

# A Guide to the Juvenile Delinquency Court in Illinois for Juveniles and their Parents

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## INTRODUCTION

You may have to come to Juvenile Court because you have been accused of breaking the law.

The main purposes of Juvenile Court are to protect citizens from juvenile crime, to hold each juvenile offender directly accountable for his or her act, and to help and rehabilitate the juvenile and his/her family. For this reason the Court may make important decisions about your best interests.

What happens in Juvenile Court is private. The general public cannot come into the courtroom or read the records. However, in some counties, the news media and alleged victim are allowed in the courtroom. Some information about what happens in court may be put in newspapers and on television, but not your name or your parents/guardians' names.

Decisions made in Juvenile Court are very important to you. You and your parents or guardians need to understand what is happening in the court hearings.

This guide will give you some information about Juvenile Delinquency Court. But if you must go to court, you should also make sure that you:

- Make sure you know who your lawyer is – there are a lot of lawyers in the Juvenile Courtroom.
- Try to talk to your lawyer **before** the day of the court hearing. If you receive contact information for your lawyer, make and attend your appointment with them.
- Do not talk to anyone about your case without your lawyer present, or without your lawyer's approval.
- Anything you tell your lawyer is confidential, but anything you tell anyone else about the case is not confidential and may be used against you in court. This also includes when you talk to your lawyer in the presence of another person who may not have a duty to keep what you say confidential.
- **Do not agree to anything you don't understand.** If you don't understand what is happening, ask your lawyer, the probation officer or the Judge to explain.
- Ask yourself "What happened? What am I supposed to do now?" when you leave court. If you don't know; ask for more information.
- Make sure you keep all your papers in a safe place. Keep the phone number of your attorney and probation officer handy.

A **DELINQUENT** is a person under age 18 whom the Court finds has broken a law or attempted to break a law.

## RIGHTS IN COURT

Parents, guardians, and children who must appear in Juvenile Court have certain rights. The Judge must explain these rights the first time you appear in Court and a paper explaining “Rights of Parties” will be given to you and your parent(s)/guardian(s) either with the **Petition** or at your first Court appearance.

These rights are:

- You should get a written statement telling what crime with which you are charged. This is called a **Petition**.
- You will usually get the **Petition** with a Summons telling you when and where to appear in Court.
- You can be present in Court and tell your side of the story. Unless the Judge or attorney tells you that you are excused, you must attend every Court date.
- You have the right to be present at every Court hearing.
- You **must** have a lawyer with you in Court each and every time you are there. What you tell your lawyer is confidential. If your parents/guardians cannot afford to hire one, the Judge will appoint one to represent you. The Judge may order your parents/guardians to pay some fees or costs for the services of a Court-appointed lawyer. Some Court-appointed lawyers are also called Public Defenders.
- Your attorney can ask questions of the witnesses and have other people speak on your behalf. You and your parent/guardian can know what is in your court file and be told what is in the reports used by the Court.
- You can appeal the case to a higher Court if you don't agree with the Judge's decision.
- You must be told about all these rights.
- You can keep silent and cannot be forced to testify against yourself.
- If you don't understand English or cannot hear, you have a right to an interpreter.

A juvenile does not have a right to a public trial or (except in rare cases) a trial by jury, or bail unless the case is transferred to adult criminal court.

If you are at least 13 years of age and are accused of committing some very serious crimes, you may be prosecuted as an adult but the State's Attorney has to convince the Judge that the transfer to adult court is appropriate.

If you are at least 16 years of age and are accused of committing some serious crimes, you may be prosecuted as an adult.

## **OBLIGATIONS OF PARENTS/GUARDIANS AND JUVENILES**

Parents/guardians and children who appear in Juvenile Court must cooperate with the Court. The Judge may order juveniles or their parent/guardian to do certain things. The orders of the Judge **must** be obeyed.

For example, the Judge may order you and your parent/guardian to meet with the Public Defender or the probation officer. If that occurs, you must do so. Your parents/guardians should go to all Court with you. The Judge may order parents/guardians to pay all or part of the costs of a court-appointed lawyer, a private attorney, or the costs of care or treatment for you.

Anyone, including parents/guardians, can be brought to Court if they disobey a Court Order. The Judge can find a person in contempt of court if they disobey a Court Order. If this happens to you, you can be put in detention for up to **6 months**. A parent or guardian can be put in jail for up to **6 months**. And, either you or your parent/guardian can be fined up to **\$500**.

If you are a **WARD** of the Department of Children and Family Services (DCFS) and are living in relative foster care, a group home, or other institutional care, you should notify your caseworker immediately upon arrest and advise them of your Court dates and the status of your case until it is dismissed.

## **JUVENILE COURT HEARINGS**

Your first appearance in Court is for an **ARRAIGNMENT** on the petition. You must be told of your rights. A lawyer must be there with you and may be appointed if necessary. You will have a chance to admit or deny the charges. A date will be set for further hearing. At the first appearance there may be a **DETENTION HEARING**.

A **DETENTION HEARING** is held to decide 1) if there is a reason to believe that you committed the crime, and 2) whether there is urgent and immediate necessity to hold you in a detention center until the trial. Your lawyer must talk with you before the detention hearing. Let your lawyer know if your parents/guardians want you home and/or if there is a relative willing to give you a home and supervise you before trial. A person under 18 cannot be kept in an adult jail except under certain conditions. A person under 10 usually may not be kept in a locked place. **HEARSAY EVIDENCE is admissible at the detention hearing and the police report will be offered to the Court as evidence against you.** If you are held in a locked place, the **TRIAL** must be held within **30 days under most circumstances**. If you are not locked up, the Court might order you to do some things before trial, such as attend school or not leave your home without an adult.

The two hearings that happen most often in Juvenile Court are the **TRIAL** and the **SENTENCING** hearing. In Juvenile Court the trial can be called the **ADJUDICATORY HEARING**

and the sentencing hearing can be called the **DISPOSITIONAL HEARING**. Both the **TRIAL** and **SENTENCING HEARING** are before the Judge. **HEARSAY is not allowed at the trial. Hearsay generally means that one witness cannot repeat what someone else told them.** The alleged victim and other witnesses must be present and testify under oath at the trial.

If you **admit or plead guilty to**, the charges, and if the Court accepts your admission or plea, the next step is to set the time for the **SENTENCING HEARING**.

If you **deny** the charges or if the Court does not accept your admission or plea, a **TRIAL** is held. At the **TRIAL** the Judge hears the evidence and listens to the lawyers. **The evidence must prove beyond a reasonable doubt that you committed the crime.** Prior to **TRIAL**, the Judge may listen to motions filed by your attorney to keep certain evidence out of the **TRIAL**. If the Judge finds the charges are true, he or she rules that you are a **delinquent**. A time is then set for the **SENTENCING**. If the Judge rules that you are not guilty, the matter is dismissed and you and your family will not need to come back to Court.

The **SENTENCING** hearing is held to decide what to do with you and your family. The Judge will usually ask a probation officer to study you and your family and you must cooperate with the study. The study will contain information about your family, your school and medical history, your police records and other things. The Judge will use this information to decide what to order for you. The Court may order psychological/psychiatric, drug and/or alcohol tests for your parent(s)/guardian(s) and/or you.

The probation officer will also make recommendations about what treatment or placement would be best for you. The Judge may also hear recommendations from your parents/guardians, lawyers, or others involved in the case. Hearsay evidence is allowed at the sentencing hearing.

After getting all this information, the Judge will decide what is to be done. This is called the **SENTENCING**. The Judge's **SENTENCE** will be based on what he or she thinks is best for you and the community.

The Judge can decide any of the following:

1. The Judge can make you a ward of the Court.
2. The Judge can place you outside your home. If you need treatment, you may be placed in a hospital or other treatment facility.
3. The Judge can put you on probation. That means you must follow certain rules laid down by the Judge. The rules may include going to school, substance abuse treatment, paying back money or paying damages, doing public service work, counseling, loss of driving privileges, etc.
4. Parents/guardians may also be ordered to do certain things: counseling, treatment for substance abuse, keeping certain people out of your home, requiring you to go to school or paying for damage you have done. A probation officer is assigned to work with you and your family to help you follow the rules ordered by the Judge.

5. The Judge can put you on supervision if you are found to be delinquent. It is very much like probation.
6. If you have been found delinquent the Judge can place you in a detention facility for 30 days. However, a child under 10 may not be kept in a locked place.
7. If you are over the age of 13 and if you did something for which an adult could be put in jail, you can be sent to the Illinois Department of Juvenile Justice. If you are sent to the Department of Juvenile Justice, the Judge does not set a time period for the sentence. It can be anything from a few months up to the day you become 21 years old. If you are sentenced to the Department of Juvenile Justice, you have the right to ask your lawyer to file a notice of appeal, and you have the right to ask your lawyer to suggest to the court that you be brought back for a review of your sentence within a short period of time.
8. In some rare cases, DCFS may be appointed as your guardian.

There are other hearings in Juvenile Court that might take place before or after **TRIAL** and **SENTENCING** hearings.

You could have a **TRANSFER HEARING** if the State's Attorney asks the Juvenile Court Judge to decide whether the case should be transferred from Juvenile Court to the adult criminal court.

**Hearsay evidence is allowed at a transfer hearing.**

You could have a **REVIEW HEARING** to check on the progress of you or your family. The Judge may also hear some new information which might change the **SENTENCING ORDER**. If the Judge finds that the Court Orders are not being obeyed, he or she can punish persons by holding them in contempt of court. They may be jailed if necessary.

You could have a **Revocation of Probation** or a **Court Supervision Hearing**, sometimes called a VOP hearing, if the Judge needs to decide if you have disobeyed the rules of probation. If the Judge finds that you have violated probation or court supervision, the probation or court supervision can be ended, extended or modified. A new **SENTENCING** can be ordered.

If you or your parents/guardians wish to return to Court to ask the Judge to change an order, you should speak with your lawyer or probation officer. These people can arrange for a new hearing.

## **SOME JUVENILE COURT TERMS**

**Trial** – A hearing to find out if the charges in a petition are true. The charges must be proven beyond a reasonable doubt.

**Appeal** – Asking a higher Court to review a case.

**Arraignment** – A hearing at which the charges in the petition are either admitted or denied.

**Delinquent** – A person under the age of 18 who has committed a crime.

**Minor** – A person under the age of 21.

**Motions** – An attorney asks the Judge to do something. Examples could include Motions to Suppress where the Court is being asked to not consider evidence because the police made a significant mistake or a Motion to Continue, where the Court is being asked to delay a hearing.

**Denial** – Saying that charges in a petition are not true.

**Sentencing** – A hearing at which the Judge decides what is to be done after the charges in a petition have been proven.

**D.C.F.S.** – The Illinois Department of Children and Family Services.

**Detention** – A locked place where delinquents between the age of 10 and 18 are housed.

**Finding** – The decision made by the Judge at a hearing.

**Hearsay Evidence** – Written reports and oral statements made by people who are not in Court to answer questions under oath.

**Order of Protection** – An order of the Court requiring certain rules to be observed for a specified period of time.

**Petition** – The legal document that gives the reason(s) for bringing a child to Court and asks that a child be made a ward of the Court.

**Public Defender** – A lawyer who is appointed by the Court to represent those who are not able to pay. All Public Defenders are attorneys.

**Respondent** – The person or persons named in a petition, usually the minor and parents/guardians.

**Restitution** – Repayment to someone for loss or damages.

**Revocation of Probation Hearing** – A hearing at which a Judge decided whether to end your probation and resentence you or change your probation because you did not obey the Judge's probation order. Proof at Court is by a preponderance of the evidence. (Also called a VOP hearing.)

**Revocation of Supervision Hearing** – A hearing at which a Judge decides whether to end your supervision and re-sentence you or change your supervision because you did not obey the Judge's supervision order. Proof at Court is by a preponderance of the evidence. (Also called a VOS hearing.)