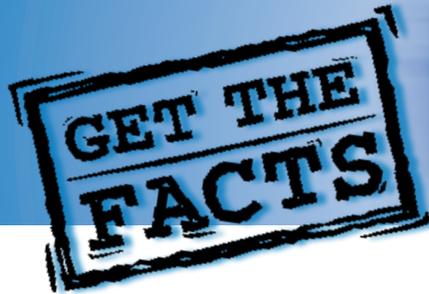




Juvenile justice system

Pre-trial



The Illinois juvenile justice system was created to address the unique needs of young offenders. This *Get the Facts* provides an overview of what might occur as juveniles await trial, including intake screenings, pre-trial detention and detention alternatives, and transfers to adult criminal court.

What can happen to a juvenile awaiting trial?

A juvenile awaiting trial may be detained in a secure temporary detention facility, released to a parent or guardian, or assigned to one of several detention alternatives, such as home confinement and electronic monitoring. Juveniles also may avoid prosecution through court diversion programs.

What diversion opportunities are available to juveniles awaiting trial?

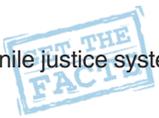
It is possible for youth to be diverted from further system involvement after arrest. The youth may be given informal probation supervision, also known as a probation adjustment. They also may be referred to community mediation panels, counseling, restitution, or other community-based programs that hold youth accountable while providing opportunities for rehabilitation and restoration.

What is a juvenile intake screening?

The juvenile intake screening is performed by the state's attorney's (prosecutor's) office, sometimes with the assistance of the juvenile probation department, to determine whether it is appropriate to place the juvenile into a diversion program, allow informal probation supervision, file a petition of delinquency and move forward with the case, dismiss all charges, or transfer the case to adult court.

What are some detention alternatives for juveniles who are awaiting trial?

Alternatives to pre-trial detention include home confinement, electronic monitoring, and day or evening reporting centers. Juveniles who attend day or evening reporting centers are transported to the facilities during the day or in the evening where they participate in structured activities and programs and complete school work and group counseling. Day and evening reporting centers are typically used in conjunction with home confinement. Also available are less secure pre-trial detention facilities, which allow youth less restrictive placement settings while awaiting trial.



How do authorities make pre-trial detention decisions?

A juvenile who is determined with a risk assessment instrument to be a flight risk or a danger to himself or the community are held in a detention facility while awaiting trial. Further screening then determines whether the youth requires detainment in a secure detention facility. The determination is based on severity of the alleged offense, the youth's prior justice system involvement, and whether the youth has missed previous court dates or has an active warrant.

After the decision to detain a juvenile is made, a court hearing must be conducted within 40 hours, excluding weekends and court holidays, to determine if there is probable cause that the minor is delinquent. However, a youth also may be detained if secure custody is of immediate necessity for the minor's protection or the protection of another person or his or her property, if the minor is likely to flee, or if the minor was arrested under a warrant.

When is a juvenile transferred to the adult criminal court?

A juvenile may be automatically transferred to the adult criminal court (via excluded jurisdiction) if they are 15 years of age or older and are alleged to have committed first degree murder, aggravated discharge of a firearm in a school, on school property, within 1,000 feet of a school, at a school activity, or in a school vehicle, and in certain cases where the youth is charged with a felony. Mandatory transfers are ordered in certain circumstances for forcible felonies committed in furtherance of gang activity.

What is a presumptive transfer?

A presumptive transfer occurs when the state's attorney files a petition to allow for the prosecution of a youth 15 years old or older who is charged with a Class X felony other than armed violence, or charged with aggravated discharge of a firearm, or another statutorily specified offense in the adult criminal court. Presumptive transfers will occur unless a juvenile court judge determines that the youth is amenable to care, treatment, and training programs available through the juvenile court.

What is a discretionary transfer?

A motion for discretionary transfer is made by the state's attorney to allow for the prosecution of a youth 13 years of age or older in the adult criminal court. The court will consider many factors before granting a discretionary transfer, including probable cause, seriousness of the offense, and the minor's prior record of delinquency.

About *Get the Facts: Juvenile Justice System*



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



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