

## **PART 9.00 JUVENILE PROCEEDINGS**

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## **9.01 PURPOSE AND POLICY**

These rules set forth procedures for the Juvenile Court in the Twenty-Second Judicial Circuit. They supplement the [Juvenile Court Act of 1987 \(705 ILCS 405/1-1 et. seq.\)](#) [hereinafter Juvenile Court Act], [the Code of Civil Procedure \(735 ILCS 5/1-101 et. seq.\)](#) and the [Rules of the Supreme Court of Illinois](#). They are designed to facilitate the movement of cases through the court, by reducing unnecessary delay, strengthening case flow management, and encouraging the involvement of parents and other parties to provide for the best interests of children.

## **9.02 JUVENILE COURT JUDGES**

The Chief Judge or their designee shall designate Juvenile Court Judges to hear juvenile court matters. All Juvenile Court matters, including without limitation detention matters, shall be heard by a designated Juvenile Court Judge, if practicable, or by any judge sitting in his or her stead. In any event, the judge entering the adjudicatory order shall, whenever possible, conduct the dispositional hearing.

## **9.03 RELEASE OF CONFIDENTIAL INFORMATION**

All requests for release of information of law enforcement and juvenile court records held confidential under Sections 1-7 and 1-8 of the Juvenile Court Act may be heard by the Juvenile Court Judge.

## **9.04 EXPUNGEMENTS**

All requests for expungement of law enforcement and juvenile court records under Section 1-9 of the Juvenile Court Act may be heard by the Juvenile Court Judge.

## **9.05 INTERSTATE COMPACT ON JUVENILES**

All requests for the return of a minor pursuant to the Interstate Compact on Juveniles ([45 ILCS 10/1 et seq.](#)) requiring court approval may be heard by the Juvenile Court Judge.

## **9.06 REPORTS**

A report to a Juvenile Court Judge concerning a pending Juvenile Court Case shall be filed with or received by (and not merely mailed to) the Clerk of the Circuit Court at least three (3) court days prior to any hearing (i.e., review, sentencing, etc.) at which the report will be considered. The report shall contain the name of the minor at issue in the case, along with the number of the case, and the date and time when the case will next be called by the court for hearing. Reports should include appropriate references to any related case. Copies of reports must be delivered to the Juvenile Court Judge.

## **9.11 PRE-HEARING CONFERENCE**

- A. The court may convene a pre-hearing conference on its own motion or upon the request of any party. Others may be scheduled as deemed necessary by the court.
- B. Depending upon the circumstances of the case, at the pre-hearing conference, the court may:
  - 1. Review efforts to locate and serve all parties;
  - 2. Resolve any discovery disputes;
  - 3. Identify significant issues of law and fact;
  - 4. Develop a list of possible witnesses and receive stipulations to uncontested facts;
  - 5. Confirm scheduling and estimate the length of proceedings;
  - 6. Explore resolution of the matter; and
  - 7. Enter such order as the court deems appropriate.
- C. Each party shall have a continuing obligation to update in a timely fashion the court and all other parties regarding information provided during the pre-hearing conference.

## **9.12 DISCOVERY**

- A. **Discovery without leave of Court.** Without leave of court, discovery is limited to a reasonable written request for information, documents, records, and evidence available for inspection. Testing, copying or photographing may be undertaken without the leave of court. Any party receiving such a written request for discovery shall comply within ten (10) days with the request or file a written objection with the court, stating the reasons for objection, with copies served on any other party in the case.
- B. **Discovery with leave of Court.** All provisions for discovery in the Rules of the Supreme Court of Illinois are applicable to Juvenile Court proceedings with leave of court for good cause shown.

## **9.13 ANSWER TO PETITION**

Answers admitting substantive allegations in petitions shall be made by the parties personally in open court. Denials may be made by counsel on behalf of their clients unless otherwise ordered.

## **9.14 INTAKE PROCEDURE**

The Department of Court Services shall complete a Referral Screening Sheet upon receipt of a proper proposal to file a delinquency petition.

### **9.15 PRELIMINARY CONFERENCE**

Pursuant to Sec. 5-12 of the Juvenile Court Act, Court Services is authorized to schedule a preliminary conference with a view to adjusting suitable cases by resolving them without the filing of a petition. The preliminary conference shall be scheduled within 28 days of the submission of the referral screening sheet, and notice shall be sent to the person seeking to file a petition, the prospective respondents and other interested persons. A conference will be held for all referrals to Juvenile Court with the following exceptions: (1) where the minor is detained or (2) where the State's Attorney has indicated he or she will demand a judicial hearing.

### **9.16 PROBATION ADJUSTMENT (formerly Diversion)**

Court Services shall consider all available facts in electing to adjust cases without a delinquency petition in Juvenile Court, including but not limited to:

- A. The best interest of the minor;
- B. The seriousness of the acts alleged to have been committed by the minor;
- C. The need to protect the community;
- D. The conduct and relationship of the minor and the minor's parents;
- E. The availability of appropriate alternative resources and the amenability of parents and minors to make use thereof; and
- F. Prior contacts with the Juvenile Court System.

### **9.17 RECEPTION AND DETENTION OF MINORS**

Unless otherwise ordered by the Juvenile Court Judge, the Intake Officer will designate the place for reception and detention of minors not released from custody by a Juvenile Police Officer or other person authorized to take custody of children. A hearing shall be scheduled before a Juvenile Court Judge as soon as practicable in accordance with the schedule of the court for such hearings. Prior to any such hearing, Court Services shall provide copies of any and all reports completed on the detention of the minor to the court.

### **9.18 INVESTIGATION OF CIRCUMSTANCES OF CUSTODY**

Those persons (hereinafter referred to as "Intake Officer"), whom the Chief Judge (or his delegate) shall from time to time designate, shall immediately investigate the

circumstances of the minor and the facts surrounding his or her being taken into custody, in accordance with Sec. 5-8 of the Juvenile Court Act. The Intake Officer shall have the authority to detain and keep a minor pending a judicial detention hearing provided the statutory criteria set forth in Sec. 5-7 of the Juvenile Court Act are met. No minor shall be admitted to secure detention without the written authorization of the Intake Officer.

### **9.19 DISCOVERY**

Upon the first court appearance by counsel for the respondent and without written motion, the state shall provide counsel with the material and information specified in [Supreme Court Rule 412](#) within its possession or control. The state has a continuing duty to supplement this material and information in a timely fashion. Within the time limit stated by the court, the defense shall disclose to the prosecution the material and information specified in [Supreme Court Rule 413](#) within its possession or control. The defense has a continuing duty to supplement this material and information in a timely fashion.