

Juvenile Fitness to Stand Trial Talking Points

ICOY Policy Team – January 2023

The Juvenile Fitness to Stand Trial legislation, [HB1294/SB2042](#), creates a separate fitness statute in the Juvenile Court Act to add practices that trauma-informed and protects a youth's rights and dignity. This initiative originated from the Illinois Children's Mental Health Partnership (ICMHP) who assembled and led a coalition of advocates to draft the bill. The Illinois Collaboration on Youth (ICOY) was a member of this coalition and was chosen to take the lead on advocating for passage of this legislation.

Bill Numbers:

- [HB1294](#) (Rep. Collins)
- [SB2042](#) (Sen. Pacione-Zayas)

Talking Points:

- Fitness to stand trial is the ability to understand court proceedings and to work with a lawyer to assist in one's defense. Children may not have developed the mental capacity to fully understand trial matters or exercise their legal rights in a meaningful way.
- The current fitness provisions in Illinois' adult criminal code are applied to children despite being designed for adults. They are used to determine everything from how a child is evaluated to how children are connected to support services.
- The fitness standard for juveniles seeks to encompass the wider array of barriers children are likely to face such as mental illness, intellectual disability, the impacts of trauma, and chronological immaturity.
- Providing children with support services in their own communities, or in the least restrictive environment appropriate, is an effective means of treating the needs of children and helping them attain fitness to stand trial, if possible, in a trauma-informed manner.
- Limiting the time for restoration services to one year avoids allowing enough time to pass for the youth to mature beyond the person they were at the time of the offense. Restoration efforts also tend to plateau after a year.
- 23 other states already have child-specific fitness statutes.

Resources:

- [Developing Statutes for Competence to Stand Trial in Juvenile Delinquency Proceedings: A Guide for Lawmakers](#)
- [Juvenile Competency Statutory Research](#)
- [Keep Children with Mental Health Challenges out of the Youth Legal System](#)
- [Raise the Minimum Age for Trying Children in Juvenile Court](#)