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TEN YEARS OF PROGRESS

on

The Placement and Care of Children in Substitute Care and The Juvenile Justice System

Illinois PTA 1999 Report Revisited - Including New Recommendations

TREATMENT AND CONTROL OF DEPENDENT, NEGLECTED AND DELINQUENT CHILDREN

An Act to regulate the treatment and control of dependent and delinquent children.

Illinois Statute - Act 21

CONSTRUCTION OF THE ACT This act shall be liberally construed to the end that its purpose may be carried out, to-wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can properly be done, the child be placed in an improved family home and become a member of the family by legal adoption or otherwise.

*** APPROVED APRIL 21, 1899 ***

INFORMATION FROM THE ORIGINAL ILLINOIS JUVENILE COURT ACT

**TEN YEARS OF PROGRESS
ON THE PLACEMENT AND CARE OF
CHILDREN IN SUBSTITUTE CARE
AND
THE JUVENILE JUSTICE SYSTEM
Illinois PTA 1999 Report Revisited
Including New Recommendations**

“A child is a person who is going to carry on what you have started. He is going to sit where you are sitting, and when you are gone attend to those things which you think are important..... He will assume control of your cities, states and nation. He is going to move in and take over your churches, schools, universities and corporations....the fate of humanity is in his hands.” Abraham Lincoln

HISTORY

In 1997, a local PTA shared the following information with the Illinois PTA in the form of a Resolution to the Illinois PTA Annual Convention.

Resolved: That the Illinois PTA form a task force to study the procedures used by the state for placement of children in substitute care, group homes, permanent adoptions, and Department of Corrections;

A Task Force was appointed that began an investigation of child placement and care of children in the Juvenile Court system and they presented a written report with recommendations to the 1999 Convention. The entire original report can be requested from the Illinois PTA at ilpta@ameritech.net.

In 2008, the Illinois PTA State Board of Managers authorized a revisit of the recommendations of the report to reconfirm their provisions or revise and/or update them. This report fulfills that task. The PTA board members who contributed to this report are listed in Appendix A.

BACKGROUND

It is clear to those revisiting the recommendations of the original report, that many of its recommendations remain in need of being fulfilled. They are identified at their end with (1999). The *information* regarding those has been updated. Several new recommendations have been added. They are identified at their end with (new).

The Illinois PTA urges the members of the PTA and *all* who read this report to work to turn these recommendations into reality - for the well-being of all children, and the future of our state.

Specific action suggestions follow each recommendation narrative.

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AND
THE JUVENILE JUSTICE SYSTEM
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EXECUTIVE SUMMARY

The following are the recommendations the Illinois PTA now makes as a result of revisiting its 1999 *Report on the Placement and Care of Children in Substitute Care and the Juvenile Court System.* This new report, “*Ten Years of Progress,*” includes some recommendations from the original report, which are indicated at the end with (1999), and some new recommendations, which are indicated at the end with (new).

GENERAL RECOMMENDATIONS

1. Support a maximum effort to eliminate the pervasive effects of the use of alcohol and illegal drugs by both adults and children. Increased prevention and treatment programs must be made available, particularly for parents and young people. The legislature must provide adequate funds for these prevention and intervention programs so as to assure services are available to all who need them. (1999)
2. Support a maximum effort to assure that all children in Illinois complete their high school education. (1999)

SUBSTITUTE CARE RECOMMENDATIONS

Legal Protection of Foster Children

3. Assure that the Guardian ad Litem assigned to every child under the jurisdiction of the court is trained to provide a continuing presence and support for the child, and assure that the best interests of the child are presented before the court regarding decisions such as placement. (1999)
4. Provide that children’s attorneys shall not serve as their Guardian ad Litem, so as to avoid a conflict of interest. (1999)
5. Encourage the expansion of programs such as CASA (Court Appointed Special Advocates), which provide volunteers who investigate the situations of children coming before the court, and provide information and recommendations to the court. (1999)

Permanency Provisions

6. Provide a strong family reunification program, where it is in the best interest of the children, that includes continuing support for the children and family. (new)
7. Encourage adoption of foster children where it is in the best interest of the children, along with continuing support for the children and family where that is necessary. (new)

Services for Foster Children

8. Require that all children be provided with a continuity of services, including any foster care or residential services, as close to the child's home community as possible, preferably within the same county. (1999)
9. Provide increased attention and services for older children in the system, providing better preparation of teenagers for independent living. (1999)

Support the Education of Foster Children

10. Provide additional financial support to public schools for enrolled foster children, who are in the care of DCFS and the juvenile courts, so as to assure that the schools can provide an appropriate educational program for these children as well as necessary psychological and social services. (1999)
11. Require that DCFS assure that school and medical records accompany the placement of children to substitute care and school settings. (1999)

Support for Foster Parents and Foster Homes

12. Provide required training for foster parents, both traditional (not related to the child) and non-traditional (related to the child), including specialized training on handling children who are medically fragile (including meth, fetal alcohol syndrome, HIV and crack), abused, neglected or who have emotional or behavioral problems. (1999)
13. Give foster parents adequate background information on the children entrusted to them so that they can better understand the children and more effectively meet their needs. (1999)
14. Provide on-going support for foster parents, including help for handling the specific needs of a child, and assistance such as respite care. (1999)
15. Assure appropriate monitoring of foster homes to better protect the welfare of the children placed in them, including a statewide placement database. (1999)

Training for Social Service Employees

16. Require proper training and certification/licensure of caseworkers, social workers and staff working with children in the child welfare system, along with competitive salaries to match these qualifications. (1999)
17. Require that caseworkers, social workers and staff maintain their certification with a program of continuing education. (1999)

Support and Supervision of Residential Facilities

18. Provide adequate residential facilities in Illinois so that the state's children do not need to be placed out of state. (1999)
19. Require that the period of placement of children in residential facilities is of sufficient length to assure that the children receive all of the services they need to prepare them for future placement. (1999)
20. Require a continual process of evaluation of the programs offered by residential facilities, including follow-up on children who have completed such programs, so as to ascertain their programs' effectiveness and enable adjustments that will improve their success. (1999)

JUVENILE JUSTICE SYSTEM RECOMMENDATIONS

Federal Juvenile Justice and Delinquency Prevention Act

21. Support the federal Juvenile Justice and Delinquency Prevention Act, and adequate appropriations for its provisions, which provide financial support to states for programs that relate to juvenile justice. (1999)

Juvenile Court System

22. Raise the jurisdiction of the juvenile court to all youth under the age of 18. (1999)
23. 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 as an adult must be made by the juvenile court, not by automatic transfer statutes. (1999)
24. Provide alleged juvenile offenders with adequate legal counsel at all stages in their contact with the justice system. (1999)
25. Provide judges and juvenile court staff with appropriate child development training, including on the development of the adolescent brain, to be well prepared to handle juvenile youth. (1999)
26. Support provisions to reduce disproportionate representation of minorities in the juvenile justice system. (new)
27. Support expungement of juvenile records, and court discretion in sex offender registration of juveniles. (new)
28. Study the elimination of the sentencing of juveniles to Life Without Parole. (new)

Illinois Department of Juvenile Justice

29. Support the Illinois Department of Juvenile Justice and its mission devoted to the rehabilitation of juvenile offenders. (new)
30. Provide sufficient community-based alternatives and adequate intervention programs of graduated sanctions to avoid detaining youth in secure detention unless absolutely necessary for the safety of the youth or the community. (new)
31. Support Redeploy Illinois and the expansion to all Illinois counties of this program that gives counties financial support to provide comprehensive services in their home counties to youth who might otherwise have been sent to a juvenile corrections center. (new)
32. Support the reform of the conditions of confinement for all youth in juvenile detention or correction facilities, including providing appropriate and adequate rehabilitation, as well as educational and social services. (1999)

GENERAL RECOMMENDATIONS

1. Recommendation:

Support a maximum effort to eliminate the pervasive effects of the use of alcohol and illegal drugs by both adults and children. Increased prevention and treatment programs must be made available, particularly for parents and young people. The legislature must provide adequate funds for these prevention and intervention programs so as to assure services are available to all who need them. (1999)

Alcohol use by persons under 21 years of age is a major public health problem.¹ It is the most commonly used and abused drug among youth in the U.S. The drinking levels vary, but the 2007 Youth Risk Behavior Survey² indicates that 46% of youth surveyed drank some amount of alcohol. The consequences of underage drinking include school problems, such as higher absence, poor or failing grades; social problems, such as fighting and lack of participation in youth activities; legal problems, such as arrest for driving or physically hurting someone, physical problems such as hangovers or illnesses, memory problems, changes in brain development, and death from alcohol poisoning.³

According to the references cited here, reducing underage drinking will require community-based efforts to monitor the activities of youth, and decreases in youth access to alcohol. “Recent publications by the Surgeon General and the Institute of Medicine outlined many prevention strategies that will require actions on the national, state, and local levels, such as enforcement of minimum legal drinking age laws, national media campaigns targeting youth and adults, increasing alcohol excise taxes, reducing youth exposure to alcohol advertising, and development of comprehensive community-based programs. These efforts will require continued research and evaluation to determine their success and to improve their effectiveness.”⁴

“Untreated substance abuse and addiction add significant costs to families and communities, including those related to violence and property crimes, prison expenses, court and criminal costs, emergency room visits, healthcare utilization, child abuse and neglect, lost child support, foster care and welfare costs, reduced productivity, and unemployment.”⁵

In both the federal level and state levels, recent budget proposals have included reductions in the funds available for substance abuse prevention and treatment, with the results that public and private agencies either must cut back on services, or seek funds from private sources.

Action Suggestions: PTAs should ask for a speaker from the school district to explain how students receive information about alcohol and drug use and abuse. Parents can establish a program of contracts between students and parents promising that students will not use alcohol or drugs. A police officer can explain what happens to an under-aged drinker who is arrested. The PTA can call a meeting of community organizations to plan a no-use campaign in the community.

2. Recommendation:

Support a maximum effort to assure that all children in Illinois complete their high school education. (1999)

“From the outset, PTA has championed the importance of equal opportunity for all children, regardless of socioeconomic background, and addressed associated problems of child labor, childhood diseases, and a judicial system more concerned with punishment than with rehabilitation of juveniles.⁶

In addressing the issue of the quality of education, the Illinois PTA states “a demand on the public school system that it meet its responsibility of assuring every child an education relevant to his/her needs.”⁷

The Illinois State Board of Education (ISBE) mission is that it will provide leadership assistance, resources and advocacy so that every student is prepared to succeed in careers and postsecondary education, and share accountability for doing so with districts and schools.

The goals of the ISBE are: Every student will demonstrate academic achievement and be prepared for success after high school; every student will be supported by highly prepared and effective teachers and school leaders; and, every school will offer a safe and healthy learning environment for all students.⁸

It is clear that meeting these goals will result in achieving what every youth in Illinois needs at the very least, a high school education.

In Illinois in 2008, there are 868 districts, with 3,894 schools, and 2,074,167 students. With 41 % low-income enrollment and a minority enrollment of 46%, the schools of Illinois graduate 86.5% of its students.⁹

These statistics will change in the coming years of course, but the goal of educating every student to the best of his/her ability will not be achieved, and the graduation rate will not improve, unless the state improves its support of public education.

Nationally, 1 out of 8 students drop out of school annually without attaining a diploma. These students are much more likely to face unemployment, underemployment, and incarceration. Again, nationally, 2007 figures find that a student without a high school diploma will have an average annual income of only \$16,485 compared to a graduate’s \$26,156.¹⁰

<p>Action Suggestions: All PTAs have as Objects and Policies that direct them to work with parents and schools to do all in their means to see that all children succeed in school, with the final result that all children achieve a high school diploma. Available to every PTA are programs and projects that will help it work with its members and the school with which it is allied, to achieve this goal. Moreover, PTAs, working together at the state level, have the power to improve the funding and laws that affect the public school system in Illinois.</p>

SUBSTITUTE CARE RECOMMENDATIONS

Legal Protection of Foster Children

3. Recommendation:

Assure that the Guardian ad Litem assigned to every child under the jurisdiction of the court is trained to provide a continuing presence and support for the child, and assure that the best interests of the child are presented before the court regarding decisions such as placement. (1999)

The law mandates that each child in substitute care have a guardian ad litem (GAL) whose job it is to advocate in court for the child's best interests. Illinois law does not mandate that the GAL be an attorney.¹¹ The role of GAL differs from an attorney *for* the child, whose duty is to advocate for what the child *wants*, or the parent's attorney who represents the parent's interests.

In Cook County, that has the largest case load in the state, the Cook County Public Guardian has a Juvenile Division. This division acts as the attorney and GAL for virtually all abused and neglected children in the county. The Cook County Public Guardian represents these children as soon as their parents are brought to the court on charges of abuse or neglect. Once the court determines there has been abuse or neglect, the court generally makes the child a ward of the state. In Illinois, that means the Department of Children and Family Services (DCFS). The job of GAL becomes more complex as the court process continues. The GAL advocates in the child's best interest on many issues including visitation, return home, termination of parental rights, and ultimately adoption.¹²

Action Suggestions: A PTA can have a program presented by its county juvenile court, explaining who acts as the guardian ad litem (GAL) for children in the county, and how they proceed with DCFS and the juvenile court. This is an ideal time for the PTA to ask how citizens can best assure these children get the care they need.

4. Recommendation:

Provide that children's attorneys shall not serve as their Guardian ad Litem, so as to avoid a conflict of interest. (1999)

Each county in Illinois has a different process for handling children, especially since the case load is so different depending on the population of the county. There can be a conflict if the same person is acting as both the child's guardian ad litem (GAL) and attorney. The GAL acts in the best interests of the child, which may not be what the child wants.

"Attorneys can be caught in conflicts about privileged communications because they are ethically bound not to reveal confidences of any client, adult or child. There is not a problem if the attorney is hired to represent a child's wishes, but when the attorney acts as GAL, the situation becomes muddled. Occasionally the GAL is required to be called as a witness, something an attorney cannot be asked to do. Finally, if GALs learn of any abuse or neglect to the child, they are required to breach confidentiality, while an attorney does not have to do so."¹³

Action Suggestions: At a PTA program presented by the county juvenile court or DCFS, ask if the GAL is separate from the child's attorney, or is the same person, and how that process works. This is a way the PTA can then advocate for being sure every child receives the best care possible from the county.

5. Recommendation:

Encourage the expansion of programs such as CASA (Court Appointed Special Advocates), which provide volunteers who investigate the situations of children coming before the court, and provide information and recommendations to the court. (1999)

Court Appointed Special Advocates (CASA) volunteers are specially trained to speak for the best interests of abused or neglected children in court, to help find them safe, permanent homes. The CASA volunteer will often be the one constant adult presence that a child will experience while they are in the juvenile court and foster care system. Social workers, judges and attorneys may change, *but the CASA volunteer will remain with the child until he or she leaves the system.* "The CASA advocate has one purpose – to advocate for the best interest of the child."¹⁴

"Illinois, along with other states, has shortened the average length of time in out-of-home care considerably. Cook County has drastically reduced the number of children in its child welfare system. Other things haven't changed: caseworkers and attorneys with overwhelming caseloads, the level of abuse and neglect, and the over-representation of children of color – especially African-American children in Cook County." The shortage of CASA volunteers to meet the need statewide is serious, and judges believe that additional CASA volunteers would help them make well-informed decisions in more cases.¹⁵

Action Suggestions: Present a PTA program about CASA. Invite a representative from CASA to speak about the project and encourage members to consider volunteering. Ask the presenter in what ways the PTA can help with the needs of CASA volunteers.

Permanency Provisions

6. Recommendation:

Provide a strong family reunification program, where it is in the best interest of the children, that includes continuing support for the children and family. (new)

In 1997, the State of Illinois had 51,331 children in foster care. In June of 2007, there were 16,160 children in foster care.¹⁶ This is the result of a strong program to get more children adopted, and to provide more services to biological families to keep them intact.¹⁷

Several different things caused this change in children's situations. The definition of neglect changed. A child was no longer considered neglected if left with a responsible relative. This changed the status of thousands of children. Then, the state developed a subsidized guardianship program. This plan creates an option in which parental rights remain intact but families leave state custody and oversight.¹⁸

Between 1997 and 2007, 81,000 children left foster care and became part of permanent homes, 32,000 were reunified with their birth families, 39,000 were adopted, and 10,000 were placed under permanent guardianship of relatives and former foster parents. It is important to

note that in 2007 there were 43,000 children in publicly assisted permanent homes.¹⁹

Illinois is focused on making sure more children can leave foster care to live permanently with loving families. The State provides assistance to thousands of families where grandparents, aunts, and other relatives become legal guardians of children, allowing them to exit foster care. Relative guardianship has cut the number of children in foster care in half.²⁰

“Preventing breakdowns so that families can receive preservation services without coming back into substitute care is a focus of DCFS (Department of Children and Family Services).”²¹

Safety plans are implemented during a child abuse and neglect investigation to ensure the child’s safety. These might include a caretaker, and/or moving children to live outside of the home. Another recommendation is that a continuity of services for each child is important to provide the best care for them.²²

Action Suggestions: PTA units can ask a representative from DCFS to present a program about how child abuse/neglected accusations are handled, and what the department does to work with a family to allow the child to return to it safely. The PTA can ask what the community can do to help with family reunification.

7. Recommendation:

Encourage adoption of foster children where it is in the best interest of the children, along with continuing support for the children and family where that is necessary. (new)

Changes in policy and practice at both the federal and state level in the mid-1990s were followed by substantial increases in the number of children adopted and discharged to legal guardianship in Illinois.²³ In Illinois, services and subsidies are provided for some children who are adopted, and meet certain criteria. Further, some children meet eligibility for a guardianship subsidy. Guardianship is granted when adoption have been ruled out for this child and documented in his/her case record. Subsidies last until the child’s 18th birthday, or until high school graduation, or 19th birthday, whichever comes first.²⁴

DCFS serves many children for whom finding adoptive families is difficult. These “waiting children” are often older, or have special needs. Subsidies for families who adopt these children, or become guardians, include services such as ongoing monthly payments equal to what the child’s foster care payment was, a Medicaid card, counseling, and/or therapeutic day care.²⁵

The Illinois PTA urges the State to provide *adequate financial support* for DCFS to enable the department to strengthen and expand the services available to families *after* adoption or guardianship.

Action Suggestions: PTAs can invite a person from DCFS to explain the adoption program of the state, and offer further information to persons who might be interested in becoming a parent or guardian of a child in the custody of the State.

Services for Foster Children

8. Recommendation:

Require that all children be provided with a continuity of services, including any foster care or residential services, as close to the child's home community as possible, preferably within the same county. (1999)

When family reunion is not possible, foster care would be best if offered by caring relatives or adults the child already knows, to increase the chance the child would remain in one caring home. Hopefully it would mean "routinely placing children within their own neighborhood where they can stay connected to their schools, friends and community supports."²⁶

DCFS has a wide range of policies and services that seek to affect the lives of children who are in foster care including the policy of trying to find them a permanent home by, as much as possible, returning them to their own home, or finding them an adoptive home.

Many initiatives are intended to assure that the children are safe. Decreasing the caseload of staff, and continued available training – some of it on-line – impacts the safety of the children.²⁷

"Every school change has a significant impact on a student's education.... A stable school environment provides children with opportunities to develop positive relationships with supportive and caring teachers, school counselors, and classmates. These relationships and an established school routine often provide a measure of protection from the disruption and uncertainty associated with foster care. Hence, both school stability and uninterrupted attendance are necessary."²⁸ Obviously, a child must be placed close to that child's home if he/she is going to be able to attend the same school, or transportation must be furnished to allow maintaining attendance in the same school.

In 2006, DCFS revised its statewide child welfare policy to require placement of a child within their current school district. This keeps a child close to their own family, which can promote reunion. It can also help the child's sense of stability and school success.²⁹

Action Suggestions: PTAs, recognizing that the fact that a child might be a foster child is not public knowledge, can never-the-less, ask their school principal to present a program on the needs of foster children who come into the school population. The PTA can offer to place an amount of money in its budget the principal can use to meet school-related expenses foster children cannot meet.

9. Recommendation:

Provide increased attention and services for older children in the system, providing better preparation of teenagers for independent living. (1999)

Older youth sometimes need more therapeutic assistance than when they were younger, often, particularly because of their exposure to the juvenile system. Their behaviors and needs will need special handling. This requires special training of staff and help for foster parents. Also, older foster youth need to be prepared either for the work force or post-high school education.³⁰

DCFS does have a long list of scholarship programs and Independent Living Skills programs available to older youth.³¹

"Improving the permanency prospects of older youth requires addressing two fundamental problems. One problem is that child welfare systems typically do not acknowledge an older child's need for permanence. Because some teenagers who enter foster care have challenging

emotional and behavioral issues, they are seen as both difficult to place and to help. Their need to be part of a family gets swept aside in the name of “treatment” which often means institutional placement. In this type of placement, teens are least likely to develop the ability either to form or sustain strong family relationships. To compound this, many teens feel bonded to their natural families, despite the problems they have experienced, and are often unwilling to have those bonds legally severed by the termination of parental rights.”³²

“The second problem is simpler, but more important: Child welfare systems do not sufficiently engage and listen to older youth as they plan for their futures. They ignore the fact that older youth probably have the most knowledge about what they need to succeed.” However, child welfare providers must still protect youth from making unsafe decisions.³³

Youth and their permanent families or guardians need to be provided with post-permanence supports to help their relationships succeed.³⁴

Illinois is a state that leads in keeping youth in care to age 21, although youth can request to “age out” or be emancipated at 18, they are urged to remain and take advantage of many opportunities that include support for college and vocational training, transitional and independent living, youth housing assistance, and life skills training.³⁵

Currently (2009), the federal government has given Illinois special permission to offer the same college and employment readiness programs to qualifying teens who are adopted or go to guardianship, as it offers to youth who stay in foster care. Moving to permanency through adoption or subsidized guardianship is an ultimate goal, but it typically ends a youth’s eligibility for services and supports. This new Enhanced Subsidized Guardianship and Adoption Program (ESGAP) is a demonstration project that seeks to ensure a youth does not have to choose between a permanent family or college/vocational costs. This is a tremendous step forward in moving young people to independent living.³⁶

The Illinois PTA urges that added programs and *adequate funding* be available to assure that these older children, who have barriers that most teens do not, receive every opportunity possible to succeed in being prepared for adulthood.

Action Suggestions: PTAs, especially those in high schools, should provide an amount of money in their budgets that principals can use to provide “extras” that teens in foster care, or who are “in the system” need to fit in with the other students, whether it is uniforms or dance tickets or whatever. Ask a counselor or the principal to present a program to the PTA, about how the school works with youth who are wards of DCFS.

Support the Education of Foster Children

10. Recommendation:

Provide additional financial support to public schools for enrolled foster children, who are in the care of DCFS and the juvenile courts, so as to assure that the schools can provide an appropriate educational program for these children as well as necessary psychological and social services. (1999)

The Illinois PTA as it works with schools and school districts has been made aware of the increased cost to school districts of the enrollment of foster children in the district. Each child must be placed in the appropriate grade, and since the child’s records do not always accompany him/her, and different schools may have different placement expectations, testing is often

necessary. In addition, foster children, being in extremely stressful situations, often need social services, which add to the costs of the district. Also, foster children are often placed in special education. “It may be that the higher numbers of students in special education in the child welfare system are a result of trauma and stress from the abuse and neglect they experience. It may also be due to the fact that the educational system has no place other than special education to get services for students who are experiencing trauma and stress. Both of these may co-exist.”³⁷

DCFS has policies and procedures designed to assist the success of foster children in school. However, at times the caseworkers have too many cases to assure that the requirements are met. Among these other requirements, caseworkers are to see that every child’s case plan includes an educational plan, that these records contain current information on school placement, progress, educational history and assessments. Further the caseworker is to make reasonable efforts to overcome systemic barriers that delay school enrollment, including transfer of school records.³⁸ Regardless of lack of records or adequate communications with DCFS, the children must be placed and educated.

In 2000, shortly after this recommendation was adopted by the Illinois PTA, the Center for Child Welfare and Education was created. It is a partnership between Northern Illinois University and DCFS. It had two units, Research and Policy Development and Educational Access Program (EAP). EAP prepares and provides training for social welfare personnel, caregivers and school personnel to secure effective educational services for children. EAP staff provide individual interventions between families and schools to help secure necessary educational and related support services.³⁹ These advocates are a great help to individual foster children, to assure they are properly placed in a school, and any issues that arise are addressed.

The State Board of Education budget allocates funds to schools for special education costs of school districts for children residing in orphanages, children’s homes, foster family homes or other state-owned facilities. Also funds are provided in lieu of the local property tax revenue associated with children residing in orphanages, foster homes, children’s homes, state welfare or penal institutions and state-owned housing.⁴⁰

However, whether added costs to school districts when they are providing needed services to foster children are because of placement testing, providing social services, or because of costs of increased special education services, school districts need added financial support beyond what they receive to pay for these costs.

Action Suggestions: PTAs can ask a representative from their school district to provide them with information regarding the costs the district bears beyond the funding received from the State Board of Education, in servicing foster children. The PTAs should then urge their legislators to increase the funds available to help foster children succeed in school.

11. Recommendation:

Require that DCFS assure that school and medical records accompany the placement of children to substitute care and school settings. (1999)

The rules and procedures of DCFS all provide that when a child is placed in a new school, the school records from the previous school should be provided. The rules of DCFS that make clear what must be available and provided in Section 314 can be found on the DCFS website.⁴¹

No one disagrees that the school district should receive the appropriate records to enable the school to quickly place a child in the best school setting. None-the-less, it is also clear that

achieving the ideal of having complete records for each child available at all times, particularly when the child is being enrolled in a school, will require continued effort by both DCFS caseworkers, and school record-keepers.

Action Suggestions: PTAs can request information from the school principal regarding the process of enrolling foster children, and what is the process in assuring that the children are properly placed and receive all needed services. This information can be shared with legislators, so they understand that every effort should be made to assure that by making sure their caseloads are manageable, DCFS's caseworkers have the time to acquire and provide those records.

Support for Foster Parents and Foster Homes

12. Recommendation:

Provide required training for foster parents, both traditional (not related to the child) and non-traditional (related to the child), including specialized training on handling children who are medically fragile (including meth, fetal alcohol syndrome, HIV and crack), abused, neglected or who have emotional or behavioral problems. (1999)

It is clear that considerable progress has been made in this area since this recommendation was first established by the PTA in 1999. More opportunities for training, classes, support organizations and systems are now available for foster parents.

At this time, the procedure is that DCFS will first license the home of a potential foster parent. There is training required before a foster parent is licensed, and other training continues to be offered while children are in a foster parents care. In addition, foster parents who have children with special needs will receive additional training in how to care for them.⁴² Another mandatory training "Educational Advocacy Training" is required for one foster parent in order to be re-licensed. This is so foster parents can advocate for their foster children's educational rights and needs.⁴³

A Virtual Training Center (VTC) is a new on-line learning resource center from the DCFS Resource Center for the DCFS Office of Training. All caregivers, DCFS or private agency staff, or other child welfare partners will be able to access the on-line training center through the internet. The department is asking each licensed caregiver with both the Department and private child welfare agencies to register for a VTC account.⁴⁴

Classes are continually being made available to caregivers, for instance, "Understanding and promoting Preteen and Teen Development," and "The Teen in Foster Care: Supporting Attachment."⁴⁵

Foster caregiver in-service training is available on an on-going basis. Called Foster PRIDE Modules, they include: Foundation for Meeting the Developmental Needs of Children at Risk; Using Discipline to Protect, Nurture and Meet Developmental Needs; The Sexual Development of Children and Responding to Child Sexual Abuse; and Understanding the Effects of Chemical Dependency on Children and Families. This is only a sample of available courses.⁴⁶

The concern not being addressed, as stated in this recommendation, is that while there is training before a person can become a foster parent, most of the other training is voluntary. Because there continue to be instances where foster parents are found to be maltreating their charges, it would seem that more required training could help prevent such occurrences.

Action Suggestions: PTAs can invite a representative from DCFS in their county, and ask DCFS to invite a foster parent, and have them present information about being a foster parent, and what would improve the system. Then the PTA can discuss these issues with their legislators, seeking any changes that require legislation.

13. Recommendation:

Give foster parents adequate background information on the children entrusted to them so that they can better understand the children and more effectively meet their needs. (1999)

In another move forward since this recommendation was adopted in 1999, foster parents are asked to be a part of the Administrative Case Review (ACR) which is required by federal law. At the review, it is determined if the “Client Service Plan” addresses the child’s needs, and hopefully, is moving the child toward a permanency goal. These reviews have to occur every six months on a set schedule, and DCFS makes every effort to see that foster parents are participating.⁴⁷

The Foster Parent Bill of Rights, Public Act 89-19, which is part of the policies governing the foster care system, includes both rights and responsibilities of foster parents. One right includes the right to be provided a clear, written understanding of a placement agency’s plan concerning the placement of a child in the foster parent’s home. Another foster parent right, at any time during which a child is placed with the foster parent, is to receive additional or necessary information that is relative to the care of the child. A responsibility of the foster parent is to support activities that will promote the child’s right to relationships with his or her own family and cultural heritage.⁴⁸

It is important that the foster parent has a broad understanding of the child being placed with them, and that need should be given every consideration by any agency. Often foster parents have expressed a frustration with a lack of information about children they are receiving.

Action Suggestions: PTAs can, in the meeting called for in the action suggestion for recommendation 12, seek information regarding the foster parent’s view of whether sufficient information is given a foster family, particularly regarding the educational background of a child. The principal could be asked if the school receives adequate information about any foster child being enrolled in the school, and what could be done to improve this process.

14. Recommendation:

Provide on-going support for foster parents, including help for handling the specific needs of a child, and assistance such as respite care. (1999)

There is now a Statewide Foster Care Advisory Council Law that states the 14 rights and 17 responsibilities of all Illinois Foster Parents. It also establishes an official council to advise DCFS about foster care issues, and to oversee the implementation of the Foster Parent Law. The Council is the connection between those making the policies and the foster parents who experience the results of policy at home with the children in their care. The council works with DCFS management to provide program input, and to comment on how approved policies translate in the “real world.” The Council membership, set by law, is 22 members, a combination of parents and professionals who understand the work of foster care and want to see the system at its best.⁴⁹

Some of the areas that this Council have contributed to include: a cost of living adjustment in the monthly board rate (2007), new procedures for evaluating Foster Parent Law Implementation Plans, more efficient payment methods for foster parent expenses, improved grievance procedures, improved training courses, and small things, like wallet-sized foster parent license cards.⁵⁰

As noted in the narrative to recommendation 12, DCFS offers a series of in-service trainings to support foster caregivers, and to help them learn techniques to take home and use. Some others that would support foster parents include: Meeting the developmental needs of children at risk; Working as a Professional Team Member; Promoting Permanency; Managing the Impact of Placement on Your Family, and many more.⁵¹

Action Suggestions: PTAs should be advocates for adequate funding for training for foster parents, and where the training would particularly address the issues of a particular child, training should be mandatory. Invite a legislator to speak about providing adequate funds to continue to support and expand training opportunities.

15. Recommendation:

Assure appropriate monitoring of foster homes to better protect the welfare of the children placed in them, including a statewide placement database. (1999)

Foster homes in Illinois must be licensed. The process is spelled out in rules and regulations that provide extensive detail about the standards for a foster home and the foster parents in that home. A foster home license is valid for four years. The number of children allowed in the home is specified in the license. The general requirements for the home are extensive, beginning with cleanliness, heat, lighting, the water supply, sleeping arrangements, nutrition and meals, and other requirements go on in great detail. The qualifications of the foster family are specified also in great detail, and include a criminal background check.⁵²

Once a foster home has been licensed, the rules require monitoring visits for all licensed foster homes shall be conducted at least twice each calendar year by a representative of the supervising agency, and more frequently when conditions in the home warrant.⁵³

The Illinois PTA is concerned that the visits to foster homes be done regularly, and carefully, to help assure our children are not in homes that do not meet the standards. All too frequently the newspapers publish stories about inadequate foster homes and no one wants any child in those kinds of homes.⁵⁴

Action Suggestions: The PTA can invite a representative from DCFS to talk about the foster child program, including becoming a foster home, what licensure entails, and how foster homes are kept up to the standards of the rules and regulations. The speaker should be asked what DCFS can do to improve the licensure and re-licensure so that children are protected.

Training for Social Service Employees

16. Recommendation:

Require proper training and certification/licensure of caseworkers, social workers and staff working with children in the child welfare system, along with competitive salaries to match these qualifications. (1999)

The State requires licensure of direct child welfare services employees and supervisors. The qualifications for license include, a clear record regarding any accusations of child abuse or neglect, or other criminal convictions of certain stipulated crimes, graduation from an accredited college or university and meeting the requirements for his/her position; passing the examination to practice, not being delinquent in paying a child support order, and not being in default of an educational loan. Subsequently, employees are responsible for remaining current with changes in law, rules and procedures. DCFS will provide additional training, and announce when that training is mandatory. The law and regulations cite the reasons for suspension or revocation of a license.⁵⁵

DCFS is training caseworkers on how to identify and prevent cases where group homes have failed to protect, particularly, teen girls. These girls often are accompanied by a dominating male, feel isolated from family and friends, and are threatened or harmed when trying to leave a boyfriend.⁵⁶ These girls are often trapped into prostitution, and trained caseworkers should be able to divert some girls from this. DCFS has stated that by the end of FY 2009, officials hope to have trained all 4,300 workers, making Illinois the first state child welfare system in the country to do so.⁵⁷

In a case reported in the press, an infant died, perhaps as a result of its Mother accidentally rolling over the baby in her sleep. This baby was living in a filthy apartment, “roach-infested and ankle-deep in garbage.” Ten other children were living in the apartment along with five adults. DCFS workers had found the same apartment in the same condition four months previously, but had not offered services. The apartment was visited again a month later, and the DCFS worker said the family still hadn’t shown “sufficient effort to clean the home. A supervisor agreed there was credible evidence to prove the children had been neglected because of the conditions in the home. Records showed a child welfare investigator had investigated the girl previously when she was pregnant, and again later for medically neglecting her infant. Yet “DCFS would not be offering services to the family.” The Cook County public guardian said the Illinois DCFS “dropped the ball “and should have opened a case to support the family.”⁵⁸

Clearly there is a continuing need for training of child welfare workers, and clearer policies in regard to when actions need to be taken to protect children and youth from situations that are not safe or healthy. Finally, it is necessary to be sure child care workers are well paid, which will provide an incentive to the present staff, and to new staff, to perform at a professional level, and with a greater understanding of the role they play in protecting the children with whom they come in contact.

Action Suggestions: A PTA program could review this recommendation (and others in this report), and then urge DCFS, to expand their policies, training, and supervision of open cases so as to prevent instances where children are left in unsafe conditions. Legislators should be asked what they intend to do to help prevent such occurrences as are described here. Finally, funding is required if salaries are to be kept at a level that will retain excellent employees, and provide the supervision of those employees.

17. Recommendation:

Require that caseworkers, social workers and staff maintain their certification with a program of continuing education. (1999)

Caseworkers must be better trained and retrained to recognize hazardous situations and address them immediately. DCFS policies must be clearer about when children must be protected from harm.

“THE ISSUE: The state substantiated charges of child abuse against the father of a 1 month-old baby whose legs and ankles were broken and head injured this summer, yet the child was released to his parents’ custody and no criminal charges were filed. Two months later, the child was dead.”

“WE SAY: There is something wrong with a system that seems to offer more protection for parents who abuse their children and then lie about it than there is for the defenseless victims. This case is a red flag that the system must change.”⁵⁹

“What thoughts must be going through the mind of the Illinois DCFS employee who oversaw this case?How many cases have to end like this before someone raises a big red flag and says something is wrong here? DCFS determined that the parents lied when they said the baby was injured when his brother tripped over him. The couple was still allowed to take the baby home. DCFS is supposed to check on a family every five days in cases that are under investigation. We wonder if they would have advocated his mother putting the child to sleep on the living room floor, which is where he was found not breathing?”⁶⁰

Clearly, again, changed policies and training, training, training, are needed so that case workers know what the standards for removing a child from a home are, and so they know what they can do in cases like this one, so that lives can be saved. Then, perhaps parents can be taught how to properly care for their children, and those children can remain safely in their homes.

Action Suggestions: A PTA could provide a program discussing the difficulty of caring for new infants and providing information to the members and the community about the services available to new parents who are having a hard time caring for their children. Brochures such as “Never Shake a Baby” can be distributed to the members, and placed in places around the community. Prevention of child abuse is a great activity for a PTA to take on as a project in their community.

Support and Supervision of Residential Facilities

18. Recommendation:

Provide adequate residential facilities in Illinois so that the state’s children do not need to be placed out of state. (1999)

In research of residential facilities in Illinois, overcrowding did not appear to any longer be an issue. This recommendation would then seem to be met, when only considering the issue of available space for youth.

The numbers of children in Illinois in the foster care of DCFS has greatly been reduced. This has helped to reduce the pressure on residential facilities, and the need to send children out of the state. However, those children that remain in the system tend to be those who are most troubled, and in most need of specialized care that cannot be provided while they are in a foster home.

This is the most expensive care to offer.

To improve the movement of children out of residential facilities and into permanency or guardianship or a foster home, Illinois is committed to Performance-Based Contracting (PBC) in residential facilities. This system has had the effect of encouraging agencies that include a residential facility as a part of its services, to move children to permanency. Illinois has received an award for PBC. PBCs caused residential services to focus on permanency, partly by realigned financial incentives, but also through a redesigning of how agencies received new cases.⁶¹ A problem is that the implementation of PBC has not yet been adequately funded.⁶²

Action Suggestions: PTAs can have a program with a representative of DCFS, and a representative of a private child welfare agency that offers residential care, to discuss the need for funds to adequately meet the needs of residential programs.

19. Recommendation:

Require that the period of placement of children in residential facilities is of sufficient length to assure that the children receive all of the services they need to prepare them for future placement. (1999)

The following is stated in a study about supported education and employment for older youth in care, in conjunction with a children's residential home, "Youth transitioning from foster care into adulthood anticipate all the challenges faced by young adults, yet are more vulnerable to a range of serious risks that threaten their prospects for successful independent life. At the same time, foster youth leaving care most typically confront adult life without a network of reliable family support to help them effectively negotiate its challenges. Despite these obstacles, former foster youth can and do leave the system to emerge successful at home, at work, and in their communities. *Adequate preparation for transition and a sufficient system of ongoing supports can make the difference.*"⁶³ Yet, clients of this residential home reported fairly significant deficiencies in the information and resources needed to succeed academically and at work.

The preparation of children in residential facilities must address more than possible placement. It must prepare them as well for the prospect of aging out of the system without having been placed.⁶⁴

Action Suggestions: PTAs can relate the information in this report with their legislators, so those legislators can be better prepared to ask the important questions to DCFS about how they work with residential facilities, and how the outcome of youth ageing out of the system can be improved.

20. Recommendation:

Require a continual process of evaluation of the programs offered by residential facilities, including follow-up on children who have completed such programs, so as to ascertain their programs' effectiveness and enable adjustments that will improve their success. (1999)

"A 13 year-old girl and two other teens ran away from a suburban Chicago Group home for foster children and made their way to a Lombard hotel to meet up with a 25 year old pimp. The teens were advertised on the Internet as prostitutes, and prices were quoted to potential johns, according to state records."⁶⁵

“This case is one of the recent handful that show how some group facilities designed to protect the state’s most vulnerable and troubled foster children can become breeding grounds for the recruitment of child prostitutes. Victimization of abused and neglected children have been with us since the beginning of child welfare,” said a DCFS spokesman.”⁶⁶

DCFS is revising procedures to make prosecuting the adults in these cases easier, and to help the victims. It is not uncommon for pimps to target group homes and groom girls for prostitution by giving them attention and gifts. One official said group homes are magnets for pimps. A University of Chicago study from 2005 said out of 42 teens interviewed, 17% were sexually assaulted while on the run from foster care. ⁶⁷

Child welfare providers say sexual exploitation is linked to the state’s policy of not housing foster children in locked facilities and providers’ inability in most cases to physically restrain a foster child from running away. The general problem with runaways has not been handled well at all. Mark Testa, director of the Children and Family Research Center at the University of Illinois notes there are those who would like more secure facilities, but there are obviously civil rights issues. The *Tribune* reviewed five Illinois cases of sexual exploitation in which the girls ran away from facilities. Records raised questions about whether the child welfare system acted quickly enough in moving one girl out of the group home after problems arose. ⁶⁸

The situation described here indicates the difficulty DCFS and independent agencies have in providing adequate programs and procedures to care for the most troubled youths.

Residential care is a high cost alternative for youth, and combined with the lack of consistent evidence of its effectiveness, causes a continual need to study how there can be an improvement in matching residential placements with the needs of youth. “Any proposal for change in related policies and practices, however, should be informed by a careful description of youth most at risk for placement in residential care. Understanding predictors of residential placement can guide the development of interventions to divert youth to less restrictive and costly home- and community-based alternatives or develop residential treatment models that more effectively address the needs of the youth who require this intensive level of care.”⁶⁹

“Placement in residential care mainly aims to provide a safe living environment that can protect youth from his/her own dangerous behavior, protect others from youth dangerous behavior, or facilitate the treatment of the youth’s emotional or behavioral problems. Although widely regarded as a necessary placement option in any comprehensive continuum of care, residential care is both relatively restrictive and expensive, and its effectiveness has not been clearly specified.”⁷⁰

The Illinois PTA is encouraged by the continued cooperation of DCFS and independent agencies in studying the best alternatives for youth who have serious problems that make placement in home care or adoption difficult. In the end, what is best for the children is what matters – always.

<p>Action Suggestions: PTAs can continue to advocate for stronger laws to prosecute those who exploit foster youth. Further, PTAs can advocate for increased funds to enable DCFS to provide the kind of living situations that can best treat the social needs of foster children, particularly those with serious mental health issues, and teenagers, who are close to being able to choose to be emancipated, and who are not ready to care for themselves.</p>

THE JUVENILE JUSTICE SYSTEM IN ILLINOIS

There have been many changes to juvenile justice in the past ten years, both in Illinois and the rest of the United States. Studies of juveniles, of brain research, and of what works and what doesn't work in the rehabilitation of youth have been ongoing. These studies have resulted in many changes in the recommendations the Illinois PTA is now making for the treatment, education and rehabilitation of youth who have come in contact with the Illinois juvenile justice system.

Federal Juvenile Justice and Delinquency Prevention Act

21. Recommendation:

Support the federal Juvenile Justice and Delinquency Prevention Act, and adequate appropriations for its provisions, which provide financial support to states for programs which relate to juvenile justice. (1999)

The Juvenile Justice and Delinquency Prevention Act (JJDPA), is federal legislation which was first enacted in 1974 and was most recently reauthorized in 2002, to assist States and locales to meet their juvenile justice needs.⁷¹

The proposed JJDPA Reauthorization Act of 2008 would maintain the core protections of the 2002 Reauthorization: deinstitutionalization of status offenders; removal of juveniles from adult jail and lock-ups; sight and sound separation of youth from adults when co-located in adult jails and lock-ups; and focusing on disproportional minority contact of youth of color at all points in the justice system.

In addition, proposed improvements to the Act, supported by the National and Illinois PTAs include:

- *Keep children and youth out of the justice system*, by addressing their needs and those of their families early and effectively;
- *Ensure equity and competence*, do everything possible with regard to race, ethnicity, culture, language, gender and sexual orientation, in legal representation before the courts and throughout all system practices and policies;
- *Ensure responses appropriate to a young person's age and state of development*, do everything possible to ensure that children and youth in the justice system are treated in an age-appropriate manner and provided with developmentally appropriate, evidenced-based services and supports. And that when needed, sanctions are appropriate to a youth's age and offense; and,
- *Strengthen the federal partnership with state and local governments*, strengthen the federal role in supporting state and local needs by providing sufficient resources and appropriations for jurisdictions to effectively implement the JJDPA, to fully comply with its core requirements/protections and to ensure state and local adherence to high standards of performance.⁷²

The Juvenile Justice and Delinquency Prevention Act (JJDPA) has been a major vehicle for offering federal financial assistance to States in these areas of juvenile justice. The struggle to fund its provisions, along with other federal statutes which offer assistance to the states in areas of juvenile violence/prevention, as well as school safety, is an ongoing one.

Action Suggestion: PTA units and members can be in contact with the U.S. Congressperson representing them, urging strong support for the important provisions of the Juvenile Justice and Delinquency Act as well as adequate appropriations to fund the Act. A Congressperson or aide could be invited to speak at a PTA meeting about the Act, and how it affects the youth of Illinois.

Juvenile Court System

22. Recommendation:

Raise the jurisdiction of the juvenile court to all youth under the age of 18. (1999)

The most recent development in Illinois is a new statute PA 95-1031, signed into law on February 10, 2009, which beginning January 2010, raises the age of majority to the 18th birthday for youth who are accused of *misdemeanors*. This means these misdemeanor cases will be handled in juvenile court.

The statute also provides for a task force to study raising the age to 18 for youths accused of committing felonies, since, at the present time, all youth accused of *felonies* in Illinois are still regarded as adults upon reaching their seventeenth birthday, and their cases are handled in adult court. In fact, in many cases, youths, depending on the seriousness of the crime for which they are accused, might be transferred to adult court long before the age of seventeen.

Illinois now joins 38 states and the Federal government in using the eighteenth birthday as the age of adult criminal jurisdiction - at least for misdemeanors.⁷³

Most of the countries of the world have ratified the *Convention on the Rights of the Child*, adopted by the General Assembly of the United Nations in November of 1989. The United States has not, in spite of support by many in the U.S. It is important to note that unless a country has a law to the contrary, the *very first article* of the Convention defines a child as "every human being below the age of eighteen years."⁷⁴

During the past 15 years, brain research has shown that there are developmental differences between adolescents and fully mature adults. The research demonstrates that reasoning, advanced thought and impulse control are the final areas of the human brain to mature, which shows why adolescents have trouble making decisions.⁷⁵

In fact, many different resources agree that youth of seventeen are not fully mature adults. For instance: "Certain developmental differences are cited in justification of the Supreme Court decision to ban capital punishment for crimes committed by offenders aged 18 at the time of the crime. In general, juveniles differ from adults in their biologic development and mental processes and capacities. Juveniles are less aware of consequences, less able to regulate impulses or inhibit behavior, and thus less culpable for their actions than adults. In addition, juveniles have less ability to understand and thus participate in the standard adult judicial process. Finally, juveniles are more malleable and amenable to reform of their behavior."⁷⁶

In Illinois, a statement from Illinois Medical and Health Associations states, "Research on neurological development further reveals that young people's brains are not fully developed to allow for adult level reasoning and weighing of consequences. During adolescence, behavior is controlled by the region of the brain associated with impulse and aggression (the amygdala). Executive functions, including decision-making, consideration of alternatives, planning, setting long-range goals, and organization of sequential behavior, are associated with the prefrontal cortex, which *does not fully mature until well beyond age eighteen.*"⁷⁷

In testimony to a bill in Illinois to raise the age of adulthood to 18 in Illinois, the Juvenile Justice Initiative notes "the age of majority for most legal matters is the 18th birthday. There

would be a degree of legal uniformity and consistency by raising the age to 18. For example, 18 is the age for all of the following: Voting; Common age for graduation from high school; Contracting, marriage etc, in civil law matters.”⁷⁸

The PTA continues to support legislation which would consider *all youth* juveniles until their eighteenth birthdays, with the juvenile court having *original* jurisdiction of juveniles until that age.

Action Suggestion: PTA units or members should share strong support for raising the age of all juveniles to 18 instead of the present 17th birthday (except for misdemeanors) with the legislators of their area. Inviting local legislators to speak at a PTA meeting regarding this issue would be a good way to let the members present at the meeting offer their opinions regarding whether they believe their children should be regarded as adults on their 17th birthday.

23. Recommendation:

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 as an adult must be made by the juvenile court, not by automatic transfer statutes. (1999)

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.” 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.⁷⁹

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.”⁸⁰

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.⁸¹

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.⁸²

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.⁸³

This is 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.⁸⁴

Action Suggestions: PTAs units and members should communicate to their state legislators that they support legislation to require that any juvenile should begin in juvenile court with the juvenile judge having the authority to decide if the youth should remain in the juvenile court or for some reason be transferred to the adult court. A good speaker on this subject would be an attorney who represents juveniles in court, or a juvenile judge. Ask the speaker to explain the difference between the services a youth receives in juvenile court compared to adult court.

24. Recommendation:

Provide alleged juvenile offenders with adequate legal counsel at all stages in their contact with the justice system. (1999)

“Attorneys for children are usually appointed at the moment of the child’s first appearance (as the child stands before the judge at the first court appearance) or at the conclusion of the first appearance. The failure to appoint an attorney as soon as possible, before the child first appears in court, means that there is no communication between the child and his/her lawyer prior to stepping up before the judge. This shortcoming is particularly damaging to the rights of detained children.”⁸⁵

The report quoted here makes several key points that support the PTA’s recommendation, and provides several explicit reasons to support early representation for a child by an attorney. Most important is that the attorney will provide a child with a clear understanding of the proceedings, and what the child’s rights and options are.

Many cases heard in juvenile court in Illinois are resolved by a plea bargain, agreed to at the first appearance before a judge. Having an attorney appointed before that first appearance may change that plea, based on the child’s understanding of his/her rights as explained by an attorney.⁸⁶

Illinois has made progress in achieving this recommendation with the passage of PA 95-846 by the Illinois legislature, which guarantees that youth receive the advice of a lawyer early in the court process, prior to the detention hearing. “This legislation recognizes the need to provide youth with the opportunity to consult with counsel prior to the first detention hearing to explore possible alternatives to confinement,” said George Timberlake, former Chief Judge, 2nd District. “This will further reduce the number of youth that are unnecessarily detained in Illinois simply because options other than detention were not always fully explored.”⁸⁷

The juvenile justice system in Illinois needs to continue to improve representation for youth, facing issues such as overworked, underpaid public defenders, inadequate training and resources for juvenile defenders, and/or inadequate access to investigators, or social workers.⁸⁸

Action Suggestions: PTA units and members strongly supported the legislation mentioned in this section. Now it is important that there is support for more adequate funding for public defenders, and all those who are given the responsibility of being sure juveniles are well cared for in the system. A speaker at a PTA meeting from the public defender’s office would offer an understanding of their role in protecting youth in court, and what happens to a youth who has been accused of breaking the law.

25. Recommendation:

Provide judges and juvenile court staff with appropriate child development training, including on the development of the adolescent brain, to be well prepared to handle juvenile youth. (1999)

In the last years, there has been a great deal of research on adolescent brain development.⁸⁹ This research makes it clear that the brain development of an adolescent continues to the middle of the 20s. It indicates that maturation is dramatic and crucial during adolescence. “During adolescence, several areas of the brain go through their final developmental stages and develop greater complexity, which in turn affects thinking, behavior and potential for learning and rehabilitation.”⁹⁰

Clearly, research points to a need to further underscore the importance of using science to evaluate sentencing, age of jurisdiction/transfer, potential defenses, culpability and competency.

“Research supports the view that several characteristics on adolescence distinguish young offenders from adults in ways that mitigate culpability. These adolescent traits include deficiencies in decision-making ability, greater vulnerability to external coercion, and the relatively unformed nature of adolescent character.”⁹¹

Recommendations from the Coalition for Juvenile Justice include the need to discuss the new understandings about juvenile brain maturation with juvenile justice professionals, service providers, policy makers and advocates. Specific needs include ensuring juvenile courts recognize youths’ developmental immaturity and use science to ensure comprehensive evaluation of youth.⁹²

Action Suggestions: An excellent program for a PTA would be a child psychologist, speaking on brain development, and the stages of maturity of youth, particularly teens. Invite a juvenile court judge from your county to speak about the training and commitment to youth that a juvenile court judge needs to best serve youth that face the court.

26. Recommendation:

Support provisions to reduce disproportionate representation of minorities in the juvenile justice system. (new)

The Child Welfare League of America, in a report it issued in 2005 examined the issue of disproportionate minority contact (DMC), and included the information that, “Studies have found that juvenile courts are more likely to formally charge African American youth than white youth, *even when they are referred to the court for similar offenses*. They also gave African American youth longer sentences than white or Latino youth for almost all offense types.”⁹³

The Illinois Criminal Justice Information Authority, in a December 2005 Research Bulletin, assessed the disproportionate minority contact (DMC) with the Illinois juvenile justice system.⁹⁴ This research shows that minority youth are the majority of those arrested and incarcerated in Illinois, and again that they are more often incarcerated than a white youth for the same offense, so that they are over-represented in Illinois’ juvenile justice system.

According to this report, in Cook County African American youth are one-third of all youth, but 63 percent of youth arrested, and 80 percent of those sentenced to Corrections. Latino youth are also over-represented.

Several factors have been identified that potentially contribute to the over-representation of minority youth, which include higher rates of offending by minority youth; inequitable access to community-based prevention efforts; inequitable access to effective community-based

alternatives to juvenile justice system processing; justice policies that disproportionately impact minority youth, and prejudice and discrimination.⁹⁵

An article addressing DMC outlines the complications involved in determining what causes overrepresentation in various different jurisdictions. More research efforts are recommended, from the basic: why minorities are over-represented in the system; to a better description of the different patterns of offending that exist across race and ethnicity; and the deficiencies in data systems.⁹⁶

The PTA will continue to urge the juvenile justice system to consider how any or all of these factors are present and affecting all our minority youth in Illinois, and how we can change policies and practices to improve the outcomes for them.

Action Suggestions: This is a complicated issue, particularly in the different treatment some youth receive once they have been accused of a crime. The Illinois PTA is active in advocating changes in the juvenile justice system to improve the fair treatment of all youth. A PTA committee could prepare a program on the subject, based on the reference material named in endnote 26 of this report. A representative from the police department or the states attorney can be invited to discuss how they are working to reduce racial and ethnic disparities.

27. Recommendation:

Support expungement of juvenile records, and court discretion in sex offender registration of juveniles. (new)

In Illinois, there is a process for expunging certain juvenile records. Presently a person must apply to the court to have a record expunged. Expungement means the juvenile record will be “off-limits” to employers and the rest of the general public, and treated like it never existed. However, the records still exist, and are available to the Department of Corrections, State’s Attorneys and other prosecutors, as well as the military. If expunged, law enforcement officers and other state officials must reply on inquiry that no record or file exists for the person. Another advantage of expungement is that on most job applications one does not have to tell about an expunged case.

In 2008, PA 95-861 made it a bit easier to have a record expunged, by shortening from 90 to 45 days the period of time in which the State’s Attorney or prosecutor may file an objection to the petition for expungement.

The PTA supports making expungement “automatic,” at the appropriate time, with no further action required of the person who has the record.

A specific issue related to juvenile records is when and if a juvenile convicted of a sex offense needs to be placed on the sex offender registry.

One expert suggests the need to design a registration system that doesn’t conflict with the priorities of the juvenile justice system, with at the very least, separate rules for classifying the sexual behavior of adolescents and children, with the ideal excluding all behavior adjudicated in juvenile courts from registration and notification requirements. This system would allow the release of juvenile records when an adult is convicted of a serious sex offense.⁹⁷

According to the American Prosecutors Research Institute, in support of a bill passed by the Illinois General Assembly but vetoed by the Governor, (which would have removed the mandatory juvenile sex offender registry requirements for certain juveniles), juveniles demonstrate lower recidivism rates, are more amendable to treatment, and lack the compulsion to commit (other) offenses.

The Illinois PTA continues to urge that discretion be given to judges to consider the age of

an offender, as well as the offense, in deciding if a juvenile should be required to register as a sex offender. The PTA believes that in many cases the offense of a juvenile simply does not merit listing as a sexual predator. These youth are not a danger to society, and registration can keep them from moving on toward a productive life, by limiting their access to education, scholarships, jobs, and housing.

Action Suggestions: PTA units and members are urged to contact their legislators about legislation to provide automatic expungement of juvenile records at a certain age, providing the juvenile has met the appropriate criteria. An attorney could explain the present system as part of a program on the effects a juvenile record has on the future on any youth.

28. Recommendation:

Study the elimination of the sentencing of juveniles to Life Without Parole. (new)

An issue that is receiving attention in the United States, and in Illinois, is the practice of sentencing juveniles to life without parole (LWOP). This appears to be in conflict with the concept of handling juveniles who commit crimes differently than adults. Presently there are 102 men and one woman serving life sentences in Illinois for crimes *committed* when they were juveniles. Some of these were as young as 14, some mentally immature. For many the judge had no discretion to sentence them to other than life without parole.

There are twelve countries worldwide, outside of the United States that allow youth to be sentenced to life without parole, but outside of the U.S. only about a dozen youth are serving such a sentence. At least 132 countries, including the European Union, have rejected life without parole sentencing for youth.⁹⁸

The Human Rights Watch recommends the federal government abolish the sentence of life without parole, ratify the United Nations Convention of the Rights of the Children, and condition the funding of state programs under the Juvenile Justice and Delinquency Prevention Act, upon the elimination of life without parole. They further recommend state lawmakers abolish the sentence of life without parole, and study youth in the adult criminal courts. Finally they recommend taking into account the mental and physical maturity of incarcerated youth offenders when housing them, and providing them with mental health and social services.⁹⁹

Legislation was introduced in Illinois in 2008 to distinguish those offenders sentenced to life without parole who were immature, marginally involved or less culpable, and over decades fully rehabilitated, from those who were mature, culpable or not rehabilitated.¹⁰⁰ This legislation did not pass.

Life without parole sentences for juveniles is a serious issue in Illinois, and the PTA needs to carefully study it so that it can make recommendations to legislators that protect the public safety while considering the acknowledged lessened culpability of juveniles.

Action Suggestions: The Illinois PTA will provide information on this issue as it continues to be discussed and legislation is proposed to address it. The reference provided in endnote 28 gives a broad understanding of the issue, and is available for study.

Illinois Department of Juvenile Justice

29. Recommendation:

Support the Illinois Department of Juvenile Justice and its mission devoted to the rehabilitation of juvenile offenders. (new)

In a very positive move *strongly* supported by the Illinois PTA, the State of Illinois created, with the passage of PA 94-696 on July 1, 2006, a separate Department of Juvenile Justice, (separating juveniles from the Department of Corrections), devoted to the rehabilitation of juvenile offenders. The mission of the department is to “provide treatment and services through a comprehensive continuum of individualized educational, vocational, social, emotional, and basic life skills to enable youth to avoid delinquent futures and become productive, fulfilled citizens. The Department shall embrace the legislative policy of the State to promote the philosophy of balanced and restorative justice.”¹⁰¹

A transition team was formed, and it developed a comprehensive set of recommendations to lead the new department to implement its mission. This team’s recommendations include: careful intake and assessment of youth entering the system; appropriate behavioral health services including mental health, substance abuse and healthcare services, all provided by persons that hold the applicable licensure, and adhere to licensing standards; education and school curriculum that ensure youth are being well-served and their educational needs are met; and appropriate parole and aftercare to help youth reintegrate into their communities.¹⁰²

The new Department has made many progressive changes including:

- “Reducing the use of adult oriented discipline by significantly reducing the use of confinement without compromising the safety and security of staff and youth;
- Implementing a youth oriented receiving and classification process;
- Hiring a superintendent for School District #428 (ed. note: which is comprised of the schools in juvenile secure facilities) as well as appointing members to the district and Juvenile Justice Advisory Board;
- Developing new job classifications and responsibilities to better reflect the agency’s mission;
- Placing more emphasis on programming and education; and
- Developing a model for the Aftercare Program.”¹⁰³
- Ongoing support for the principles and priorities of the department, as well as support for adequate appropriations to enable their implementation will be important in order to achieve the goals of this new department.

Action Suggestions: PTA units and members should watch for information from the Illinois PTA regarding legislation that would support the needs of the Department of Juvenile Justice, both in policy but especially in appropriations. PTA units and members should contact their county boards actively stating support of After Care programs for youth who have been in secure confinement.

30. Recommendation:

Provide sufficient community-based alternatives and adequate intervention programs of graduated sanctions to avoid detaining youth in secure detention unless absolutely necessary for the safety of the youth or the community. (new)

Secure *detention* is the placing of youth in a locked facility upon arrest, *before they have been convicted*. (Placing a youth in a locked facility who has been convicted of a crime is called secure *confinement*.) Juvenile courts must make decisions about what is the best placement for a juvenile accused of a crime, until the disposition of his/her case by the court.

Providing options that are available in the community for youth awaiting their day in court are cost-effective solutions that can be safely used for a large number of them. It is very expensive to place a youth in secure detention, and in some cases, youth are only placed in detention because there does not seem to be an alternative in the community to which they can be referred while awaiting their day in court.

Alternative programs are not only less costly than keeping youth in detention, but they shield offenders from the stigma of institutionalization, and allow positive ties to be maintained between youth and their families. Examples of alternatives include supervised release, such as home detention during specific hours, or wearing an electronic monitoring device which allows the court to know the location of the youth. Day and evening reporting centers are nonresidential programs that require offenders to report to them at specific times. In some cases youth attend school and then must attend an after-school center, where they do homework, receive counseling, and are returned home in the evening.¹⁰⁴

Action Suggestions: PTA units and members should contact their county government, stating support for programs set in local communities that will provide services to youth who have been *accused* of a crime. PTAs and members can ask a representative from a program already in their communities to speak at a PTA meeting and then ask how they can help. These programs can keep those youth (who are not considered a treat to public safety) close to their families, and are more cost effective than putting them in secure detention.

31. Recommendation:

Support Redeploy Illinois and the expansion to all Illinois counties of this program, which gives counties financial support to provide comprehensive services, in their home counties, to youth who might otherwise have been sent to a juvenile corrections center. (new)

In Illinois a pilot program begun in 2003 called Redeploy Illinois has been very effective. Its mission is : “To encourage the deinstitutionalization of juvenile offenders by establishing projects in counties or groups of counties that reallocate State funds from juvenile correctional confinement to local jurisdictions, which will establish a continuum of local, community-based sanctions and treatment alternatives for juvenile offenders who would be incarcerated if those local services and sanctions did not exist.”¹⁰⁵

Local jurisdictions that participate as a Redeploy Illinois Pilot site are required to develop plans for community-based treatments for juvenile offenders that protect their communities, promote accountability for the harm caused their victims and communities, and equip youth with the necessary competencies to live responsibly and productively.

The Redeploy program, which started in the 2nd Judicial Circuit, Macon, Peoria and St. Clair

Counties, is presently being expanded. Each program is intended for non-violent youth. The program gives counties financial support to provide comprehensive services in their home communities to youth who might otherwise have been sent to the Department of Juvenile Justice (corrections). In return, the county provides comprehensive services in their home community to the youth. In the first two years of implementation, pilot sites on average reduced commitments to the Illinois Department of Juvenile Justice (IDJJ) from their communities by 44%. For every \$1 million dollars spent by Redeploy Illinois pilot's sites, IDJJ has seen a decrease in costs of \$3.55 million!¹⁰⁶ Presently, Redeploy is being expanded in the state as funds become available.

In Illinois, an assessment of the public's responses to juvenile offenders clearly showed that the public supports rehabilitation of youth over more punishment.¹⁰⁷

There have been significant studies of what works best to rehabilitate youth who have broken the law. "Scientific evaluations of prevention and treatment programs for youth that provide systematic treatment in community and family settings show that these programs significantly reduce future criminal behavior without the need for harsh sanctions. States should adapt their laws on juvenile crime to emphasize evidence-based treatment and to avoid harsh punishment for all but repeat violent offenders."¹⁰⁸

Action Suggestions: PTA units and members can urge legislators to support expanding Redeploy Illinois to all counties in Illinois so that youth who have been accused of a crime can be part of local programs that keep these youth out of secure detention, but keep careful track of them and at the same time provide the appropriate services to them. Just as recommendation 30 speaks to this same class of youth as does this recommendation, Redeploy has a *monetary provision* that awards the county for each youth it does not send to secure detention, but instead keeps youth in the community, providing services to the youth.

32. Recommendation:

Support the reform of the conditions of confinement for all youth in juvenile detention or correction facilities, including providing appropriate and adequate rehabilitation, as well as educational and social services. (1999)

Beginning with the creation of the new Illinois Department of Juvenile Justice, a renewed effort is underway to "shift the culture of juvenile facilities from an adultified security approach to a "treatment approach, more appropriate for youth."¹⁰⁹

The progress of the department has been monitored and it is apparent that changes are underway. New job classifications have been developed, and assessment and programming are being reviewed. Solitary confinement as a discipline tool has steadily declined without an increase of incidents.

One example of providing positive incentives is the Illinois Youth Center at Pere Marquette, a facility that houses girls. There, rewards for good behavior include a "weekend getaway" in an area that was formerly used for solitary confinement, but now is a decorated area, where girls can watch DVD's and listen to music in the hallway. Choices in polo shirt colors are the beginning of a move to get away from uniforms.¹¹⁰

At another facility for girls, girls are also allowed to choose the color of their polo shirts, and can wear their hair however they want, as long as the style is not gang-related. Rose bushes are planted near a gazebo where girls can sit and talk to therapists or visit with family.¹¹¹

Illinois appears to be looking to the example of the State of Missouri, a state that in the 1980's abandoned its youth corrections facilities, and switched to smaller regional treatment centers that provide education, job training, and 24 hour counseling.¹¹² In Missouri the state is

divided into five regions, within thirty to fifty miles from youth's homes, so family members can easily visit. Some homes are moderately secure, and there are also secure facilities. Each incoming youth receives comprehensive needs and risk assessment, and is assigned an individual case manager. The atmosphere is more dorm-like with homey touches, and the staffs do not wear uniforms. Very importantly, there is a comprehensive aftercare program. All of this contributes to a greatly reduced recidivism rate for juveniles in Missouri.¹¹³

Action Suggestions: The Illinois PTA will provide PTA units and members the information they will need to support the appropriations and policies that can change the juvenile secure facilities, and the programs in them, from simply prisons where youth are just locked up until their sentence is served, to facilities that create an atmosphere where youth can feel comfortable and where they can receive the education and social services they need. We all understand that youth can be rehabilitated, but it is critical that all efforts are made to work to create the facilities and programs that will achieve that goal.

CONCLUSION

On April 21, 1989 the Illinois Juvenile Court Act was adopted, which set forth rules to be followed by a county court when it was considering children's cases, and stated it could, for convenience, be called the Juvenile Court. The original Act was, "An Act to regulate the treatment and control of dependent and delinquent children." Illinois Statute – Act 21. The Chicago Juvenile Court was also established in 1899, and was the first separate juvenile court anywhere.

In 1999 the Illinois PTA adopted recommendations to work toward the goals of the Juvenile Court Act, in a report on Substitute Care and the Juvenile Court. These recommendations have been the basis of the actions of the Illinois PTA ever since.

This 2009 report includes recommendations from the 1999 report that remain unfulfilled, and new recommendations on issues that have arisen in the last ten years.

Ten years later, progress has been made, yet the children and youth who come in contact with the Illinois child welfare and juvenile court systems are still children at risk. They face special challenges and obstacles on the path to becoming productive, responsible citizens of our society.

The Illinois PTA urges all who read this report to work toward implementing its recommendations, so to strengthen the system charged with caring for these children, that they can reach their full potential and achieve success as contributing adults in our state and nation.

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— Gretchen L. McDowell

ILLINOIS PTA

The Illinois Parent Teacher Association, (Illinois PTA) is a non-profit 501(c)(3) organization, affiliated with the National PTA. It has a membership in Illinois who work closely with public schools and for the welfare of all children and youth. *March 2009*

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