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JUVENILE JUSTICE



GET THE FACTS

*Questions and answers
on the criminal justice
system in Illinois*



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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?

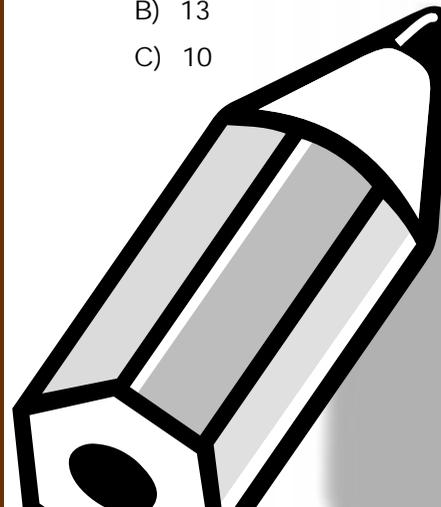
A juvenile who breaks a law is considered either a status offender or a delinquent offender depending on the violation. A delinquent offender is anyone under the age of 17 who does something that would be considered a crime if committed by someone 17 or older. Status offenders are juveniles who break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

GET THE FACTS

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 doing something illegal, once taken into custody, the youth must be turned over to a juvenile officer who will handle the case. Since 1993, every police department in Illinois has been required to have at least one juvenile officer.

The juvenile justice system and adult court systems also differ in a number of ways. Illinois' juvenile courts are more informal than adult courts. Police, probation departments, state's attorneys, and judges have more freedom in making decisions in juvenile court regarding each specific case. Perhaps the most noticeable differences are the words and phrases used in the juvenile system. For example, juveniles are "taken into custody," not "arrested;" "petitions of delinquency" instead of "criminal complaints" are filed before a judge; juveniles are "adjudicated delinquent" rather than "found guilty;" and courts order a "disposition" instead of a "sentence."



QUESTIONS & ANSWERS

Do juvenile courts only handle delinquency cases?

Although delinquency cases account for most juvenile court cases, they are just one of six kinds 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 types of legal help, including neglected and abused minors, dependent minors requiring authoritative intervention (MRAI), truant minors, and addicted minors.

What happens when a juvenile is taken into custody?

The police, usually the first contact for juveniles in the justice system, can do one of several things after a juvenile is taken into custody. In some cases, the officer may decide to make a "station adjustment," which usually involves some general warnings or suggestions, such as to stay out of trouble, go to school, or cooperate more with parents, before letting the juvenile go home. Station adjustments are used to keep juveniles out of the courts and the formal justice system. In a way, it offers the juvenile a second chance.

Some crimes may be too serious or the juvenile considered too dangerous to be released. In these cases, the police officer may send the juvenile's case to the county state's attorney's office and/or the county probation department, where it will then be decided what should happen to the youth.

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 to make an informal adjustment, similar to a station adjustment, in 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 but place the minor under informal supervision for up to 12 months. While under supervision, the juvenile must follow certain conditions or rules agreed to by both he or she and the probation department, such as attending school or receiving counseling. In other cases, authorities may decide to formally file a juvenile delinquency petition or suggest transferring the juvenile to criminal court.

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 or selling drugs within 1,000 feet of school property, 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 can also be transferred to criminal court for certain offenses if the state's attorney asks for the transfer and the juvenile court judge agrees. This usually happens 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.

When can a juvenile be placed in detention?

After a juvenile is taken into police custody, a decision is made whether the juvenile needs to be held in a temporary juvenile detention center. Only juveniles 10 years old or older can be held in detention centers, and only for a limited time. After that, the youth must appear in juvenile court before a judge who will decide if the juvenile should be released or remain in custody. Juveniles may be held in detention if the judge believes that the juvenile most likely committed the crime and should be held for his or her own protection or for public safety. Juveniles can also be held if the judge feels that the minor is unlikely to appear back in court after being released.

What happens after a delinquency petition is filed?

After a delinquency petition is filed in court, the juvenile usually appears before the judge for a number of hearings. If the youth is currently 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. The next hearing is usually an adjudicatory hearing, similar to an adult trial, where evidence is presented by either the juvenile or the state's attorney and the judge decides whether the juvenile is delinquent, or guilty.

Not all juveniles, however, are adjudicated, or found to be, delinquent. In some cases, 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 follow certain rules, 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 adjudicated delinquent, a juvenile must appear in court to find out his or her punishment. This is called a dispositional hearing, which is similar to an adult sentencing hearing. Before the dispositional hearing takes place, the county probation department gives the judge background information on the juvenile. Information about such things as previous crimes committed, school attendance, and behavior will help the court choose a disposition that will best help the juvenile and protect the public. Although adults receive specific sentences based on the type of crimes they commit, the same is not always true for juveniles. In Illinois, a minor found delinquent may receive one or more of many different dispositions, ranging from restitution (paying the victim for any damage that was caused) to commitment to the Juvenile Division of Illinois Department of Corrections, the juvenile version of an adult prison.

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.