

Chapter 5: Purpose and Scope of the Illinois Juvenile Court Act

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A thorough understanding of both the purpose and scope of juvenile court acts is important since, without this understanding, the intent of the juvenile court acts cannot be carried out. The purpose of the Illinois Juvenile Court Act ((Information from 705 ILCS 405) is to secure for each minor subject to the Act such care and guidance, preferably in his or her own home, as will serve the safety and moral, emotional, mental, and physical welfare of the minor and the best interests of the community. In addition, the Act is intended to preserve and strengthen the minor's family ties whenever possible, removing him or her from the custody of their parents only when his or her safety or welfare or the protection of the public cannot be adequately safeguarded without removal (compare to general information on scope and purpose of juvenile court acts described in Chapter 5).

The Act is to be administered in the spirit of humane concern, not only for the rights of the parties, but also for the fears and the limits of understanding of all who appear before the court.

In all procedures under the Act, the procedural rights assured to the minor shall be the rights of adults, unless specifically precluded by laws which enhance the protection of minors.

Every child in the state of Illinois has a right to services necessary to his or her safety and proper development, including education and social services.

The parents' rights to custody of their children shall not prevail when the Court determines that it is contrary to the health, safety, and best interests of the child.

The primary purpose of juvenile court acts is to ensure the welfare of the juvenile within a legal framework while maintaining the family unit and protecting the public (see Chapter 5). Most of us would agree that this is a worthy goal, but we should be aware of the inherent difficulties of achieving this goal. Consider, for example, the police officer who has apprehended a particular juvenile a number of times for increasingly serious offenses. The officer's attempts to enlist the aid of the youth's family in correcting the undesirable behavior have failed and the officer decides that protection of the public is now of primary importance. He then arrests the juvenile, even though this action may result in the juvenile being sent to a detention facility. As a result, the family unit is broken up and the welfare of the juvenile has been, to some extent, sacrificed by placing him or her in detention.

Or consider the dilemma of the juvenile court judge who must make the final decision concerning what is in the best interests of both minors who come before her and the public. If she adheres to the philosophy of the juvenile court, she may be tempted to leave the juvenile with his or her family, even though the public may suffer. In addition, the judge and prosecutor are faced with the difficult task of making distinctions between unruly and delinquent juveniles. These distinctions are crucial, since different types of treatment, correctional, and rehabilitation programs are available depending upon the label attached.

A thorough understanding of the scope of juvenile court acts is equally important. The police officer on the street must be aware of both the age limits and the different categories into which juveniles are separated, if the requirements of the juvenile court act are to be met (see Chapter 5). Prosecutors and judges must be certain that jurisdictional requirements have been met and must understand the consequences of requesting or granting waivers. In short, the purposes of juvenile court acts cannot be achieved without thorough knowledge of the subjects and behaviors dealt with in the scope of such acts.

The purposes of juvenile court acts are, in general, to create courts with the authority to hear designated kinds of cases, to discuss the procedural rules to be used in such cases, and to provide for the best interests of juveniles while at the same time protecting the interests of the family and society. Unfortunately, it is not always possible to achieve all of these purposes in any one case. Sections in juvenile court acts dealing with scope generally include information on age requirements, geographical requirements, types of behaviors covered by the act, and waivers.

The Uniform Juvenile Court Act requires legal accountability, narrows the definition of delinquency (excludes status offenses), and attempts to ensure the best interests of juveniles while maintaining the family unit and protecting the public.

Review Questions

1. What are the basic purposes of the Illinois Juvenile Court Act?
2. What does the Illinois Juvenile Court Act have to say about the rights of minors compared to those of adults?
3. Under what circumstances do parental rights to custody of their children cease to exist?
4. According to the Illinois Juvenile Court Act, where should services be provided to minors in most cases?
5. In general, does the Illinois Juvenile Court Act correspond to what you learned in Chapter 5 about the scope and purpose of juvenile court acts?