

Juvenile Justice Resource Guide

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Juvenile Justice Council

Purpose

The Lake County Juvenile Justice Council (JJC) is an independent body that provides a forum for various agencies to collaborate and combine their efforts to address the ongoing needs of at-risk youth. The Board of Directors of the JJC is composed of representatives of the Sheriff, the State's Attorney, the Chief Probation Officer, the Public Defender, and the County Board, as well as several judges and the Regional Superintendent of schools. The Council is composed of diverse members of the community working together to support the cooperation of these agencies in the prevention of juvenile delinquency and address the issues facing young people in our community.

The primary goals of the Lake County Juvenile Justice Council are to:

- provide a forum for the development of a community-based interagency assessment of the local juvenile justice system;
- develop a county juvenile justice plan for the prevention of juvenile delinquency and distribute resources to the community that assist in this goal;
- make recommendations to the County Board for more effectively utilizing existing community resources for juveniles; and
- promote cooperation and coordination between the court and agencies and departments involved in the juvenile justice system.

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Lake County Public Defender

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Honorable Judge Christen Bishop

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Manager Judicial Services, College of Lake County

Greg Weider

Executive Director, Lake County Bar Association

Veronica Williams

Mother's Against Wrongful Convictions

The Juvenile Justice System

Description of Procedures

Following the initial incident, the first step in the juvenile justice process is the **investigation process**. Once a crime has been reported, the police department is responsible for investigating the report. The juvenile investigation process allows an officer to decide on the most appropriate course of action for the case. An officer may do a **station adjustment** and release the minor or release the minor to their parents and refer the case to **Juvenile Intake** and the State's Attorney's Office for further review. If the officer believes that there is an urgent necessity to keep the minor in custody, the officer may also deliver them to the Detention Center. Alternative actions may also be taken in certain circumstances, such as a branch court citation for local ordinance violations.

Juvenile Intake is the division of Juvenile Probation and Detention Services to which all referrals to the juvenile court system are first directed. The primary responsibility of Juvenile Intake is to hold preliminary conferences with the parents and accused minor with the goal of handling suitable cases outside the court system. These conferences constitute a **juvenile screening** and can be conducted either after the minor is released to their guardian (non-custody screening) or with the minor in temporary custody (custody screening).

Minors brought into custody will undergo a **detention hearing**. The minor will be brought before a judge within 40 hours for a hearing to determine if further detention is necessary. If the court finds that there is probable cause to believe that a minor is delinquent and that detention is a matter of immediate and urgent necessity for the protection of the minor and the community, the judge will order that the minor remain in detention. A judge does not set bond in juvenile cases.

Referrals from the juvenile screening are then passed on to the State's Attorney's Office for further review to determine if the filing of a delinquent petition is necessary. A **delinquency petition** alleges that the minor is a delinquent and sets forth sufficient facts to have the minor appear in court. The court may also, on its own motion, direct the filing of the petition through the State's Attorney's Office.

If a delinquency petition is filed, the minor will face **arraignment**, where they appear before the judge, who will then appoint an attorney if they do not have one and advise the minor of the charges against them, the possible penalties, and their constitutional rights. There will then be a **pre-trial conference** to give both the Assistant State's Attorney and the minor's attorney time to discuss the facts and evidence in the case, after which the minor's attorney will enter a plea. If the minor pleads not guilty, their case will go to trial. If the minor pleads guilty or is found guilty at their trial, the minor will proceed to a **sentencing hearing**. The minor may be sentenced to supervision, probation, or may be committed to the Department of Children and Family Services (DCFS) or a residential placement. The minor may also be sentenced to the Department of

Juvenile Justice for an indeterminate period which may not extend beyond their 21st birthday. Following the completion of their sentence, the minor will be discharged from the juvenile justice system.

Important Definitions

Delinquent Minor: Any minor who, prior to their 18th birthday, violates or attempts to violate a law or ordinance.

Felony: A criminal offense that is punishable by a sentence in a state prison of one year or more, or a term of conditional discharge or probation.

Misdemeanor: A criminal offense that is punishable by a sentence of less than one year in a facility other than a state prison, or a term of supervision, conditional discharge, or probation.

Assistant State's Attorney: An attorney from the State's Attorney's Office who represents the People of the State of Illinois.

Public Defender: A court-appointed attorney for a minor who cannot afford a private attorney.

Defense Attorney: A private attorney who represents the minor.

Station Adjustment: A juvenile police officer's formal or informal handling of an alleged offender outside the juvenile court system.

Juvenile Intake: Division of Juvenile Probation and Detention Services to which all referrals to the juvenile court system are first directed. The primary responsibility of Juvenile Intake is to hold preliminary conferences with the parents and accused minor with the goal of handling suitable cases outside the court system. Referrals are then passed on to the State's Attorney's Office for further review.

Confidentiality/Closed Courtroom: Confidentiality of juvenile court records/proceedings is limited to the following: the minor, their parents, guardian and counsel, judges, prosecutors, probation officers, and other juvenile court personnel. A minor who is the victim in a juvenile proceeding shall be provided the same confidentiality regarding disclosure of identity as the minor charged. While the information contained in juvenile court is confidential and may not be otherwise disclosed, victims and their attorneys may have access to the name and address of the minor and information about the case. Due to the confidential nature of court proceedings, court hearings are closed to the general public, however, members of the media are allowed to attend.

Detention: Housing of a minor who is alleged or adjudicated to be delinquent and who requires secure custody for the protection of the minor and the community.

Detention Hearing: A minor who is alleged to be delinquent and has been taken into temporary custody must be brought before a judge within 40 hours for a hearing to determine if further detention is necessary. If the court finds that there is probable cause to believe that a minor is delinquent and that detention is a matter of immediate and urgent necessity for the protection of the minor and the community, the judge will order that the minor remain in detention. A judge does not set bond in juvenile cases.

Delinquency Petition: The State's Attorney's Office may file allegations that the minor is a delinquent and set forth sufficient facts to have the minor appear in court. The court may also, on its own motion, direct the filing through the State's Attorney's Office.

Summons: A document issued by the clerk of the court addressed to the minor, the minor's parent, guardian, or legal custodian, which is served by a law enforcement officer, coroner, or probation officer. The summons shall require the listed respondents to appear and answer the petition on the date set for the hearing. Failure to appear could result in a bench warrant issued for the parent/guardian or minor, or both.

Arraignment: The minor will appear personally before the judge, who will appoint an attorney if they do not have one and advise the minor of the charges against them, the possible penalties, and their constitutional rights.

Pre-Trial Conference: This hearing is to give both the Assistant State's Attorney and the minor's attorney time to discuss the facts and evidence in the case. It is also an opportunity for them to file any motions which they feel are necessary for their case. During this hearing, the minor may change their plea from not guilty to guilty.

Subpoena: This is a written summons to court. It is a court order directing someone to be present in court on a specific date. The listed person is required to attend if served with a subpoena.

Trial: A hearing to determine whether the allegations set forth in the petition have been proved beyond a reasonable doubt.

Expungement

What is expungement?

Expungement is the process by which a record of criminal conviction is destroyed or sealed from state or federal records. An expungement order directs the court to treat the criminal conviction as if it had never occurred, essentially removing it from a defendant's criminal record as well as, ideally, the public record.¹ Although most juvenile records are treated as confidential, certain employers, government institutions, and colleges can access them, making expungement an important step for the future of many young people with juvenile records.

¹ [American Bar Association](#)

Am I eligible to have my juvenile record expunged?

In Illinois, juvenile records are automatically expunged if :

- It has been 1 year or more since the date of the arrest or law enforcement interaction,
- No petition for delinquency or criminal charges was filed with the court,
- It has been 6 months without an additional arrest or filing of a petition for delinquency or criminal charges, and
- The record was created after January 1, 2000.²

Those whose records are not eligible for automatic expungement can apply for Category 1 juvenile expungement once they reach their 18th birthday if *any* of the following are true:

- They were charged with a crime but their case was dismissed.
- They were charged with a crime but were found not guilty.
- They were placed under supervision and followed all the rules of supervision so that they were successfully terminated.
- They were found guilty of an offense that, if committed by an adult, would be a Class B misdemeanor, a Class C misdemeanor, or a petty offense.

Even if a person does not qualify for Category 1 juvenile expungement, they may apply for Category 2 juvenile expungement if *all* of the following are true:

- It has been at least 2 years since their last juvenile case ended.
- It has been at least 2 years since their commitment to the Department of Juvenile Justice ended, including aftercare.
- Their case was **NOT** based on first degree murder or a sex offense for which they had to register under the Sex Offender Registration Act.

What are the steps in the expungement process?

1. Obtain an arrest history report from the arresting agency, such as the police department, sheriff's department, or Illinois State Police.
2. Decide which of the two petition forms to use (Category 1 or Category 2). Generally, if the case only involved an arrest or supervision and they were never on probation, the person should use the Category 1 petition. If the case involved probation, they should use the Category 2 petition.
3. Obtain the Petition, Notice, and Order to expunge from the Lake County Circuit Clerk's Office.
 - Fill out the following portions of the Notice: their name, case number, address of the arresting agency, address of the State's Attorney, and their address. LEAVE THE REST OF THE NOTICE BLANK.

² [Illinois Legal Aid Online](#)

- Fill out the following portions of the Order: their name, date of birth (DOB), case number, name of the arresting agency/agencies. LEAVE THE REST OF THE ORDER BLANK.

4. File the original Petition, Notice, and Order with the Circuit Clerk's Office.

5. The Circuit Clerk's Office will send notice of their petition to the Illinois State Police, the State's Attorney, or prosecutor assigned to their case and the arresting agency. They have 45 days to object to the petition. After the petition is filed, they need to notify the Circuit Clerk if they move or change mailing address by filling out a change of address form. Obtain the form from the Circuit Clerk's Office.

6. After 45 days, contact the Circuit Clerk's Office to determine the status of the petition. Unless the State's Attorney or prosecutor, the Illinois State Police or the arresting agency object to the petition within 45 days, the Court may grant the petition and expunge their record. **If there is an objection to their petition**, the Circuit Clerk's will schedule a hearing. If a hearing is scheduled, they are required to attend. **If there is no objection**, there will not be a hearing and the Court may grant the petition.

Where can I find the paperwork I need to expunge my record?

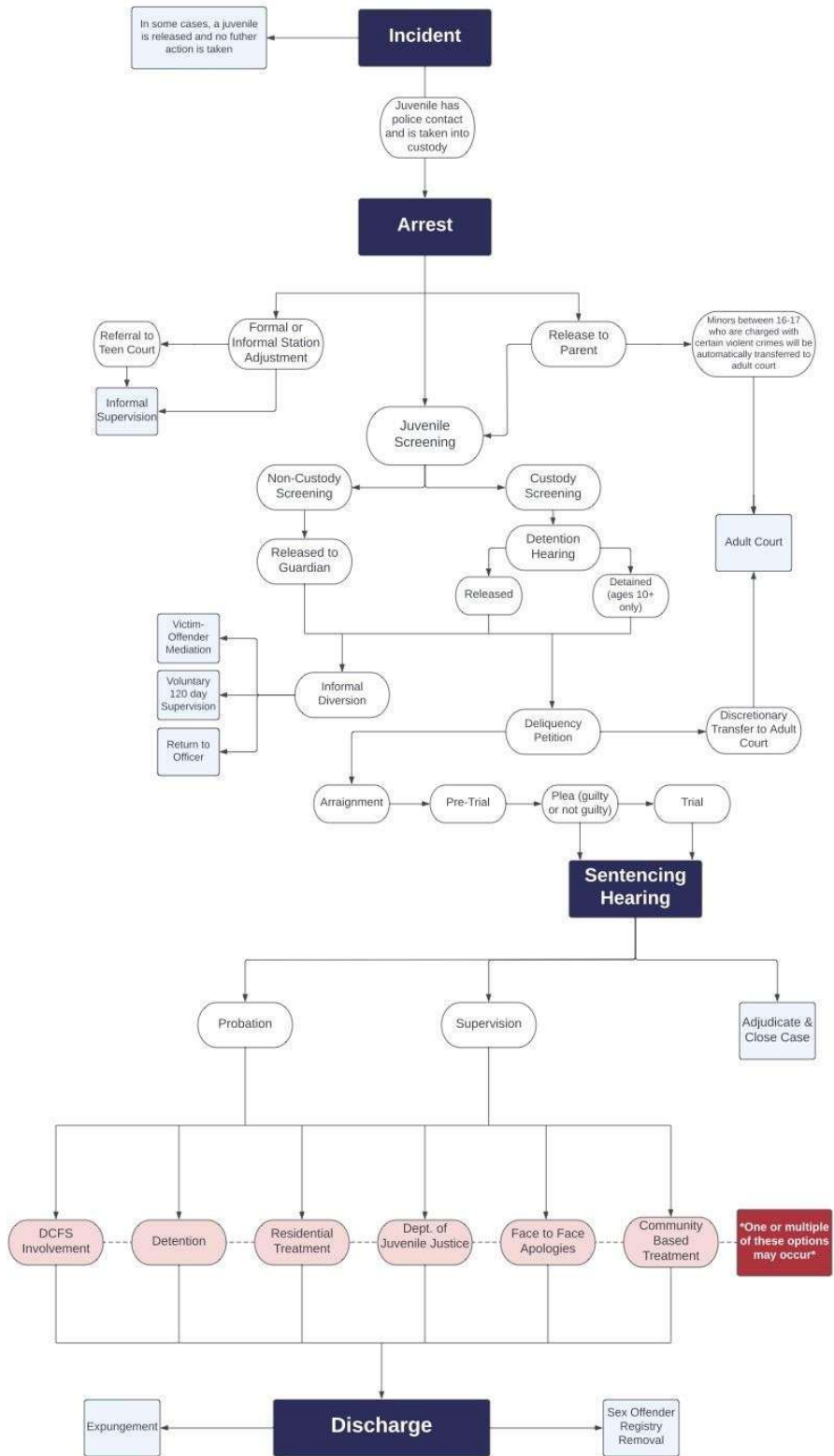
Here are the necessary forms to file for expungement:

- [Request to Expunge Juvenile Record Form](#)
- [Notice of Filing for Juvenile Expungement Form](#)
- [Additional Juvenile Records Form](#)
- [Additional Arresting Agencies Form](#)

NOTE: Not all of these forms are necessary for every expungement. To figure out which forms you need to fill out, we encourage you to take a look at our full [Expungement Packet](#). More information on juvenile expungement is also available at <https://lakecountyjtc.org/resources/>.

Juvenile Justice System Flow Chart

Lake County Juvenile Justice Process



Diversion and Deflection Opportunities

Diversion and Deflection

Diversion is “an attempt to divert, or channel out, youthful offenders from the juvenile justice system.”³ The basis of the diversion argument is that courts may inadvertently stigmatize some youth for having committed relatively petty acts that might best be handled outside the formal system. “Deflection” refers to diversion that happens before an offender is arrested, while diversion tends to refer to individuals who have already been arrested and entered the justice system. In part, diversion and deflection are also designed to ease the problem of overburdened juvenile courts and overcrowded corrections institutions. The following are diversion and deflection methods employed in Lake County.

Station Adjustment - At Arrest

A station adjustment is an informal handling of a juvenile offender avoiding further juvenile justice system involvement. Youth who are given a station adjustment are not referred to the court for prosecution and are released to a parent or guardian under specified conditions, such as obeying curfew, attending school, performing community service, and/or participating in social services. Informal station adjustments do not require an admission of guilt by the minor, but youth who receive a formal station adjustment must admit involvement in the offense. Formal station adjustments cannot last more than 120 days, unless the juvenile violates the conditions. At this time, the length may be extended to 180 days, but no longer. Officers monitor the conditions of the adjustment. A juvenile may receive up to three informal station adjustments for misdemeanors and three informal station adjustments for felonies. Combined, youth may not receive more than five informal station adjustments within three years without prior approval from the State’s Attorney. Youth may receive up to three formal station adjustments for misdemeanors and two for felonies. Combined, youth may not receive more than four formal station adjustments within three years without prior approval from the State’s Attorney. The total number of allowable station adjustments statewide, both formal and informal, may not exceed nine without the State’s Attorney’s approval.

Probation Adjustment - Voluntary Supervision

Police referrals received by the Juvenile Intake Unit are screened and can be handled through a probation adjustment or diversion program with State’s Attorney approval. This allows for a speedy due process and does not burden the juvenile court with matters that can be handled with a lesser degree of intervention. Diversion cases voluntarily sign a contract that must be followed during the time period, usually 3 to 4 months in length. If the youth has refrained from any additional law violations and is in compliance with supervisory mandates (such as attending school or refraining from drug use) during that period, they are released from informal

³Bynum and Thompson, 1996, pg. 430.

supervision without further action. If unsuccessful with the contract, the case could be referred through the formal court process.

Step-Up Program

The Step-Up program helps address youth involved in adolescent domestic battery within their home. The youth and their parents work with social workers for 21+ weeks in group therapy sessions. The sessions utilize a restorative Justice and Circumplex Family Systems Model to focus on accountability, empathy, communication, but also restoring relationships and establishing appropriate authority within the home.

Teen Court

Nicasa Teen Court, established in 1996, is a volunteer program, provided in partnership with 18 Lake County Police Departments and the Sheriff's Department. Teen Court is structured to provide a positive alternative for misdemeanor youth offenders by providing a peer-driven sentencing mechanism that allows young people to take responsibility, to be held accountable, and to make restitution. By assuming responsibility for their actions, and through involvement and successful completion of the Teen Court program, the teen's offense will not be recorded. Teen Court offenders learn to value their community by repairing the harm and giving back through community service. All community service is done at approved sites that are asked to find constructive work for youth to perform under supervised conditions. Support from these sites give the youth the opportunity, not only to give back to the community, but also to develop good work ethic and better social relationships. Positive peer pressure is used in Teen Court to exert influence over adolescent behavior.

As Teen Court volunteers, youth realize a respect for the rule of law, develop positive citizenship attitudes, promote civic engagement and achieve educational success. Youth volunteers actively learn the roles and responsibilities of the various parts of the judicial system. They act as law enforcement professionals, prosecuting and defense attorneys, clerks, and jurors to gain experiential knowledge of the juvenile justice system.

What are the benefits of Teen Court?

- For the Community:
 - Expedites the judicial process
 - Lowers recidivism rates
 - Develops a community of youth who pride themselves in giving back
 - Provides an opportunity for local youth to become a part of the solution regarding juvenile crime
- For the Jurors:
 - Develops empathy for, and awareness of, issues facing their peers and community
 - Gives them a sense of ownership toward their school and community
 - Develops a sense of civic responsibility

- Develops the following skills: leadership, critical thinking, communication, social, and objectivity ● For the Offender:
 - Improves chances of becoming a law-abiding citizen
 - Gives an opportunity to make amends and meaningfully right the wrong, rather than just being punished
 - Gives a chance to offer an apology or an explanation
 - Helps them truly understand the real human consequences of their offense
 - Gives the opportunity to restore self-image as a good and competent person