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JUVENILE JUSTICE



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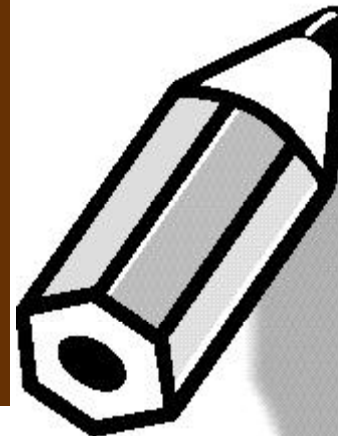
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**Questions and answers
on the juvenile justice
system in Illinois
(Revised, July 2000)**

MULTIPLE CHOICE

(Answers to the quiz are inside.)

- 1) Offenders are considered juveniles in Illinois until they turn what age?
 - A) 17
 - B) 21
 - C) 18
- 2) What is the youngest age when a juvenile can be transferred to adult criminal court in Illinois?
 - A) 17
 - B) 13
 - C) 15
- 3) At what age can a juvenile be held in a juvenile detention center in Illinois?
 - A) 15
 - B) 13
 - C) 10



QUESTIONS & ANSWERS

What is a juvenile offender?

A juvenile who breaks a law is considered either a status offender or a delinquent offender depending on the violation. A delinquent offender is anyone under the age of 17 who does something that would be considered a crime if committed by someone 17 or older. Status offenders are juveniles who break laws that apply only to minors and would not be considered crimes for adults. Curfew violations, running away from home, and truancy are examples of status offenses.

Are juvenile offenders treated the same as adult offenders?

There is a separate justice system set up for juveniles, complete with juvenile police officers and juvenile courts. While any police officer can pick up a juvenile for illegal activities, once taken into custody, the youth must be turned over to a juvenile officer who will handle the case.

The juvenile justice and adult court systems in Illinois differ in a number of ways. The juvenile courts are more informal than adult courts, and police, probation officers, state's attorneys, and judges have more freedom to make decisions in juvenile court.

Do juvenile courts only handle delinquency cases?

Although delinquency cases account for most juvenile court cases, they are just one of six types of cases, or petitions, handled by the courts. Petitions are documents presented to the judge which list the reasons why the minor is in court. Delinquency petitions involve youths under the age of 17 who break laws that would be considered crimes if committed by someone 17 or older. The remaining types of petitions involve youths in need of other

QUESTIONS & ANSWERS

types of legal help, including neglected and abused minors, dependent minors, runaways, truant minors, and minors with addictions.

What happens when a juvenile is taken into custody?

Police officers, who are usually the first contact for juveniles in the justice system, can take several actions after arresting a juvenile, including releasing the minor to his or her parents and referring the case to juvenile court.

In some cases, the officer may decide to make a "station adjustment," which sometimes simply involves just a warning to stay out of trouble, go to school, or cooperate more with parents, but also may include conditions such as curfew, community service work or making restitution to a victim. Station adjustments are used to keep juveniles out of the courts and the formal justice system. In a way, they offer the juvenile a second chance. Officers may issue either formal or informal station adjustments, depending on the circumstances of the case. There is a limit to the number of station adjustments that can be issued.

If the allegations are serious enough, or other circumstances justify it, the minor can be held in temporary custody at an authorized detention facility.

Beginning January 1, 2001, a minor under the age of 13 who is taken into custody for certain serious crimes must be represented by an attorney during a custodial interrogation.

When can a juvenile be placed in detention?

After a juvenile is taken into police custody, it is determined whether the juvenile will be held in a

temporary juvenile detention center. Only juveniles 10 years old or older can be held in detention, and only for a limited time. After that, the minor must appear in juvenile court before a judge who will decide if he or she should be released or remain in custody. Juveniles may be held in detention if the judge believes there is probable cause that the juvenile committed the crime and should be held for his or her own protection or for the safety of the public.

Do all cases referred to the state's attorney result in petitions?

The state's attorney's office and/or the probation department has the option of making an informal adjustment, similar to a station adjustment, under which the juvenile is warned of the consequences of future misbehavior and then released. They may also decide not to send the juvenile to court, and instead place the minor under informal supervision for up to 12 months. While under supervision, the juvenile must follow conditions or rules set by the probation department, such as attending school or receiving counseling. In other cases, authorities may file a juvenile delinquency petition, or they may file a request to transfer the juvenile to criminal court.

What happens after a delinquency petition is filed?

After a delinquency petition is filed in court, the juvenile usually appears before a judge for a number of hearings. If the youth is being held in detention, he or she must appear at a detention hearing where a judge will decide whether the juvenile should remain in detention. A trial similar to an adult proceeding follows, where evidence is presented by the state's attorney and the judge decides if the juvenile is guilty beyond a reasonable doubt.

In some instances, the juvenile's case may be continued under court supervision and monitored

by the probation department for up to 24 months. While on supervision, the juvenile must meet special conditions, such as attending counseling sessions or completing community service work. If the juvenile successfully completes the provisions of his or her supervision, the case will be dismissed.

What happens if a juvenile is found guilty?

After being found guilty, a juvenile must appear at a sentencing hearing where his or her punishment is determined. Before this hearing takes place, the county probation department gives the judge background information on the juvenile, such as previous crimes committed, school attendance, and behavior. This information assists the court in choosing a disposition that will help the juvenile and protect the public.

Under the Juvenile Justice Reform Act of 1998, the state introduced a balanced and restorative justice model for juvenile justice. Balanced and restorative justice places an emphasis on public safety and seeks to hold juveniles accountable for their actions. The approach attempts to strike a balance between rehabilitation and punitive actions. It also seeks to provide programs and services to juveniles who come in contact with the court system so that they may become productive citizens.

In Illinois, a minor found delinquent may receive one or more of many different dispositions, including paying restitution to victims of his or her crime, probation, and commitment to the Juvenile Division of the Illinois Department of Corrections.

When can a juvenile be transferred to criminal court?

For a juvenile case to be transferred to adult court, the crime must be serious and the youth over a certain age. Illinois law requires juveniles who are at least 15 years old and commit certain crimes, such as murder, aggravated criminal sexual assault, or armed robbery with a firearm, to be automatically sent to adult criminal court. Juveniles who are at least 13 years old are automatically sent to adult court for some crimes, such as first-degree murder committed during a sexual assault.

Juveniles also can be transferred to criminal court for certain offenses if the state's attorney asks for the transfer and the juvenile court judge agrees. Such transfers are relatively rare, and usually occur only if the crime is very serious and the judge believes it would be in the best interest of the juvenile and the public to have the case moved to criminal court.

ANSWERS TO QUIZ

- 1) **A.** Offenders are juveniles in Illinois until they turn 17. In some cases, however, offenders under the age of 17 who are accused of serious offenses may be transferred to adult criminal court.
- 2) **B.** For certain serious offenses, such as first-degree murder committed during a sexual assault or kidnapping, juveniles who are 13 or older can be transferred to adult criminal court. For most other serious offenses, the juvenile must be at least 15 to be transferred to criminal court.
- 3) **C.** Only juveniles 10 years old or older can be held in juvenile detention centers.