JUVENILE FITNESS TO STAND TRIAL (JFST) - SB1655

Cognitively Appropriate and Trauma-Informed Assessment

FACT SHEET

2025

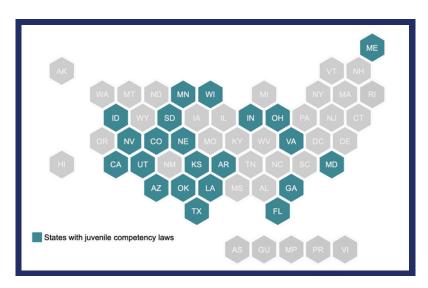
THE PROBLEM

Under current Illinois law, the court standard for assessing whether a young person has the mental capacity to participate in their defense, when charged with a crime, is the same standard to assess adults. Using a blanket standard does not incorporate the practical differences between young people and adults, and completely ignores the limited developmental and cognitive capacity of young people due to a natural lack of functional, social, adaptive, and intellectual ability.

<u>SB1655</u> establishes a developmentally appropriate and trauma-informed standard for assessing young people involved in the criminal justice system.

Fitness Standard

- Expands determination of 'unfitness' beyond mental illness diagnosis;
- Additional criteria included in the evaluation: traumatic stress, substance use disorder, and chronological, developmental, and relative immaturity;
- Higher burden of proof standard when assessing a child under the age of 14; and
- Center decisions of whether to extend the period to attain fitness beyond a year on the individual and not solely on the underlying offense.
- Applies to all 'minors' defined as individuals under 21 years old.



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 and young adults in the justice system to protect their right to a fair trial.





CALL TO ACTION

Support <u>SB1655</u> (Sen. Collins) amend the Juvenile Court Act of 1987 and create an appropriate fitness standard for assessing young people in court delinquency proceedings.