JUVENILE FITNESS TO STAND TRIAL (JFST) HB1294/SB2042

Establish new fitness standards for juvenile court delinquency proceedings

FACT SHEET

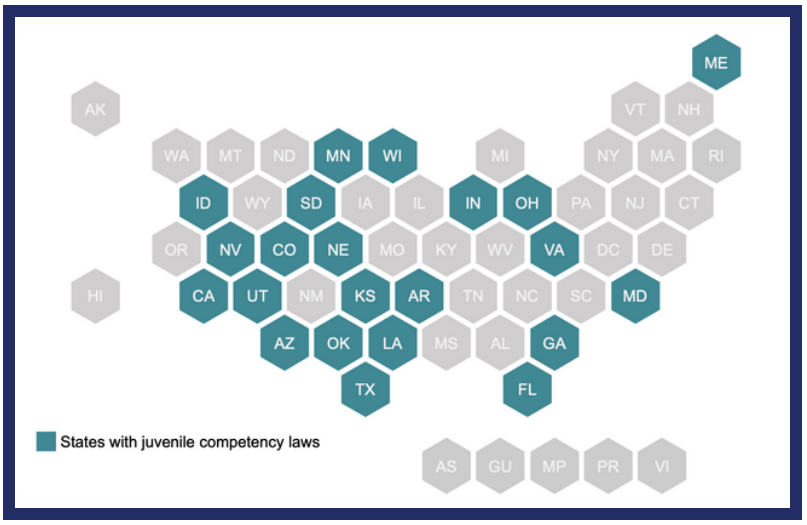
2023

THE PROBLEM

Fitness to stand trial is the ability of an individual to understand court proceedings and have the capacity to work with a lawyer with a reasonable degree of understanding. Currently, the standard for assessing a child's fitness to stand trial is the same standard used for adult defendants. Assessing adults and children with the same standard ignores both developmental immaturity and the limited cognitive capacity of children due to a natural lack of functional, social, adaptive, and intellectual ability. This blanket approach does not adequately address the practical differences between children and adults.

Unlike an adult, a child should be found unfit when they:

- **Lack sufficient ability to consult with their attorney with a reasonable degree of rational understanding**
- **Lack rational or factual understanding of the proceedings against them**
- **Lack an understanding of the allegations in the petition**
- **Lack an understanding of the range of possible dispositions that may be imposed**
- **Lack the ability to make rational decisions about any of the above factors**



THE SOLUTION

Supporting the creation of a new juvenile fitness standard that is both developmentally appropriate and trauma informed will ensure that the judicial system appropriately assesses children in the juvenile justice system to protect their right to a fair trial.

Illinois JUSTICE Project

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GET MORE INFO

CALL TO ACTION

Support HB1294/SB2042 (Rep. Collins and Sen. Pacione-Zayas) that will amend the Juvenile Court Act of 1987, creating a new fitness standard for juveniles in juvenile court deliquency proceedings.

ICOY promotes the safety, health, and success of Illinois' children, youth, and families by acting as a collective voice for policy and practice, and by connecting and strengthening the organizations that serve them. Visit ICOYouth.org.

For questions please contact
Andi Durbin at Illinois Collaboration on Youth: adurbin@icoyouth.org
Allison Richard, Lobbyist: allison.f.richard@gmail.com
Garien Gatewood at the Illinois Justice Project: garien@iljp.org