



Juvenile justice system

Juvenile court



The Illinois juvenile justice system was created to address the unique needs of young offenders. This *Get the Facts* provides an overview of juvenile court processes, including prosecution decisions, trial activities, court findings, and diversion opportunities.

Do all cases go to trial?

No. In fact, many juvenile cases do not go to trial. There are many diversionary opportunities available to youth at the arrest and pre-trial stages. In addition, juveniles may sign a plea agreement, in which he or she pleads guilty to an offense and receives a sentence that was mutually agreed upon by the prosecutor, the juvenile, and his or her legal representation. In addition, state's attorneys, also called prosecutors, may drop the charges if they determine there is not enough evidence to warrant taking the juvenile to court. Generally, trials must be held within 120 days of a filing of a petition that warrants a trial. In certain circumstances, however, the trial may be continued an additional 30 days.

What diversion opportunities are available at trial?

Diversion opportunities help steer youth away from further involvement with the juvenile justice system. One diversion strategy judges use is a continuance under supervision. A case continuance under supervision may not exceed 24 months. During that time the youth must comply with conditions set by the court, such as attending school, counseling or substance abuse treatment, or performing community service. Juveniles whose cases are continued under court supervision are monitored by a probation officer. If the youth successfully completes the set conditions, the case is dismissed.

A judge also may order court supervision, which doesn't require monitoring by a probation officer. If the juvenile complies with conditions set by the court, such as refraining from further delinquent behavior, the case is dismissed.

Continuance under supervision and court supervision may be ordered only upon agreement by the prosecutors, youth, parents or guardians of the youth, and defense attorneys.



What happens in a juvenile trial?

During a juvenile trial, prosecutors and defense attorneys present evidence. Juveniles must be present at the trial, unless they have waived their right. If the judge determines the youth is not guilty, the court orders the petition dismissed and all restrictions placed on the juvenile, such as detention, are lifted. If there is a finding of delinquency (guilty finding), a sentencing hearing date is set. In some instances, juveniles may be sentenced immediately upon a guilty finding.

Do juveniles have a right to a jury trial?

Most juvenile trials are bench trials, in which a juvenile court judge determines whether the allegations are supported by evidence beyond a reasonable doubt. But jury trials are mandatory for habitual or violent juvenile offenders. The right to a jury trial also may be granted when a judge allows extended juvenile jurisdiction prosecution, also known as EJJ. This is an option when the juvenile is at least 13 years old, charged with a felony, and a judge determines there are reasons to believe the allegations against him or her are true. Trials of this type must be held within 60 days. If the youth is found guilty, he or she will receive both a juvenile and adult sentence. If the youth successfully completes the juvenile sentence, he or she will not have to serve the adult sentence.

How do the courts handle habitual juvenile offenders?

Habitual juvenile offenders are juveniles twice convicted of offenses that would be considered felonies if committed by an adult, and convicted a third time of certain felony offenses, including, but not limited to, first degree murder, criminal sexual assault, and armed robbery.

Juveniles who are at risk of being deemed a habitual juvenile offender by the court also have a right to a jury trial. During the trial, neither the jury nor the judge is informed of the juvenile's previous convictions. If a jury finds the youth guilty, the youth is categorized a habitual juvenile offender and sentenced to serve time in an Illinois Youth Center until his or her 21st birthday. Habitual juvenile offenders are allowed good time credits that could reduce their periods of confinement.

About *Get the Facts: Juvenile Justice System*



This *Get the Facts* series was created to answer common questions about the juvenile justice system. Other topics in this series include juvenile arrests, the pretrial process, sentencing, and corrections.



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