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FROM THE OFFICE OF STATE REPRESENTATIVE KAREN A. YARBROUGH

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Yarbrough Law to Require Courts to Explore Less Restrictive Options Before Committing Minors to Juvenile Detention Now in Effect

BROADVIEW, IL – Legislation sponsored and passed by Assistant House Majority Leader Karen Yarbrough (D-Maywood) that would require a court of law, before committing a minor to detention in the Illinois Department of Juvenile Justice, to examine less restrictive options and demonstrate that removing a minor from their home is the most prudent choice, is now in effect.

“Removing a child from their home and placing them in the custody of the Department of Juvenile Justice is a serious decision, one that affects the child’s rehabilitation and influences who they will be as an adult,” Yarbrough said. “We owe it that child, as well as all the citizens of Illinois, to make sure our actions are always in the best interest of society and families.”

Under current law, a court may commit any delinquent minor who has been deemed a ward of the court to the Department of Juvenile Justice if it finds that his or her parents or guardian are unfit or unable to care for the minor, or are unwilling to do so. Further, it must be established that commitment is the best interest of the minor and the public will not be served by other types of placement, and that it is necessary to ensure the protection of the public from the delinquent’s criminal activity.

Yarbrough’s Public Act 97-0362 adds additional requirements that must be satisfied before a minor is committed to the Department. Under her new law, a court must determine that commitment is the least restrictive option based on evidence that efforts were made to find alternatives to secure confinement, and evidence must be shown as to why the efforts were unsuccessful. Additionally, it must be demonstrated that the court made reasonable efforts to avoid removing a minor from their home, and that such removal is in the best interest of the minor, their family, and the public at large.

“Our criminal justice system is complex, and how we punish criminals plays a big role in whether the offender will re-enter society reformed, or whether they will re-enter as a career criminal in training,” Yarbrough said. “If the goal of our criminal justice system is a safer state in which to live, we need to look beyond punishment, and focus on rehabilitation.”

For more information, please contact Yarbrough’s constituent service office at (708) 615-1747.