



# REMOTE COURT HEARINGS FOR JUVENILES

Addressing the rights of juveniles to have in-person court hearings

FACT SHEET | 2022

## Program Background & Facts

In March of 2020, the Illinois Supreme Court issued an emergency response to COVID-19 allowing Illinois courts to establish temporary procedures to minimize the impact of COVID-19 on the court system. One major procedural change permitted the use of remote technology to hold virtual hearings. This decision was made without fully examining the impacts of these hearings on youth. The Illinois Supreme Court has implemented policy<sup>1</sup> to solidify the use of virtual hearings for juveniles in civil proceedings, which we fear could set a precedent for wider use.

Reports by the National Juvenile Defender Center<sup>2</sup> (NJDC) and the **Brennan Center for Justice**<sup>3</sup> both outline the observed detrimental effects that virtual hearings have on general case outcomes and the due process rights of youth going through the justice system:

⇒ **NJDC:**

- ⇒ Technology-based communications reduce trust, confidential communications, and true comprehension for youth clients.
- ⇒ Remote hearings lead to youth clients being dehumanized.

⇒ **Brennan Center for Justice:**

- ⇒ One study of Cook County criminal bail hearings found that cases conducted over video had substantially higher bond amounts, ranging from 54% to 90%, than cases held in-person.
- ⇒ Children who participated in remote witness testimony are perceived as less accurate, believable, consistent, and confident.

**"Particularly with youth clients, a private means of communication with their defender is essential to building trust."**

*Source: Due Process in the Time of COVID by the NJDC*

## Problem & Solution

The General Assembly should **urge the Illinois Supreme Court to require courts to responsibly transition juvenile delinquency cases back to in-person hearings**. In addition, the Illinois Supreme Court should exercise a rights-based approach focused on in-person participation, especially when determining the impact that future policies have on virtual court hearings for juveniles.



### CALL TO ACTION

Support **HR616/SR757** which would urge the Illinois Supreme Court to require courts throughout Illinois to responsibly transition hearings for juvenile delinquency cases back to in-person hearings.

<sup>1</sup> [https://www.illinoiscourts.gov/Resources/77204d09-8367-4b2b-994e-5f1a39644da8/ATJ\\_Commission\\_Policy\\_on\\_Remote\\_Court\\_Appearances\\_in\\_Civil\\_Proceedings.pdf](https://www.illinoiscourts.gov/Resources/77204d09-8367-4b2b-994e-5f1a39644da8/ATJ_Commission_Policy_on_Remote_Court_Appearances_in_Civil_Proceedings.pdf)

<sup>2</sup> <https://njdc.info/wp-content/uploads/Due-Process-in-the-Time-of-COVID-19.pdf>

<sup>3</sup> <https://www.brennancenter.org/our-work/research-reports/impact-video-proceedings-fairness-and-access-justice-court>