

JUVENILE FITNESS TO STAND TRIAL (JFST) - HB1294

Cognitively Appropriate and Trauma-Informed Assessment

FACT SHEET

2024

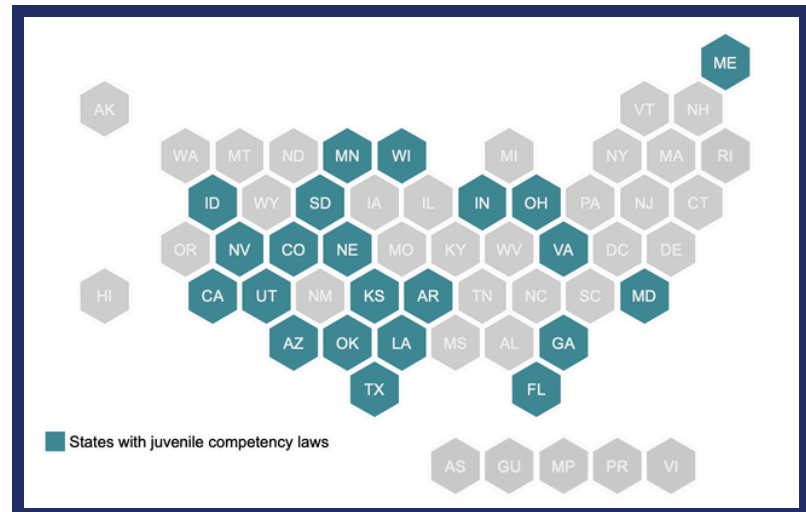
THE PROBLEM

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.

HB1294 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;
- Center decisions of whether to extend the period to attain fitness beyond a year on the individual and not solely on the underlying offense; and
- Fitness evaluation used on 'young people' defined as individuals under 25 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.



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CALL TO ACTION

Support HB1294 (Sen. Collins) amend the Juvenile Court Act of 1987 and create an appropriate fitness standard for assessing young people in court delinquency proceedings.

Illinois
JUSTICE
Project

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.

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