

February 9, 2015

To: Cook County Legislation Committee
From: Illinois Parent Teacher Association (Illinois PTA)
Re: **Restoring Judicial Discretion in the Transfer of Juveniles to Adult Court**

The Illinois PTA strongly supports Cook County Resolution 15-1216 urging the Illinois General Assembly to restore judicial discretion in the transfer of juveniles to adult court.

The Illinois PTA, an association with tens of thousands of members in Illinois has a long history in its Legislation Platform of advocating for **“Original and exclusive jurisdiction over children under the age of 18, to be in the juvenile court.”**

Further, in its most current report on juvenile justice issues, “Ten Years of Progress,” the Illinois PTA has several recommendations adopted by its members sitting in convention, including the following:

“Support without exception that the jurisdiction of the juvenile court must be based on age, and not on the alleged crime. The determination to transfer a minor to the criminal court for trial must be made by the juvenile court, not by automatic transfer statutes.”

For one hundred years, the philosophy behind the juvenile justice provisions of Illinois has been that, “children are developing emotionally and cognitively, are impressionable and can be influenced, for good or for evil,””children need a special forum (court) in which they could understand and be understood.” (Center for the Future of Children. *The Future of Children, The Juvenile Court*. Volume 6, Number 3, Winter 1996. Page 6)

Juvenile courts adjudicate youth as delinquents, rather than convict them as criminals, with the expectation that the court can shape and mold youth as a parent would.

Gradually, in Illinois, statutes were enacted that allowed minors to be transferred to adult court. “Beginning in 1982, the Illinois General Assembly adopted legislation providing for automatic transfer to adult court of youth ages 15 and 16 charged with violent offenses, including murder, armed robbery with firearm, rape, and deviant sexual assault.”

During the ensuing years, Illinois expanded its automatic transfer to adult court to include drug offenses within 1,000 feet of a school or public housing, and Illinois ended up with one of the most extensive automatic transfer statutes in the nation.

These laws also caused a disproportionate effect of transfers of minority youth to adult court for drug offences, almost exclusively in Cook County, where density of housing and schools made the 1,000 foot rule apply.

In Illinois, several studies showed that there was not a deterrent effect from these automatic transfer laws, but the legislature took no action. Finally in 2004, after the General Assembly created a *Task Force on Trial of Juveniles in Adult Court*, and it recommended changes in statutes, the General Assembly agreed to delete the automatic transfer of drug offenses within 1,000 feet of a school. This legislation makes Illinois one of the first states to *begin* to rethink its policies on automatic transfer.

This was only the beginning of the changes needed to assure that every juvenile faced with being charged with a crime, begins in juvenile court. Statutes can allow that a juvenile be transferred to adult court, but the PTA’s position is that that decision should be made by a juvenile judge in the juvenile court.” (Emphasis added)

Further, in support of this position in favor the juvenile court having the discretion on transfer of juveniles to adult court, the Illinois PTA makes the following statements:

- After the age of a juvenile was raised to 18, automatic transfers have increased dramatically, (the population of automatic transfers in the Cook County Juvenile Detention Center has doubled from 72 to 144) Automatic transfer has a disproportionate impact on children of color;
- Automatic transfer ignores the scientific studies showing that the juvenile brain is not fully developed the areas that regulate rational decision making;
- Automatic transfer eliminates a juvenile judge's ability to consider a child's role in a specific crime.

Nothing keeps a juvenile judge from deciding that a child should be transferred to adult court. But, without the opportunity to consider a transfer, the very reason the juvenile court exists is ignored, and the opportunity to consider what is best for a child is lost.

Again, the Illinois PTA strongly urges the Cook County Board of Commissioners to support the adoption of HB 172 by the Illinois General Assembly.

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