



ModelsforChange
Systems Reform in Juvenile Justice

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The Juvenile Justice System: A GUIDE FOR FAMILIES IN ILLINOIS

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Systems Reform in Juvenile Justice

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Models for Change

Models for Change is an effort to create successful and replicable models of juvenile justice reform through targeted investments in key states, with core support from the John D. and Catherine T. MacArthur Foundation. Models for Change seeks to accelerate progress toward a more effective, fair, and developmentally sound juvenile justice system that holds young people accountable for their actions, provides for their rehabilitation, protects them from harm, increases their life chances, and manages the risk they pose to themselves and to the public. The initiative is underway in Illinois, Pennsylvania, Louisiana, and Washington, and through action networks focusing on key issues, in California, Colorado, Connecticut, Florida, Kansas, Maryland, Massachusetts, New Jersey, North Carolina, Ohio, Texas, and Wisconsin.

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“This is your child’s *life*.
You have to be involved,
and you have to ask
questions.”

—Valerie

You Can Help Your Child

The juvenile justice system is complex, and it can be confusing for children and families. You may feel powerless compared to police, lawyers and judges. It's important to know that you and your child have protections—legal rights that no one can take away.

You can help your child at every step of the process. This guide explains your rights and options in the juvenile justice system. Knowing these rights can help you fight for your child, and help your child prepare before there is a problem.

Juvenile law is based on the idea that children are different from adults, and better able to learn and change. The goal of juvenile justice is to hold youths accountable for their actions, to help them find a safe, productive path in life, and to protect people and communities from juvenile crime. Anyone 17 years old or under is a

**ASK IF YOU
DON'T KNOW**

child according to Illinois law, but not every child charged with a crime goes to juvenile court. In very serious crimes, youths over 15 can be tried in adult criminal court.

ASKING QUESTIONS IS ONE OF THE MOST IMPORTANT THINGS YOU CAN DO TO HELP YOUR CHILD

It is frightening and stressful when your child is involved in the juvenile justice system. You may feel afraid to speak or ask questions, but it is very important for you to understand everything that happens. These events could make a difference in your child's life for many years.

Many legal words and processes are probably new to you. If you don't understand something, ASK your child's lawyer, caseworker, probation officer or even the judge to explain. If you still don't understand, ASK again. Keep asking until you know exactly what is happening and how it will affect your child.

Don't sign any paper that you have not read or don't understand, and don't allow your child to sign anything that he or she does not understand. Don't say you understand if you don't. This could hurt your child later.

Never wait until a court hearing is over to ask questions—it will be too late. Tell your child to ask questions too, so that he or she can understand and follow all rules and court orders.

If you feel that things are moving too fast or you want to speak to the judge, tell your child's lawyer. The lawyer can ask the judge to wait, or ask for permission for you to speak. It's ok to bring a friend or relative to help you. You don't have to go through this alone.

“I am a single, working parent and I can’t do this alone. Once I started contacting the social worker to ask for help, things got better. It’s about keeping your child out of trouble. It’s what we have to do. We can’t lose our kids to the streets or to the system.”

—Shakeya



Make a Plan

The best time to talk to your child about the juvenile justice system is before his or her first contact with police. Help your child make a plan for what to do if he or she is stopped by a police officer. Tell your child to stay calm and think before he or she says or does anything. Your child should ask, "Am I free to go?" If the answer is yes, your child should leave right away. If the answer is no, your child should ask for a lawyer AND an adult family member. Your child should not say another thing.

Thinking ahead will help your child make good decisions in a very stressful situation. It may be helpful to talk with your child about this guide.

You can protect your children by knowing where they are and who their friends are, and by noticing changes in their behavior or school attendance. This can help you spot signs of drug or alcohol use, gang involvement, or emotional problems.

IF YOUR CHILD HAS EMOTIONAL OR BEHAVIORAL PROBLEMS

Adolescence can be a very tough time for parents and children. It is hard for any parent to think that their child needs help, and often hard for youths to ask for help. Involvement in the juvenile justice system can mean that your child's problems are not ordinary teen issues. Sometimes these problems are very serious, and could be a sign of mental health needs.

If your child has behavior problems or is having a hard time controlling his or her emotions, this could be because of emotional issues or trauma. Trauma can happen if a child has been seriously hurt, has seen someone else get hurt, has lost someone close to him or her, or has been physically or sexually abused. The teen years also

are a time when mental illness can appear. Studies have shown that nearly three-quarters of youths in the juvenile justice system have mental health issues.

If your child has problems, it doesn't mean that your child is bad, or that you are a bad parent. You can be your child's best advocate by helping him or her to get needed care. Treatment can enable your child to live a safe and healthy life.

You should talk to someone you trust if your child is very sad or angry, is acting strangely or having trouble coping with life, or if you think your child might be using drugs or alcohol. Sometimes, youths use drugs or alcohol **because** they have emotional or mental health problems. Drug or alcohol use can be a sign that your child needs help.

COUNSELING OR TREATMENT BY A DOCTOR OR A SOCIAL WORKER CAN BE HELPFUL WHEN CHILDREN HAVE THESE BEHAVIORS:

- A sudden drop in grades or refusing to go to school
- Feeling very sad, moody, angry, worried or anxious
- Low self-esteem, feeling worthless
- Trouble sleeping or frequent nightmares
- Hurting himself or herself
- Using drugs or alcohol
- Taking risks, doing dangerous things
- Having strange thoughts or doing odd or unusual things
- Spending a lot of time alone, refusing to be with others

Youths with emotional issues can become very angry or sad and even suicidal. It is important to plan what to do in an emergency. STAY CALM if your child is having an emotional crisis. It's scary for a child to feel out of control, and even scarier if adults also are upset. Speak softly and try to help your child feel safe. If your child can't calm down, he or she may need hospital treatment. Ask a friend or relative to help you get your child to a hospital emergency room.

If you can't get your child to a hospital, emergency help can come to your child. You can call CARES at 1-800-345-9049 (voice) or 1-773-523-4504 (TTY). CARES stands for Crisis and Referral Entry Services. CARES will contact a crisis worker to come to your house to talk with you and your child. The crisis worker, from a program called SASS, will set up services that your child may need. SASS stands for Screening, Assessment and Support Services.

CARES and SASS serve Illinois youths under 18 if they are not covered by health insurance, and youths under 21 if they have Medicaid. Families with health insurance can get emergency help through their community services or a local mental health provider.

**IT IS IMPORTANT TO
PLAN WHAT TO DO IN
AN EMERGENCY**

SAFETY IS CRITICAL

BEFORE there is a crisis, you should alert police if your child has emotional issues, mental illness, or takes medicine for severe behavior problems. This will increase the chances that police responding to an emergency will understand that your child's actions could be caused by illness. Ask your local police to enter this information in the police computer at your address.

Call 911 if a situation is out of control and you fear that your child, you, or someone else could get hurt. However, when police come you may lose control of what happens.

If you call 911, tell the police dispatcher if your child has emotional issues or mental illness, even if you have notified police in advance. You should also tell the dispatcher to send a social worker or a police officer with Crisis Intervention Training (CIT), if possible. CIT officers have special training to handle emotional crises.

Before any police officers enter your house, tell them again if your child has emotional or mental health problems. Tell them if your child might become upset if someone touches him or her, yells or stands too close. Work with the police and STAY CALM.

If police or social workers can't calm your child, tell the police officers that you want your child to go to a hospital for evaluation and treatment, not to a police lock-up. Tell the police you want to know where your child will be taken. You should go there too.

**Crisis and Referral Entry Services (CARES)
1-800-345-9049 (voice)
1-773-523-4504 (TTY)**

YOU
AND
YOUR
CHILD
HAVE
LEGAL
RIGHTS

“When my son was picked up, I told him to tell the police officer what happened. Now I would say, ‘Don’t say anything to the police.’ I didn’t know he had the right *not* to speak.”

—Valerie



Children Have Legal Rights

You may have heard of Miranda rights, which protect people who are being questioned by police. Youths have the same Miranda rights as adults. Police officers must tell anyone who is being questioned about these protections.

YOUR CHILD HAS A RIGHT TO REMAIN SILENT

Children have a right to remain silent, just like adults. This means that your child does not have to say **anything**, no matter what the police say. Tell your child not talk to a police officer or the state's attorney without a defense lawyer AND a parent or an adult family member present. The state's attorney is NOT your child's attorney, and is not on your child's side.

Your child SHOULD tell police how to reach you, and give identifying information such as his or her name, address and date of birth.

It is not enough for your child to just keep quiet. Your child should tell police, "I don't want to talk". Your child should not say anything more. This does not mean that he or she is guilty or hiding something. Your child will have a chance to tell his or her side of the story later, with the help of a defense lawyer.

If your child talks to ANY police officer, including a youth officer or a school safety officer, anything your child says could be used against him or her in court. What seems like an innocent statement by your child, like telling police where they were or whom they were with, could be used against your child as evidence of guilt.

YOUR CHILD HAS A RIGHT TO A LAWYER

Your child has a right to a defense lawyer. Your child should TELL police that he or she wants a lawyer immediately if he or she is

arrested or taken into custody. When your child tells police he or she wants a lawyer, it does not mean your child is bad or guilty.

If you can't pay for a defense lawyer, the court system will give your child a lawyer called a public defender for free. A public defender assigned to a juvenile court case will be familiar with the juvenile justice system, and will be on your child's side. If you decide to hire a private defense lawyer, look for an lawyer who is familiar with the juvenile justice system.

It's important to know that the defense lawyer is **your child's lawyer**, not your lawyer. This means the lawyer must do what your child wishes, even if you do not agree. The lawyer should keep you and your child aware of what is going on in your child's case.

You and your child should cooperate with your child's lawyer. Tell the lawyer if your child has learning problems, emotional issues, or takes medicine. The more the lawyer knows about your child, the better the lawyer will be able to help your child.

YOUR CHILD HAS A RIGHT TO TALK TO A PARENT OR GUARDIAN

Your child has a right to talk to a parent or adult family member, and to have them present during questioning. Your child should tell police that he or she wants you, and how to reach you. Your child should not say anything more. Police must immediately try to contact a parent or the person legally responsible for a child's care. You AND your child's lawyer should be with your child during questioning.

YOUR CHILD HAS A RIGHT TO KNOW THE CHARGES

Police must tell your child why he or she is being held. Police must explain the charges and what crime they believe your child has committed.

Parents and Guardians Have Legal Rights Too

YOU MUST BE NOTIFIED IF YOUR CHILD IS ARRESTED OR HELD BY POLICE

Police must tell you as quickly as possible if your child is arrested or is held as a suspect or a witness. This is why it is important for your child to tell police his or her name and how to contact you. If you learn that your child is in police custody, you should go to your child right away.

YOU HAVE A RIGHT TO KNOW WHY YOUR CHILD IS IN POLICE CUSTODY AND WHERE YOUR CHILD IS BEING HELD

Police must tell you about the charges against your child, and what crime they believe your child has committed. Police also must tell you where your child is held in police custody.

YOU HAVE A RIGHT TO A LAWYER FOR YOUR CHILD

You have a right to a lawyer for your child, even if you can't pay for one. The court system will give your child a lawyer for free. Police must stop questioning your child as soon as he or she asks for a lawyer. You and your child should remain silent until the lawyer arrives. Asking for a lawyer does not mean that your child is guilty or that you are being difficult.

QUESTIONS TO ASK A LAWYER:

- What experience do you have in juvenile law?
- What costs will I be expected to pay? What if I can't pay?
- What sentence could my child get if he/she is found guilty?
- What are the steps we will face, and how long does it take to get through the court system?
- Will you keep me informed about the case and my child's options? Can I be present when you meet with my child? Can I speak with you privately?
- Can the charges be reduced? Will I have a say in any plea or plea agreement?
- Can we appeal after a plea bargain sentence?
- How can I make sure my child is getting his/her medicine, medical and psychological care while in custody?
- If my child has already done some time in detention for this offense, does that count in any sentence?
- What services can the court offer that may help my child or my family? Will I be responsible for these costs?
- What happens if the judge releases my child and I don't want my child at home?
- If I think my child's rights were violated, what can I do about it?

YOU SHOULD BE ALLOWED TO SEE YOUR CHILD, AND TO BE WITH YOUR CHILD DURING ALL QUESTIONING

Tell police that you want to see your child right away. Stay with your child to be sure that your child's rights are protected, and make sure your child tells police that he or she wants a lawyer. **STAY CALM.** Don't yell or become upset. If you are under control, you can better help your child.

**STAY
CALM**

DO NOT allow your child to answer questions from police or the state's attorney. Your child should not make or sign any statement unless you both speak with your child's lawyer, and your child's lawyer is present. Refusing to talk does not mean your child is guilty.

DO NOT discuss what happened with your child. Police can record conversations in the police station, and they can keep recording even if they leave the room. You and your child should remain silent until your child's lawyer arrives. Police are not allowed to record any conversations that your child has with or in front of the lawyer.

DO NOT tell your child to tell police what happened, even if your child is innocent of any crime. Anything your child says to police or the state's attorney could be used against your child, or as an admission of guilt. Even simple information, like where your child was on a certain date or whom he or she was with, could hurt your child later.

If police keep questioning your child after he or she has asked for a lawyer, remind your child not to answer a single question. Stay with your child and keep asking for a lawyer. You also can ask for a supervisor, or ask if your child can leave. You can create a record by writing down the officers' names and badge numbers. Make extra copies of these notes. Give one copy to your child's lawyer, and keep other copies in a safe place.

“When we went into juvenile justice, we were blind. We didn’t know what would happen or what to expect. I never thought that my child was going to have any trouble.”

—Jim



The First Step: Police Contact

Police officers investigate when they suspect that someone has committed a crime. They talk to people who may know about the crime, and this could include your child. Police may search your child, handle your child roughly or require your child to go to a police station. Your child should stay calm and tell police, "I don't want to talk." Your child should not say **anything** more.

Tell your child NEVER to touch a police officer or become violent. Your child should not talk back or resist arrest. Tell your child to keep his or her hands where police can see them. If your child reaches into a pocket, police may think he or she has a weapon.

Police officers play a big role in deciding if a youth will go to the juvenile justice system or stay out of juvenile justice. Stay calm when you talk to police. When you are in control, it shows that you are able to supervise your child, and that you should be allowed to take your child home.

Tell police if your child has emotional problems or takes medication. This is important because it helps the police know how to treat your child. This also might encourage police to recommend that your child get counseling or treatment, instead of going to juvenile court.

POLICE CAN HANDLE A CASE IN SEVERAL WAYS:

- A street corner adjustment, which is usually a warning.
- A station adjustment. An informal station adjustment could mean the youth is taken to the police station and warned to improve his

- behavior. A formal station adjustment means police call a parent and make a record. Police can set rules for the youth to follow. If he does not follow these rules, the case can go to juvenile court.
- Police diversion, which means that the youth agrees to services such as counseling or drug treatment instead of going to juvenile court.
- A formal complaint, which means the case will go to juvenile court.

IF YOUR CHILD IS HELD IN POLICE CUSTODY

Police must try to contact a parent or guardian right away if a child is arrested or held as a suspect or a possible witness.

Tell your child to remain calm and ask, "Am I free to go?", if he or she is stopped by police or taken to a police station. If the answer is yes, your child should leave immediately. If the answer is no, your child should not answer any questions. Your child should tell police that he or she wants a lawyer AND a parent or an adult family member.

If a police officer believes that your child committed a crime, police may book him or her. This means the officer brings a youth to the police station and starts a record of the case.

POLICE ARE ALLOWED TO SAY THINGS THAT ARE NOT TRUE

The law allows police to tell your child things that are not true in order to get your child to talk. For example, police can tell your child that there are witnesses or evidence against him or her, or that other individuals have confessed, even if this is not true

Juvenile Justice Intake

When police refer a case to juvenile court, the child undergoes an intake assessment. Police and the state's attorney review the information that has been gathered and decide if the case should be dismissed, go on to juvenile court, or be kept out of the juvenile justice system.

The state's attorney is NOT your child's lawyer. The state's attorney is a prosecutor. This means his or her job is to try to prove that charges against someone are true. You and your child DO NOT have to talk to the state's attorney. Any information that you or your child give to the state's attorney can be used against your child in court.

If the state's attorney decides there is not enough evidence, or that the evidence was not collected properly, the state's attorney can dismiss the case. This means no charges will be filed at this time, and your child will be free to go.

If the state's attorney decides there is enough evidence, charges can be filed. A charge against a child is called a "juvenile petition". The state's attorney can weigh information about your child, including whether he or she has family support, when deciding whether to file charges. The state's attorney can consider your

child's emotional issues, past police or court record, school attendance, behavior, and relationships with family and friends. You should stay calm, because the way you act can have an impact on the state's attorney's decision.

If charges are filed, your child could be held in a detention center while waiting to go to court. It is important to tell police or a detention officer if your child takes medication. You should bring the prescription container and provide the name and phone number of your child's doctor. This will help ensure that your child receives the medicine he or she needs while in custody.

PROBATION ADJUSTMENT

The state's attorney also can decide to handle the case with a probation adjustment. A probation adjustment gives youths a chance to avoid juvenile court. It is a lot like a station adjustment, but is supervised by a probation officer. Written rules, called probation conditions, are set. Some examples of these conditions are curfew, paying for damage to property, attending school every day, staying away from gang members, doing community service, or receiving counseling or substance abuse treatment.

Ask your child's probation officer to explain probation rules so that you and your child understand everything that is required. If your child breaks a probation rule, charges can be filed and the case will go to juvenile court.

Going to Juvenile Court

The judge is in charge of the courtroom. He or she has the power to decide what happens to your child. You and your child should always be respectful in court. The way you speak, act, and dress can have a positive or a negative impact on your child's case.

**ALWAYS BE
RESPECTFUL
IN COURT**

IN COURT, YOU AND YOUR CHILD ARE EXPECTED TO:

- Be on time. If you have a problem such as car trouble, call your child's lawyer as soon as possible, or call a court phone number if one is listed on your child's court papers.
- Always show respect when you speak to the judge and others in court. You should call the judge "Your Honor".
- Dress neatly. Wear a collared shirt if you have one, and cover tattoos if you can. Leave hats at home and turn off cell phones.
- Listen carefully. Do your best to show that you are paying attention and interested in what is happening.

Everything that happens in juvenile court is confidential. This means court hearings are open only to family members, court employees, crime victims, and others approved by a judge. Last names and other information about youths charged with juvenile crimes are private.

THE DETENTION HEARING

At a detention hearing, the judge decides whether your child can go home or must stay in a juvenile detention center until trial. A detention hearing must be held within 40 hours of arrest, except for weekends and holidays. It is important for parents or guardians to go to the detention hearing.

At the detention hearing, the judge will decide if there is "probable cause" to believe the youth committed a crime. This means there is some evidence to make the judge believe the charges could be true. This is not a decision about guilt or innocence.

The judge can order a youth to be held in a juvenile detention center, which is a jail for youths. The judge can also order a youth to be placed on home confinement or electronic monitoring, or to go to a shelter or a residential treatment center.

Your presence in court shows the judge that your child has family support, and could mean that your child will be allowed to go home. If you are willing and able to supervise your child, tell your child's lawyer how you will help your child follow court rules before trial or sentencing. If you want to speak to the judge, tell your child's lawyer and let the lawyer ask the judge. Wait for permission from the judge before you speak.

Tell your child's lawyer if you need help to keep your child at home. Tell your child's lawyer what your child needs to feel safe, or what you need to keep yourself and other family members safe. You should also tell the lawyer if it is not possible to have your child at home.

COURT SUPERVISION

The judge can offer your child court supervision, which is a last chance to have the charges dismissed. The judge can order your child to follow rules set by the court for up to 2 years, and be supervised by a probation officer. If your child follows the rules, the charges will be dismissed and there will be no conviction on his or her record. If your child breaks the rules, the court process will continue.

TRANSFER TO ADULT CRIMINAL COURT

A youth can be transferred to adult criminal court if the child is over age 15 and the charges are very serious. A youth over 15 can be tried as an adult for crimes including murder, rape, certain gun or drug crimes, or crimes committed at or near a school or public housing.

THE TRIAL

In juvenile court, the trial is called the “adjudication hearing.” If your child is “adjudicated delinquent” this means the judge has heard evidence and has decided that your child is guilty. Your child is represented by a defense lawyer at the trial. The lawyer’s job is to protect your child’s rights, to try to prove your child is not guilty, or to get the best plea agreement or sentence for your child.

Before or during the trial, your child can make a plea through his or her lawyer. This means that your child tells the judge that he or she is guilty or not guilty. If your child pleads guilty, this means your child says that the charges are true. There will not be a trial, and your child will be sentenced. If your child pleads not guilty, this means your child says the charges are not true, and there will be a trial.

If you or your child want to speak to the judge, you should tell your child’s lawyer. The lawyer will ask the judge for permission. Wait for the judge to give permission before you speak. The judge may ask

if you have any questions, or ask you for information. If you don’t understand something in court, you can quietly ask your child’s lawyer to explain.

Do not allow your child to be pressured to plead guilty or to agree to probation in order to leave court faster. Probation can last for up to 5 years or until age 21, and it is hard for many youths to follow all probation rules for a very long time. If a youth breaks a probation rule, he or she could be incarcerated.

Your child has a right to ask for a trial. This is your child’s choice. You and your child should discuss this and take time to decide. At trial, the state’s attorney must prove that the youth is guilty “beyond a reasonable doubt”. This is a very high standard of proof. It means that the judge must find a youth not guilty if the judge thinks there is a reasonable chance that the youth did not commit the crime.

At the trial, your child’s lawyer can call witnesses to help your child, question witnesses against your child, and offer evidence to try to show that your child did not commit a crime. The state’s attorney will try to prove that your child did commit a crime.

The judge listens to information from your child’s probation officer, lawyers, witnesses, and your child. Based on this evidence, the judge decides if your child is guilty or not guilty and sets the sentence.

SENTENCING

When a youth is found guilty, the next step is a “disposition hearing”. In juvenile court, sentencing is called “disposition”.

Before sentencing, the judge will review a social investigation report, which is prepared by the probation office. This report gives information about the youth’s police or court record, family background and relationships, personal strengths, history of emotional or medical illnesses, school performance and behavior. You and your child should cooperate and provide information for the social investigation report.

AT THE DISPOSITION HEARING, THE JUDGE CAN ORDER THE YOUTH:

- To be placed on probation and released
- To receive mental health and/or substance abuse treatment
- To be placed in a residential treatment center
- To serve time in a juvenile detention center
- To serve time in a juvenile prison

Parents should be a part of court planning for their child. You or your child's lawyer should tell the judge if your child has emotional issues, mental illness, or drug or alcohol problems, because there is often a link between these problems and delinquent behavior. This also can help the judge to decide whether to send your child to counseling or a treatment program, and away from the juvenile justice system. If you believe that your child would benefit from placement at an alternative school or a residential treatment center, tell your child's attorney.

If the judge places your child on probation, your child must follow written rules, called probation conditions, for a period of time set by the judge. Your child can be incarcerated if he or she breaks any probation rule.

Ask your child's probation officer to explain the probation rules so that you and your child understand exactly what is required. Tell the probation officer if your child cannot follow some conditions.

For example, if your child is ordered to receive counseling but has no transportation to get to a counseling center, tell the probation officer, and ask for help. Keep your child's probation officer's name and phone number with your court records, so that you can contact him or her if you have questions later.

Help your child to follow all probation rules. For example, if your child is ordered to stay home after 4 p.m., do not ask your child to go to the grocery store at 5 p.m., even if the store is very close to your home. If your child is told to stay in your city, do not take him or her to visit relatives in another city without getting permission from the probation officer.

If the judge orders your child to get counseling or treatment of any kind, your child must do this. A judge also can require a parent or guardian to do something intended to help the child, such as participate in family therapy.

Your child must follow ALL court orders. If your child does not follow court orders, it is likely that he or she will be incarcerated.

YOUR CHILD HAS THE RIGHT TO APPEAL

Youths who are found guilty have a right to appeal within 30 days of sentencing. You or your child can ask your child's lawyer to file a motion to appeal the judge's decision. An appeal means that you ask another court to decide if the judge's decision is a good decision or a bad decision. Filing an appeal cannot hurt your child, and may help him or her.

If you think your child would like to appeal, ask your child's lawyer about the necessary steps right away. The proper appeal forms must be submitted within 30 days after sentencing. If your child's lawyer does not do appeals, ask to be connected with a lawyer who can file your child's appeal. If you cannot pay for an appeal lawyer, the court will provide a lawyer for free.

Placement Options

If your child pleads guilty or is found guilty by a judge, he or she could be sent to a residential treatment center, a juvenile detention center, or a youth prison operated by the Illinois Department of Juvenile Justice, (IDJJ).

If your child is placed away from home, he or she may fear being rejected or forgotten by family and friends. Do your best to stay in your child's life. Call and visit as often as you can. If you don't have a car, ask about bus, van or train services to the facility.

Each facility has its own visiting rules. Make sure you know the rules before you go, so that you are not turned away without seeing your child. Visits may be limited to certain days or times, or appointments may be required. Some facilities require all visitors to be on an approved visitors list. You can ask your child to put your name on the visitors list. If you want to bring a child or a friend, find out in advance if children or non-relatives are allowed.

Visitors may be required to bring two forms of identification, including one with a photo. Valid forms of identification include a driver's license, a state identification card or, for visitors who are not US citizens, a current passport or visa. Detention centers and IDJJ facilities also have rules about the clothes that visitors can wear. Those who are dressed inappropriately may not be allowed to visit.

Ask in advance what items can or cannot be brought to a facility. For example, food, cigarettes, purses, keys and cell phones may not be allowed. If you bring a weapon or illegal drugs to a detention center or an IDJJ facility, or are found to have illegal drugs in your car, you will be arrested.

IF YOUR CHILD IS SENT TO A RESIDENTIAL TREATMENT CENTER

Residential treatment centers (RTCs) are therapeutic facilities where youths receive psychological and medical treatment, attend school or job training, and live for a period of time. Depending on the judge's order and the facility rules, youths who live in RTCs may be allowed to leave on weekends or holidays to visit family members.

IF YOUR CHILD IS SENT TO A DETENTION CENTER OR TO THE ILLINOIS DEPARTMENT OF JUVENILE JUSTICE

Detention centers are locked facilities where youths can be held for up to 30 days. Youths usually are sent to a detention center close to home, in their county or a nearby county.

If your child is sent to the IDJJ, he or she will go to a youth prison called an Illinois Youth Center (IYC). There are 8 IYCs located throughout Illinois. Your child may be sent to an IYC that is far away from your home. These facilities are minimum-security, medium-security or maximum-security.

When a child is sent to the IDJJ for any period of time, the sentence is "indeterminate". This means that a youth can be held up until his or her 21st birthday. The IDJJ decides the length of time to be served, based on how serious the charge is, and how the youth behaves in an IYC.

Encourage your child to follow all rules and to avoid fights while in an IYC, because these problems could result in disciplinary "tickets". Tickets can mean the youth will spend a longer time in IDJJ custody. If a youth refuses or is not able to follow rules, the youth could be sent to a more secure IYC, including a maximum-security IYC.

While in IDJJ custody, your child will be required to attend school, job training or GED preparation classes. If your child has special education needs, you will be informed and permitted to participate in Individual Education Plan (IEP) meetings and goal setting.

Your child also will receive medical and mental health care if needed. As long as you are the legal guardian for your child and your child is under 18, IDJJ staff will contact you for approval before treatment, and will keep you informed about your child's treatment. If your child is under 18, you have a right to receive records about treatment. If your child reaches 18 while in IDJJ custody, your child will have the right to approve his or her treatment, and your child will have to give permission for you to receive information about treatment.

After your child leaves an IYC or an adult prison, he or she will be on parole. Parole is a period of time when the youth returns to the community and must follow rules called parole conditions and be supervised by a parole officer or agent. (These officers also may be called "aftercare workers".) If a youth breaks the parole rules, he or she may be incarcerated. It's a good idea to keep the name and phone number for your child's parole officer, in case you have a question or need to contact him or her.

As your child nears release, there are things you can do to help him or her to stay healthy and stay out of the justice system. It is a big adjustment to return to regular life, and your child will need support. Encourage your child to lean on family, friends, church or mentors. Enroll your child in school or GED classes if he has not graduated from high school, and set up services like counseling or mental health treatment in your community. It is also helpful for your child to get a job or job training. Anything you can do to assist your child to develop a good relationship with his or her parole agent also will be very helpful.

A Fresh Start


A juvenile record can hold a young person back long after probation or incarceration ends. It can prevent him or her from getting a job, joining the military or going to college. Expungement offers a chance to start fresh.

Most arrests, charges and convictions before a youth's 17th birthday are part of a juvenile criminal record. Expungement means the court clerk, the arresting police department, and the Illinois State Police must remove these records from public view. Law enforcement and immigration courts will still be able to see juvenile records.

Murder and certain sex crimes can never be expunged. Convictions for felonies and Class A misdemeanors (examples include battery, theft and possession of cannabis not over 30 grams) can be expunged if the youth is 21 years old, or 5 years have passed after probation or parole ends, and if there are no adult convictions on his or her record.

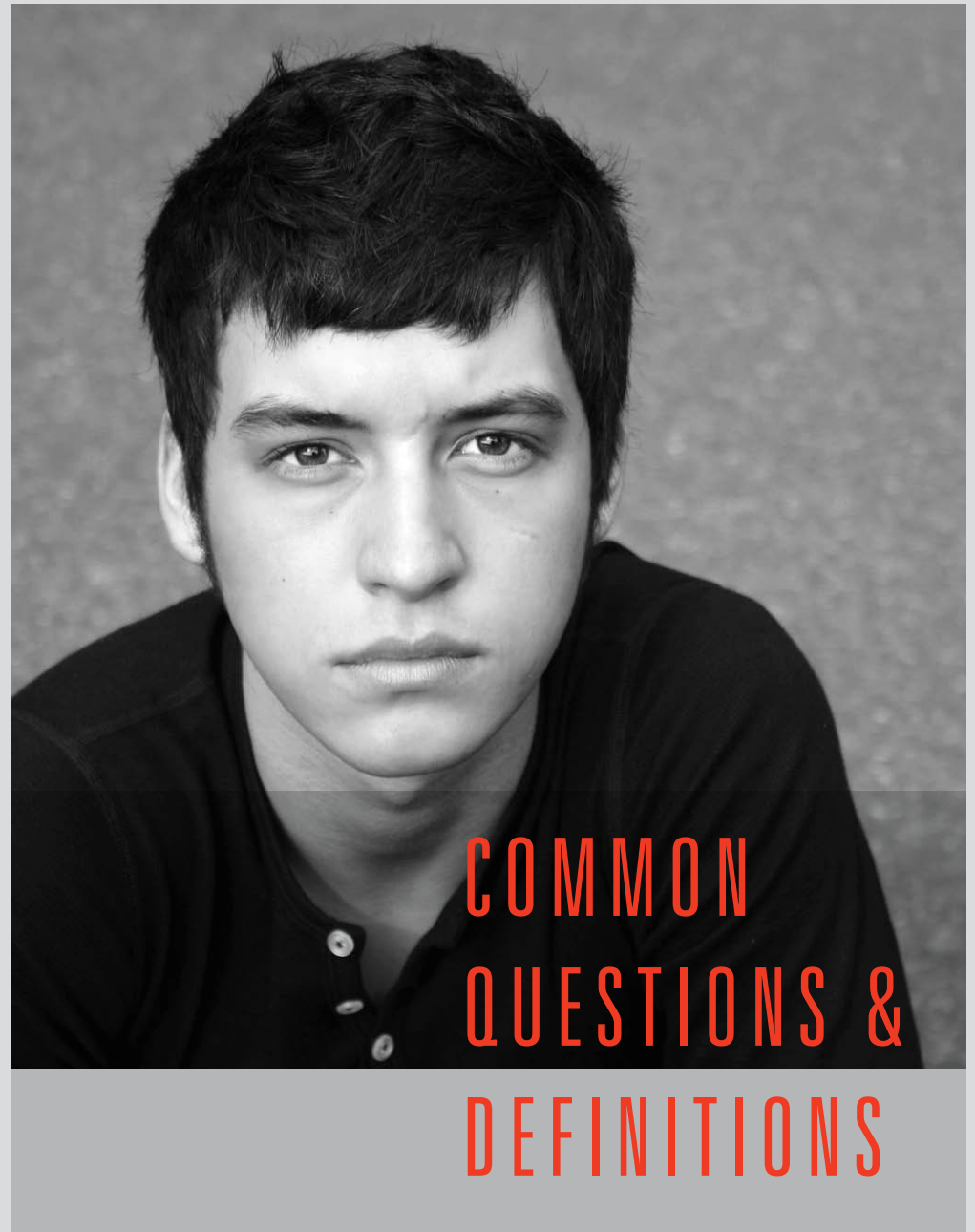
Youths do not need a lawyer to get an expungement, but they do have to pay fees that vary by court district and police department.

To begin the expungement process, a youth must go to each arresting police department and get a copy of his or her arrest record or "rap sheet". The youth also must get expungement forms and a copy of the "criminal disposition" from the court clerk's office. These forms and documents must be filed with the court clerk. Next, the youth must attend a hearing before a judge. If the judge orders the youth's record to be expunged, the youth is responsible for telling all arresting police departments and the Illinois State Police about the expungement order.



“Nobody knows anything about juvenile justice until you go through it. A lot of the terminology is confusing. There are so many different outcomes that could happen in court.”

—Mark



COMMON
QUESTIONS &
DEFINITIONS

Frequently Asked Questions

MY CHILD HAS JUST BEEN ARRESTED. WHAT DO I DO NOW?

Call your police department or police district to find out where your child is being held, and go there right away. Usually, a youth picked up by police will be brought to a police station. Tell police you want to be with your child. Don't yell or lose control, because that could make things worse. Tell your child not to speak with police. Call a private lawyer or remind your child to tell police that he or she wants a lawyer.

CAN MY CHILD GET A LAWYER AT NIGHT?

Your child has a right to a lawyer at any time of night or day. When you or your child tells police you want a lawyer, police are supposed to stop questioning until the lawyer arrives.

CAN I BRING MY CHILD HIS MEDICINE IN A JUVENILE JUSTICE CENTER?

Detention centers do not allow you to bring medicine for your child. Tell detention officers about your child's medical and mental health history. If your child takes medication, bring the prescription container and provide the doctor's phone number. Every effort should be made to ensure medications are continued without interruption.

IF MY CHILD IS CHARGED, CAN HE COME HOME BEFORE THE DETENTION HEARING OR TRIAL?

This depends on the seriousness of the charge, whether it is a first offense, and what a judge decides is best for the child, the family and the community. When a parent comes to court, it shows the judge that the child has family support. This can be very important when the judge decides whether to allow the child return home.

HOW WILL I KNOW WHEN MY CHILD HAS TO BE IN COURT?

You will be notified about court dates by mail, so be sure to let your child's probation officer know if your address changes. Keep all court papers together in a safe place, along with phone numbers for your child's probation officer and lawyer and notices about court dates. Write down the names of the people you talk to in the juvenile justice system, and the information they provide. These notes will create a paper trail that can help you later.

DO I HAVE TO PAY FOR COURT COSTS OR SERVICES?

If you are able, you will be expected to pay for a lawyer for your child. Some Illinois courts also bill parents for medical or psychological evaluations, counseling and treatment received while on probation or in detention. The court may require financial information to decide if you are able to pay some or all of these costs. Your health insurance also may cover these expenses.

WILL MY CHILD ATTEND SCHOOL WHILE HE IS IN A DETENTION CENTER OR AN ILLINOIS YOUTH CENTER?

Juvenile detention facilities and youth centers must provide education for each child. If your child receives special education services, the detention center or IYC must follow the IEP from your child's school as closely as possible.

CAN I VISIT MY CHILD IN A DETENTION CENTER OR AN ILLINOIS YOUTH CENTER?

Yes! Visits are vital for children and their families. Ask for a copy of visitation rules for the facility where your child is held. Detention centers and youth centers may set certain times or dates for visiting, and may allow only parents or guardians to visit. Do not bring children unless you know that the rules permit children. Most facilities also have set times when youths can call family members. Facilities have rules about the clothes visitors can wear and the items they can bring into the center or have in their car. Make sure you know the rules before you visit, so that you are not turned away without seeing your child.

WILL I STILL HAVE A SAY IN MY CHILD'S LIFE?

As long as you are the legal guardian and your child is under age 18, you have a right to be informed and involved in any decision about your child's medical treatment or education. You must be asked if a medication change is proposed or a new medicine is prescribed. You also must be informed and allowed to participate in special education meetings and goal setting. If your child turns 18 while in custody, he or she has the right to approve any treatment.

WHO'S WHO IN THE COURTROOM

People in juvenile court include:

The judge

The judge is in charge of the courtroom. The judge listens to information from the youth's probation officer, lawyers, witnesses, and the youth who is charged. Based on this evidence, the judge decides if the youth is guilty or not guilty and decides what the sentence will be.

The state's attorney

The state's attorney represents the people of Illinois. The state's attorney's job is to prove that charges against a youth are true. To do this, he or she presents evidence and witnesses against a youth who is charged with a crime.

Defense lawyer or public defender

The defense lawyer represents the youth who is charged. If parents cannot pay for a private lawyer, the court will appoint a lawyer called a public defender for free. The defense lawyer presents evidence and witnesses to help the youth. The defense lawyer's job is to try to prove the youth is not guilty, or to get the best plea agreement or sentence for the child.

Probation officer

The probation officer works directly with youths and their families. The probation officer learns about a youth's needs, sets up services for the youth, gives information to the judge, and supervises the youth on probation. The goal of the probation officer is to help youths follow court rules and stay out of the juvenile justice system in the future.

Witness

A witness is someone who saw, heard or has information about a crime. A witness can testify for a youth or against a youth in a juvenile court hearing.

Clerk

The clerk is seated next to the judge. He or she is responsible for all legal records, scheduling, and information about the cases before the judge.

Deputy sheriff

A deputy sheriff is assigned to each courtroom to keep order and security in the court.

Court reporter

A court reporter types a record of everything that is said in court. This record is called a transcript.

Definitions

Adjudication hearing: This is the court hearing in which a judge hears witnesses, receives evidence and makes a decision about whether a youth committed a crime. It is like the trial in adult criminal court.

Affidavit: A written statement made under oath.

Allegation, alleged: Something a person claims is true, but has not yet been proven in court.

Appeal: The process of asking to change a judge's decision. When an appeal is filed, another judge decides if the trial judge's decision followed the law and the facts presented in court.

Attorney: This is another word for lawyer, and means the same thing.

Charge: The crime that the youth is accused of committing. The charge may also be called the "offense".

Continue or continuance: A request or a decision to delay a court hearing.

Curfew: When a juvenile is required by law or court order to be home by a certain time.

Custody, taken into custody: When a juvenile is held by police or at a detention center or a youth prison.

Defendant or respondent: The person accused of a crime.

Delinquent juvenile or delinquent minor: A youth who has been found guilty of a crime.

Delinquent offense: A juvenile offense that would be a crime if committed by an adult.

Detention: In custody or home confinement while awaiting trial, sentencing, or placement.

Detention hearing: The court hearing in which a judge decides if there is enough evidence to believe a juvenile committed a crime, and if the juvenile should be held in custody until his or her trial.

Disposition: The penalty or sentence set by a judge, or how a case is resolved.

Discovery: The investigation process before a trial. Courts and attorneys also refer to the documents shared between attorneys as "discovery".

Dismiss, motion to dismiss: When a judge orders the end of a court case or for charges to be dropped, or when a lawyer asks the judge to end a court case or drop charges.

Diversion: Handling a case outside of juvenile court, often with required treatment, counseling or other services.

Felony: A serious crime that carries a sentence of more than a year if committed by an adult.

Home detention: When a judge orders a person to stay in their home instead of going to a detention center.

Incarceration: Commitment of a juvenile to a detention center or an Illinois Youth Center.

Juvenile: Someone 17 years old or younger. Youths 13 or older can be sent to the Illinois Department of Juvenile Justice. Youths 10 and older can be sent to a detention center.

Miranda rights: Rights or warnings that must be told to anyone who is questioned in police custody. These rights include the right to remain silent and the right to a lawyer. The person being questioned also must be told that anything he or she says can be used against him or her in court.

Misdemeanor: A criminal offense that is less serious than a felony.

Motion, file a motion: To make a formal request of the court.

Parole: A period of time after a youth is released from an Illinois Youth Center or an adult prison when the youth must follow parole rules and be supervised by a parole officer. Parole may also be called "aftercare".

Plea bargain, plea agreement: When the youth's lawyer and the state's attorney discuss the possibility of the youth admitting that he or she committed the crimes he or she is charged with, instead of fighting the charges at a trial. Usually, the youth agrees to plead guilty in exchange for fewer or less serious charges. It is always up to the youth to decide whether or not to accept a plea offer. If a plea offer is accepted, there is no trial, and the judge will impose a sentence.

Petition: A court document that states the offense or offenses that the juvenile is accused of committing.

Probable cause: Facts and evidence that make the judge believe the charges against the accused person could be true.

Probation: A period of time when a youth must follow rules set by the court and be supervised by a probation officer.

Public defender: A defense lawyer who is appointed to represent a youth when the youth's family cannot pay for a private lawyer.

Release upon request, RUR: If a judge says a youth is "RUR,"

this means the youth will be released from detention as soon as a parent or guardian comes for the youth.

Restitution: Payment to a victim for damage or loss, paid by the person who caused the damage or loss.

Revoke: To take away because of a violation, such as to revoke probation or supervision.

Social investigation: A report prepared by a probation officer which gives the court information about a youth, family relationships, past record, school attendance and behavior.

State's attorney: The prosecutor. The state's attorney tries to prove that charges against a person accused of a crime are true.

Status offense: An offense that would not be a crime if committed by an adult, such as running away from home, possessing cigarettes, violating curfew or refusing to go to school.

Statute: A law passed by the state legislature.


Stipulate: A formal agreement between defense and prosecution that certain facts are true.

Subpoena: An order that requires a person to appear in court, or to give information, documents or other items to the court.

Supervision: Similar to probation. Supervision offers a chance to stay out of juvenile court.

Testimony, testify: What someone says in court while under oath, or speaking in court under oath.

Violate: to break rules, such as probation conditions or a court order, or when a probation officer notifies the court that a youth has broken probation conditions.



“I reached the point where I thought, ‘I can’t do this. This is out of control.’ I was impressed at how all these people came together to support my kid and work with the family.”

—Carol



Statewide

Mental Health Counseling

To find your community mental health provider, call (312) 814-5050 or visit www.mentalhealthillinois.org

IL Dept. of Human Services
Office of Mental Health
www.dhs.state.il.us/mhdd/mh

Substance Abuse Assessment, Referral and Juvenile Justice Diversion

Treatment Alternatives to Street Crimes (TASC)
www.tasc-il.org

Parent Support

National Alliance on Mental Illness of IL (NAMI)
www.illinois.nami.org

Child & Adolescent Bipolar Foundation
Online information and support
www.bpkids.org

Legal Assistance

Illinois Legal Aid Online (English/Spanish)
www.illinoislegalaid.org

Equipped for Equality
(English/Spanish, mental health/disability legal assistance)
20 North Michigan Avenue, Suite 300
Chicago, IL 60602
(312) 341-0022
(800) 537-2632
www.equipforequality.org

Chicago/Cook County

Legal Assistance

Cook County Juvenile Public Defender
312-433-7046

First Defense Legal Aid
800-529-7374 or 1-800-LAW-REP-4

Children and Family Justice Center
Northwestern University Law School
375 E. Chicago Ave.
Chicago 60611
312-503-8576
www.law.northwestern.edu/cfjc/

Cabrini Green Legal Aid
740 N. Milwaukee Ave.
Chicago 60642
312-738-2452

Civitas ChildLaw Clinic
Loyola University Law School
25 E. Pearson St.,
Chicago 60611
312-915-7940
www.luc.edu/law/academics/special/clinic/child_family

CARPLS Legal Referrals
(English/Spanish)
Hotline 312-738-9200

Expungement Assistance

Office of the Clerk of the Cook County
Juvenile Justice Division
1100 S. Hamilton St. Room 1
Chicago, IL 60612
312-433-4941
www.cookcountyclerkofcourt.org

Juvenile Expungement Help Desk,
Legal Assistance Foundation of Metropolitan Chicago
1100 S. Hamilton St.
First floor, near court clerk's office
Chicago, IL 60612

Mental Health/Substance Abuse Services and Support

Chicago Department of Human Services, Dial 311

National Alliance on Mental Illness of Greater Chicago (NAMI)
1536 W. Chicago Avenue
Chicago IL 60642
312-563-0445

Catholic Charities
Chicago, Cook & Lake Counties
(English/Spanish)
721 N. LaSalle St.
Chicago, IL 60654
312-655-7700

Community Counseling Centers Of Chicago (C4)
4740 N. Clark St.
Chicago, IL 60640
773-769-0205

Thresholds
4104 N. Ravenswood Ave.
Chicago IL 60613
773-572-5500

Youth Outreach Services
(English/Spanish)
2411 W. Congress Pkwy.
Chicago IL 60612
773-777-7112
24-hour crisis line:
708-547-1091

Association House of Chicago
(English/Spanish)
1116 N. Kedzie Ave.
Chicago, IL 60651
773-772-7170

Metropolitan Family Services
1 N. Dearborn, 10th Floor
Chicago, IL 60602
312-986-4000

LaRabida Children's Center
8949 S. Stony Island Ave.
Chicago, IL 60617
773-374-3748 ext. 0

Ada S. McKinley Community Services
725 S. Wells St., Suite 1-A
Chicago, IL 60607
312-554-0600

Aunt Martha's Youth Service Center
440 Forest Blvd,
Park Forest, IL 60466
708-747-7100 or
877-MY-AUNT-M

Pillars Community Services
333 N. LaGrange Rd.
LaGrange Park, IL 60526
708-745-5277 (708-PILLARS)
Crisis line: 708-795-4800

Thrive Counseling Center
120 S. Marion St.,
Oak Park, IL 60302
708-383-7500

Youth Services of Glenview/Northbrook
3080 W. Lake Ave.
Glenview, IL 60461
847-724-2620

The Josselyn Center
405 Central Ave.
Northfield, IL 60093
847-441-5600

DuPage County

Legal Assistance

DuPage County Juvenile Public Defender
503 N. County Farm Rd.
Wheaton, IL 60187
630-407-8300

Mental Health Support

NAMI of DuPage County
2100 Manchester Rd. Bldg B, Suite 925
Wheaton, IL 60187
630-752-0066

Northeast DuPage Family & Youth Services
3 Friendship Plaza
Addison, IL 60101
630-693-7934

DuPage County Health Department
Mental Health Care Manager Network
503 N. County Farm Rd.
Wheaton, IL 60187
630-407-8373
24-Hour Crisis Line:
630-627-1700

Metropolitan Family Services
222 E. Willow Ave.
Wheaton, IL 60187
630-784-4800

Samaritan Interfaith Counseling Center
1819 Bay Scott Circle, Suite 109
Naperville, IL 60540
630-357-2456

Linden Oaks Medical Group
1250 North Mill St.,
Naperville, IL 60540
630-646-8000

Family Counseling Service
(English/Spanish)
70 S. River St.
Aurora, IL 60506
630-844-2662

Gateway Community Counseling
(English/Limited Spanish)
400 Mercy Ln.
Aurora, IL. 60506
630-966-7400

Lake County

Legal Assistance

Lake County Public Defender
15 S. County St.,
Waukegan, IL 60085
847-377-3360

Mental Health Support

Lake County 24 Hr Crisis Hotline
847-249-4450

Lake County Health Department
Behavioral Health Services
3010 Grand Ave.
Waukegan, IL 60085
847-377-8950
Addictions Treatment Program
847-377-8200

Northpointe Resource, Inc.
(youths 16 and older)
3441 Sheridan Rd.
Zion, IL 60099
847-872-1700

Youth and Family Counseling
1113 S. Milwaukee Ave., Suite 104
Libertyville, IL 60048
847-367-5991

Warren Township Youth and Family Services
17801 W. Washington St.
Gurnee, IL 60031
847-244-1101, ext. 401

Omni Youth Services
1111 W. Lake Cook Rd.
Buffalo Grove, IL 60089
847-353-1500

Northwest Illinois

Legal Assistance

Winnebago County Public Defender
400 W. State St., Suite 340
Rockford, IL 61101
815-319-4900

Mental Health/Substance Abuse Counseling

Janet Wattles Center
526 W. State St.
Rockford, IL 61101
815-968-9300

Mildred Berry Center
8616 Northern Ave.
Rockford, IL 61107
815-332-8003

Lutheran Child and Family Services
Mt. Olive Lutheran Church
2001 N. Alpine Rd.
Rockford, IL 61107
800-363-LCFS

Family Service and Community Mental Health Center
4100 Veterans Parkway
McHenry, IL 60050
815-385-6400

Sinnissippi Center
325 Illinois Rt. 2
Dixon, IL 61021
815-284-6611
Hotline: 800-242-7642

McHenry County Mental Health Board
620 Dakota St.
Crystal Lake, IL 60012
815-455-2828

Family Service Association
22 S. Spring St.
820 Greenwood
Elgin, IL 60120
847-695-3680

Helen Wheeler Center
275 E. Court St., Suite 102
Kankakee, IL 60901
815-939-3543

Ben Gordon Center
12 Health Services Dr.
DeKalb, IL 60115
815-756-4875

Will County Health Department
501 Ella Ave.
Joliet, IL 60433
815-727-8480

Trinity Services
62 E. Washington St.
Joliet, IL 60431
815-722-4384

North Central Behavioral Health
2960 Chartres St.
La Salle, IL 61301
815-224-1610

Central/Southern Illinois

Legal Assistance

Peoria County Public Defender
Commerce Bank Building
416 Main. St., Suite 300
Peoria, IL 61602
309-674-9332

Mental Health/Substance Abuse Counseling

Children's Home Association of Illinois
2130 N. Knoxville Ave.
Peoria, IL 61603
309-687-7904

Catholic Charities
4806 N. Sheridan Rd.
Peoria, IL 61614
309-682-6258

White Oaks Youth Services
5113 Executive Dr.
Peoria, IL 61614
309-589-7980

Lincoln Prairie
Behavioral Health Center
5230 S. Sixth St.,
Springfield, IL 62703
217-585-1180

Lutheran Child and Family Services
431 Grand Ave. West
Springfield, IL 62704
217-544-4631

Transitions of Western Illinois
4409 Maine St.
Quincy, IL 62305
217-223-0413

Chaddock Trauma Initiative
205 S. 24th St.
Quincy, IL 62301
217-223-7492 Ex. 406

Central East Alcoholism and Drug Council
635 Division St.
Charleston, IL 61920
217-348-8108

Heartland Human Services
1200 Fourth St.,
Effingham, IL 62401
217-347-7179

Community Resource Center
101 S. Locust St.
Centralia, IL 62801
618-533-1391

Mental Health Center of Champaign Co.
202 W. Park Ave.,
Champaign, IL
217-373-2430

Douglas County Mental Health Center
114 W. Houghton
Tuscola, IL 61953
217-253-4731
After-hours Crisis Line:
217-253-3511

Human Resources Center of Edgar and Clark Counties
118 E. Court St.
Paris, IL 61944
217-465-4118
24-hour Crisis Line:
866-567-2400

Southern Illinois Regional Social Services
604 E. College St.
Carbondale, IL 62901
618-457-6703

St. Clair Co. Mental Health Board
307 E. Washington St.
Belleville, IL 62220
618-277-6022

Comprehensive Mental Health Center
3911 State St.
East St. Louis, IL
618-482-7373

One Hope United
907 N. Bluff St.
Collinsville, IL 62234
618-345-9644

IMPORTANT INFORMATION

Attorney's name _____
Phone number _____

Probation Officer's name _____
Phone number _____

Judge's name _____
Courtroom number _____
Court dates and times _____

Other important people _____

