a philosophy of sincere concern and caring for children, and the problems of youths could be handled in the best interests of the children and the state. The revisionists suggest the reformers used the concept of *parens patriae* to protect their vested interests; solidify their middle- and upper-class values, control of the political system, and continue the child labor system.

Regardless of the interpretation, the Illinois Juvenile Court Act established juvenile delinquency as a legal concept. A clear distinction was made between delinquent and neglected children. In addition, a court and probation system was created specifically for children, and the legislation allowed children to

be committed to institutions and reform programs under state control. Major ingredients of the act included:

- A separate court was established for delinquent and neglected children.
- Specific procedures were enacted for the adjudication of minors.
- Children were separated from adults in courts and institutional programs.
- Probation programs were developed for the best interests of the child and the state.

The nation approached juvenile justice by emphasizing the needs of the youthful offender. Juvenile systems adopted the philosophy that children should be treated differently from adults. The belief was that minors had not matured enough to be responsible for their actions and, could be rehabilitated through structured guidance and treatment.

Although the juvenile justice system differs from the criminal justice system, juveniles are protected by most of the due process safeguards associated with criminal proceedings (see Chapters 5-9). These include having the prosecuting and defense attorneys present at hearings, placing the burden of proof on the state, and guaranteeing the right to appeal court decisions. Although juvenile courts have been an institution for over 100 years, it was not until the mid-1960s that the U.S. Supreme Court first recognized the due process rights of minors in *Kent v. United States (1966)*. This decision established the right to a legal counsel and a hearing before a juvenile could be transferred to criminal court. The landmark case, *in re Gault (1967)*, granted juveniles the right to an attorney, adequate notice of the specific charges, and confrontation and cross-examination of witnesses. In addition, *in re Winship (1970)* established the standard of proof in juvenile cases to be “beyond a reasonable doubt” rather than the previous standard of “preponderance” of the evidence.

Juvenile Justice Reform Act of 1998

In the 1980’s, as young offenders became increasingly violent, the rehabilitative approach began to change. States began adopting more punitive laws for younger and younger offenders. By the mid-1990s, virtually every state, including Illinois, had adopted laws transferring violent juveniles to criminal court. As violent juvenile crimes were making headlines, the effectiveness of the state’s juvenile justice system was being scrutinized. A special legislative committee was formed to examine the state’s juvenile justice system.

Following much debate and compromise, primarily over funding and transfers to criminal court, the Illinois Juvenile Justice Reform Act of 1998 was passed by the legislature. Supporters say the Act brings much needed balance to a system that has failed to hold youthful offenders accountable for their actions. Critics contend it is a continued threat to a separate system of justice for children. Traditionally, the terminology used in juvenile proceedings was different from that used in criminal court. However, under the reform provisions, the terminology for most juvenile and adult proceedings will be the same. Rather than being “taken into custody”, minors will be arrested; the “adjudicatory hearing” becomes a trial; and the “dispositional hearing” is now a sentencing hearing.

Other changes under the Act include limiting the number of status adjustments for juveniles, increasing the length of time minors may be held in custody and detention, more extensive fingerprinting of juveniles, and the creation of a statewide data-base to track juvenile offenders. The Act also authorizes counties to create teen courts and community mediation panels, which would include victims, offenders, and their parents.

The Juvenile Reform Act of 1998 revised much of the Delinquency Article of the Juvenile Court Act and established a continuum of juvenile justice sanctions. One provision created blended sentencing or “extended jurisdiction juvenile” (EJJ). EJJ allows the court to impose both a juvenile and an adult

sentence on the juvenile. The adult sentence is served only if the juvenile violates the terms of the juvenile disposition or commits a new offense.

The juvenile justice system for the state of Illinois currently includes a number of departments, facilities, and commissions. Several are introduced in this section.

Illinois Juvenile Justice Commission

Contact Information: <http://www.dhs.state.il.us/page.aspx?item=3200>

Illinois Juvenile Justice Commission

535 W. Jefferson St.

3rd Floor

Springfield, IL 62702-5058

The Illinois Juvenile Justice Commission (the Commission) serves as the federally mandated State Advisory Group to the Governor, the General Assembly and the Illinois Department of Human Services. The Commission has 25 member positions appointed by the Governor. They have training, experience, and/or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of justice. Members serve three-year terms and serve until such time as they have been reappointed or replaced.

The Commission develops reviews and approves the State's juvenile justice plan for the expenditure of funds granted to Illinois by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Commission is also responsible for ensuring the State's compliance with the Federal Juvenile Justice Delinquency Prevention Act.

The Commission has a statutory responsibility to submit an annual report to the Governor and General Assembly that highlights the State's accomplishments, its most urgent challenges relative to juvenile justice in Illinois and its recommendations for addressing those issues.

Illinois Department of Juvenile Justice

Contact information for The Illinois Department of Juvenile Justice (IDJJ):

<http://www.idjj.state.il.us/default.shtml>

In 2005, the Illinois legislature passed a bill separating the Juvenile Division from the Department of Corrections to create a new Department of Juvenile Justice (IDJJ). Its mission is to “provide treatment and services through a comprehensive continuum of individualized education, vocational, social, emotional, and basic life skills to enable youth to avoid delinquent futures and become productive, fulfilled citizens.” (IDJJ). Services include prevention, diversion, nonresidential and residential commitment programs, and transitional and post-release treatment programs. Of particular interest to criminal justice students is the fact that all new staff who work directly with youth must have a college degree with a background in criminal justice, education, psychology, sociology, social work, or a closely related specialization appropriate for addressing the needs of at-risk youths.

The court can commit youths aged 13-21 years old to the custody of the Department of Juvenile Justice (IDJJ). The court can also send a youth to IDJJ for a maximum 90 day evaluation. Following this period, the court determines whether to release the youth or return him or her to IDJJ for an indeterminate commitment extending no longer than the minor’s 21st birthday. Commitments must not be longer than for which an adult could be incarcerated for the same offense. The sentence (disposition) is based on the

juvenile's offense, previous delinquency history, and need, and may be extended depending on the youth's progress. Mandatory commitment until age 21 is required for certain crimes.

Upon commitment, IDJJ makes placement decisions. There are eight Illinois Youth Centers (IYC). Youths are sent to one of two reception centers, IYC-St. Charles for males and IYC-Warrenville for females. Caseworkers assess and evaluate court documents and the minor's educational, behavioral, medical, and mental health histories to determine the youth's risk level and placement.

Illinois Youth Centers maintain security and safety, while providing beneficial counseling, educational, and substance abuse programs. Following is a brief description of each IYC (Information provided from the IDOC Fiscal Year 2003 Annual Report).

IYC-Chicago: High Medium-Security Juvenile Male & Female, Average Annual Cost per Inmate: \$76,095.00. Youth programming includes substance abuse treatment and relapse prevention education, anger management and drug education, literacy tutors, public health seminars, art therapy, Bible study and non-denominational church services.

IYC-Harrisburg: High Medium-Security Juvenile Male, Average Annual Cost Per Inmate: \$52,545.00. Services include remedial, secondary and college level education courses, a GED program, library services, vocational training, guidance and work training programs. Diagnostic and evaluative services and special education programs are also provided.

IYC-Joliet: Maximum-Security Juvenile Male, Average Annual Cost per Inmate: \$56,351.00. A safe and secure working and living environment for all staff and residents is the objective of this maximum security center. Youth are enrolled in educational programs upon arrival.

IYC-Kewanee: High Medium-Security Juvenile Male, Average Annual Cost Per Inmate: \$96,087.00. This is a special treatment facility, focusing on treatment for youth with severe mental health issues, substance abuse problems and sex offenders.

IYC-Murphysboro: Low Medium-Security Juvenile Male, Average Annual Cost Per Inmate: \$84,403.00. This is a juvenile "boot camp" that combines military discipline and training with education, life skills training, and substance abuse treatment.

IYC-Pere Marquette: Low Medium-Security Juvenile Female, Average Annual Cost Per Inmate: NA. This is the first juvenile facility totally dedicated to a modified therapeutic community treatment model. Each youth has four overall areas that points are awarded: education, counseling, substance abuse treatment, and dorm living, which encompasses their overall ability to interact in a positive manner with staff as well as other youth.

IYC-St. Charles: High Medium-Security Juvenile Male, Average Annual Cost Per Inmate: \$56,163.00. The facility has three main components, reception, general population and special treatment.

IYC-Warrenville: Maximum-Security Juvenile Female, Average Annual Cost per Inmate: \$80,365.00. This is a maximum-security facility, which also serves as a reception, assessment and residential program for the juvenile female population committed to the IDJJ.

The Department of Juvenile Justice determines the release date. A youth who honors the parole contract and abides by center rules and regulations will be referred to the Illinois Prisoner Review Board, an independent agency, for parole consideration. The Board reviews each juvenile's commitment status automatically within established time frames.

Juvenile Field Services supervises those youth paroled back into the community. A reintegration plan is developed at the initial assignment to a youth center. At that time, a parole agent is assigned to the youth. The parole agent works with the youth and family to assist with the transition back to the community. In addition to the juvenile's home, placement types after release include foster care, group homes, substance abuse programs, or residential care, such as residential sex offender programs.

The belief that juveniles should be dealt with in a justice system different from that of adults was put into practice in the state of Illinois in 1899. Serious questions are now being raised about the ability of the juvenile justice network to deal with contemporary offenders, particularly those who engage in violent conduct. The debate concerning whether increasingly severe penalties for youthful offenders or a treatment/rehabilitation-centered approach should be the goal of the contemporary juvenile court. The belief that the state has both the right and responsibility to act on behalf of juveniles was the key element of juvenile justice in twelfth-century England and remains central to the juvenile justice network in the Illinois today.

Age of responsibility and the ability to form criminal intent remain important issues in juvenile justice. The concepts of *parens patriae* and *in loco parentis* remain as cornerstones of contemporary juvenile justice, though not without challenge (see Chapter 1). Those favoring a more formal approach to juvenile justice continue to debate those who are oriented toward more informal procedures, though decisions in the *Kent*, *Gault*, and *Winship* cases have made it clear, in theory at least, that juveniles charged with delinquency have most of the same rights as adults.

While some argue that the juvenile court rests upon faulty assumptions, it appears that the goals of the original juvenile court are still worth pursuing. It is becoming increasingly apparent that the political climate of the time is extremely influential in dictating changing, and sometimes contradictory, responses to juvenile delinquency.

Review Questions

1. What is the significance of Illinois in the history of juvenile justice in the United States?
2. What were some of the key components of the original juvenile court act in Illinois?
3. What was the impact of the Juvenile Justice Reform Act of 1998?
4. What is the significance of blended sentencing or "extended jurisdiction juvenile" (EJJ) in Illinois?
5. What are the functions of the Illinois Juvenile Justice Commission and the Illinois Department of Juvenile Justice?