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## The Children & Family Justice Center's 20th Anniversary: Splendid Accomplishments and a Wonderful Future

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## Symposium: Justice for the Child\*

# The Children & Family Justice Center's 20<sup>th</sup> Anniversary: Splendid Accomplishments and a Wonderful Future

Thomas F. Geraghty\*\*

¶1 The Children and Family Justice Center (CFJC) was created in 1991 by the Northwestern University School of Law with the support of the John D. and Catherine T. MacArthur Foundation to reform the Juvenile Court of Cook County. The CFJC's goal was to make the Cook County Juvenile Court the nation's best juvenile court. Reform of the Juvenile Court of Cook County would also have a salutary effect on the performance of the various agencies and institutions that were routinely involved in juvenile court proceedings. The CFJC's initiative to reform the Juvenile Court of Cook County was a resounding success that led to the CFJC's many other achievements as well as the CFJC's well-earned national prominence in children's law and policy.

¶2 The CFJC's strategy to reform the Juvenile Court of Cook County was first to identify the problems to be addressed based upon evidence and lessons from the practice of representing children and families in juvenile court. This effort was based on the extensive and collective experiences of Northwestern School of Law Clinic faculty and students who had represented children and families in the Juvenile Court of Cook County since the early 1970s.

¶3 Under Bernardine Dohrn's leadership, funding for a planning grant for the Children & Family Justice Center was obtained in 1991 from the John D. and Catherine T. MacArthur Foundation. The John D. and Catherine T. MacArthur Foundation, The Chicago Community Trust, The Woods Charitable Trust, and the Annie E. Casey Foundation have provided generous and ongoing support for the CFJC since 1992. Bernardine Dohrn's experience as a children's advocate with the Office of the Public Guardian and with the Illinois Chapter of the American Civil Liberties Union (A.C.L.U.), as well as her exceptional insights, communications skills, commitment, and energy made her the perfect person to lead the CFJC.

¶4 In 1991, the Cook County Juvenile Court's chronic problems included:

1. Poor quality of judging, the result of the Circuit Court of Cook County's long-standing neglect of the Cook County Juvenile Court;

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2. Poor administration of the Cook County Juvenile Court, making the Court unfriendly to children and families and to “outsiders” seeking to advocate on behalf of children and families;
3. Too many pending cases;
4. Poor psychiatric and psychological evaluations of juveniles;
5. Too few judges, assistant state’s attorneys, and assistant public defenders trained in and committed to children’s law;
6. Too many children in detention awaiting trial;
7. Over-reliance upon separation of children from their families in child protection cases and failure to use best efforts to keep families together; and,
8. Failure to recognize the Juvenile Court as a valuable community resource.

¶5

These problems were not unique to Cook County but were exacerbated by Cook County’s tradition of utilizing courts and associated agencies as patronage havens. Most, if not all, judges in the Circuit Court of Cook County owed their positions to the Cook County Democratic Party, as did members of the Cook County Public Defender’s Office. Many of the staff and the leadership of the Audy Home (now the Cook County Temporary Detention Center) also owed their jobs to their political affiliation. Similar problems existed in the Probation Department, in the Clerk’s Office, and in the Cook County Sheriff’s Department. The Operation Greylord Scandal had recently cast a pall over the Circuit Court.<sup>1</sup> Operation Gambat<sup>2</sup> was in full swing. The Circuit Court of Cook County was on its heels, although not yet willing to recognize how much its corruption and mismanagement had cost the public. These costs included lack of attention to the daily business of divisions of the Circuit Court of Cook County which affected the lives of the least powerful and most vulnerable citizens of Cook County, particularly the Juvenile Court. Most disturbingly, as far as the quality of justice meted out by the Juvenile Court was concerned, assignment to the Juvenile Court was viewed by the then leadership of the Circuit Court as a punishment for poor performance rather than an opportunity to support the important work of the Court.

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<sup>1</sup> As the result of a federal investigation of corruption in the Circuit Court of Cook County that began in 1980, eighty-seven judges, lawyers, and other court personnel were charged with federal crimes. See JAMES TUOHY & ROB WARDEN, GREYLORD, JUSTICE CHICAGO STYLE 248 (1989). Despite the revelations of the Greylord scandal, the leadership of the Circuit Court of Cook County remained intact. See Editorial, *Don’t Keep Comerford as Chief County Judge*, CHI. SUN-TIMES, Oct. 31, 1993, at 45 (“Enough. The landscape is littered with too many ‘isolated incidents,’ not just of corruption, but of incompetence, indifference and politics.”).

<sup>2</sup> Operation Gambat, another federal investigation into corruption in the Circuit Court of Cook County, began in 1986. This investigation, which focused on organized crime’s infiltration of the Circuit Court, resulted in several convictions, including the conviction of Judge Thomas Maloney for taking a bribe in a Cook County murder case. See ROBERT COOLEY & HILLEL LEVIN, WHEN CORRUPTION WAS KING: HOW I HELPED THE MOB RULE CHICAGO, THEN BROUGHT THE OUTFIT DOWN (2004), for a colorful history of this federal investigation.

¶6 Compounding these problems, the Juvenile Court of Cook County was isolated geographically from the legal profession’s hub in Chicago’s Loop. It was also isolated from many progressive social services agencies in Chicago, as well as from many of Chicago’s most qualified and highly motivated psycho-social service providers. The Juvenile Court did not welcome outsiders.

¶7 It was difficult for non-public defenders to represent children and families in the Juvenile Court of Cook County. The barriers to practice for non-“regulars” included the rude treatment of “outsiders” by clerks and sheriffs’ deputies, being made to wait long periods of time to have cases called, and difficulty in accessing clients in the “Audy Home.”<sup>3</sup> Motion practice and effective trial advocacy were discouraged by judges. Prosecutors became impatient and even hostile when lawyers representing children effectively advocated for their clients.

¶8 All of this was in stark contrast to the much-lauded history of the Juvenile Court of Cook County. The Cook County Juvenile Court, founded in 1899, was the first juvenile court in the world.<sup>4</sup> It was founded in reaction to the practices of treating “wayward” youth as adults and incarcerating them with adults. The founders of the Cook County Juvenile Court believed that the Court should function as “*parens patriae*” for the children and families who appeared there, and the objective of the Court was rehabilitation and restoration to useful citizenship. The founders of the Court believed that instead of relying heavily upon incarceration of children in conflict with the law, the state should provide supportive services, including probation officers to monitor and counsel youth, as well as educational and training programs that would enable children to lead productive lives.

¶9 Since the founding of the Juvenile Court of Cook County in 1899, the quality of justice for children and families in Cook County—and indeed throughout the nation—has been in a constant state of flux and has never quite lived up to expectations. The public’s interest in the juvenile court’s juvenile justice and child protection functions has ebbed and flowed. While the Juvenile Court of Cook County enjoyed a positive reputation in its early days, it was the target of repeated reform efforts during the 20th Century because, from time to time, it was neglected or forgotten by the Circuit Court of Cook County. The children and families who were summoned to the Juvenile Court had no powerful constituencies, unlike the monied individuals and corporations who sought relief in the other better-resourced divisions of the Circuit Court of Cook County.

¶10 As a consequence, these vulnerable and needy children and families received little benefit from being summoned to the Juvenile Court. Quite to the contrary, many children and families were harmed by delays in adjudicating their cases caused by heavy caseloads. Their sometimes tragic circumstances were often worsened by careless and insensitive decision making and by lack of follow-through by the agencies responsible for providing services. The most significant challenge facing the Children and Family Justice Center in 1991 was to end this pattern of periodic neglect and to set in motion a process that would make an excellent Juvenile Court of Cook County a permanent feature of Cook County’s justice system.

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<sup>3</sup> Also known as the Cook County Juvenile Temporary Detention Center.

<sup>4</sup> See David S. Tanenhaus, *The Evolution of Juvenile Courts*, in *A CENTURY OF JUVENILE JUSTICE* 42–69 (Margaret Rosenheim et al. eds., 2002).

¶11 A project to reform the Juvenile Court of Cook County was a perfect match for the Northwestern Legal Clinic. Faculty of the Northwestern Legal Clinic in 1991 (it was not yet the “Bluhm” Legal Clinic) were experienced juvenile justice practitioners. Cases in Juvenile Court provided the basis for excellent educational experiences for Northwestern’s law students. During the course of their representation of children and families, law students could develop skills that included interviewing, counseling, negotiation, and trial and appellate advocacy. Students could also see first-hand the utilization of lessons learned from cases to effect change and reform. Students could not only experience the shortcomings of the juvenile justice system first-hand as they represented clients, but they could also work closely with Northwestern Clinic faculty to design and to implement strategies for reform. Students could experience a model of lawyering that included excellent advocacy on behalf of individual clients as well as advocacy for systemic change.

¶12 The notion that a law school program could or should attempt to “reform” a court was unusual but not unique. Somewhat similar projects had been undertaken and vigorously supported by the law school’s most famous dean, Dean John Henry Wigmore. In 1929, Dean Wigmore undertook to reform Illinois’ entire criminal justice system. His work also included the involvement of students in projects designed to provide legal services to the indigent in criminal, workers’ rights, and in domestic relations cases. In fact, Dean Wigmore was so committed to the newly emerging concept of legal aid that he required every Northwestern Law student to enroll in a course entitled, “Legal Clinic” in which students interviewed and represented the poor.<sup>5</sup>

¶13 Dean Wigmore, who was one of the leading legal scholars of his era, was also committed to involving the Northwestern Law School in seeking solutions to the important justice-related challenges of his day. The Children & Family Justice Center (and indeed the other centers of the Bluhm Legal Clinic) have built upon Dean Wigmore’s insistence that law students and lawyers, as part of their professional training and identity, assume responsibility for improving the quality of justice.

¶14 The first step in the CFJC’s effort to improve the performance of the Juvenile Court of Cook County was to convene a conference of the court’s stakeholders to assess the existing status and performance of the court. The conference was held in 1992 and was attended by over 300 judges, lawyers, social workers, psychologists, and others committed to the improvement of the quality of services for children and families in crisis. Many attendees were skeptical that anything could be done to re-invigorate the Juvenile Court of Cook County. These skeptics asserted that the status quo, supported by powerful political forces within the Circuit Court of Cook County, was too well-entrenched to be altered. However, there was also near-unanimous consensus among the attendees at this conference that the Court’s performance needed to be improved and that the initial focus of the Children & Family Justice Center should be to convince the Circuit Court of Cook County that it should make reform of the Juvenile Court of Cook County a priority.

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<sup>5</sup> See Thomas F. Geraghty, *Cook County Criminal Law Practice in 1929: A Community’s Response to Crime and a Notorious Trial*, 92 J. CRIM. L. & CRIMINOLOGY 555 (2002) (discussing the Illinois Crime Survey, which was edited by John H. Wigmore in 1929); see also Thomas F. Geraghty, *Legal Clinics and the Better Trained Lawyer (Redux): A History of Clinical Education at Northwestern*, 100 NW. U. L. REV. 231 (2006) (describing various legal reform and legal aid initiative undertaken by Dean Wigmore).

¶15 The theme of the CFJC's effort to improve the performance of the Juvenile Court was, given the mission of the Juvenile Court, to serve the most vulnerable and needy children and families in Cook County, the court should be the Circuit Court's "best" court. Initially, the Circuit Court leadership did not receive this message well. Despite the CFJC's efforts, which included taking the Circuit Court's leading judges to the outstanding juvenile courts around the country, the Circuit Court under Judge Harry Commerford's leadership was unresponsive and sometimes downright dismissive. The Court was not accustomed to the role of "outsiders" advocating for reform.<sup>6</sup> During the first few years of the CFJC's existence, Bernardine Dohrn and I made repeated attempts to engage the leadership of the Circuit Court in discussions about the Juvenile Court's performance, to no avail. The Circuit Court initially spurned the efforts of the Law School and of the CFJC to provide resources and to expose the Circuit Court's leadership to juvenile courts around the country that were functioning well. However, all of this began to change in the early 1990s when federal investigations revealed extensive corruption within the Circuit Court.<sup>7</sup>

¶16 The combination of the Greylord and Gambat scandals resulted in the Illinois Supreme Court's creation in 1992 of the Illinois Supreme Court Special Commission on the Administration of Justice. This Commission, informally known as the "Solovy Commission," was formed to look into the sad state of the Circuit Court and to propose reforms that would root out corruption, incompetence, and inefficiency. The Solovy Commission's study included an examination of the performance of the Cook County Juvenile Court through a Juvenile Justice Task Force (the "Task Force"). The Task Force consisted of Bernardine Dohrn, Judge Sophia Hall (N.U. Law, 1967), and me. In 1993, the Task Force summarized its findings as follows:

In 1992, 7,000 new abuse and neglect cases and 17,000 new delinquency petitions were filed in the Juvenile Division of the Circuit Court of Cook County. The resulting workload has placed tremendous strain on judges, state's attorneys, public defenders, and welfare agency personnel. Resources for the entire juvenile justice system are in short supply. In Cook County, for instance, overworked public defenders have only a few minutes to interview juvenile clients prior to important hearings. Within the court building, interviews with clients and witnesses occur in crowded hallways or waiting rooms because of inadequate space; funds are scarce for obtaining expert witnesses who might provide critical testimony in cases where the child's mental health is an issue; treatment programs are often unavailable—in many areas of the state there are no programs for youth with special treatment needs such as juvenile sex offenders and

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<sup>6</sup> In its early days, the CFJC worked closely with the press to highlight the flaws in the Juvenile Court of Cook County. See, e.g., Deborah Nelson, *Juvenile Injustice: Cases Overwhelm Cook County's Courts*, CHI. SUN-TIMES, Mar. 22, 1992, at 1 ("Once an international leader in youth justice, the nation's oldest juvenile court has become the overworked stepchild of the county court system. There are too many cases, too little staff and resources to deal with an increasingly violent generation of young offenders in Chicago."). This seven part series described the Cook County's overwhelming caseload and the meager resources available to address the problems presented by them any children and families who appeared daily in the court. See *id.*

<sup>7</sup> See also COOLEY & LEVIN, *supra* note 2; TUOHY & WARDEN, *supra* note 1.

children with severe mental health problems; in some Illinois counties, youths must wait for up to two years for placement in a residential facility.<sup>8</sup>

¶17 It was only when Donald J. O’Connell (N.U. Law, 1968) was appointed Chief Judge of the Circuit Court of Cook County in 1994 that things began to change for the better.<sup>9</sup> Judge O’Connell was persuaded that the Juvenile Court needed new leadership as well as an infusion of new judicial talent. This dramatic development resulted in the assignment of many able judges to the Juvenile Court. Judge O’Connell sent a message to his judges that service in the Juvenile Court was to be viewed as an important posting rather than as a punishment. Under Judge O’Connell’s leadership, the Juvenile Court and its associated agencies began to move forward.

¶18 In part, this focus on the performance of juvenile court judges and on the performance of juvenile court-associated personnel generally was the product of the tragic Joseph Wallace case. In that case, a mentally-ill mother was alleged to have hanged her young son while an abuse proceeding was pending against her in the Cook County Juvenile Court.<sup>10</sup> The Juvenile Court judge before whom the case was pending made a decision to return Joseph to his mother shortly before she allegedly killed him. The judge who made this decision was excoriated in the press and was also criticized by the leader of the Office of the Public Guardian, Patrick Murphy (N.U. Law, 1965).<sup>11</sup>

¶19 The debate that ensued over the handling of the Joseph Wallace case among juvenile court practitioners, government officials, members of the press, and the public focused attention on the tremendously difficult decisions that juvenile court judges make on a daily basis, as well as on the performance of juvenile court advocates and on child protection agencies. The heightened attention to the performance of the Juvenile Court brought on by the Joseph Wallace tragedy resulted in a broader increased attention to the judicial and agency decision making in child protection cases, further resulting in increased assistance to judges and eventually culminating in more collaborative approaches to protecting vulnerable children and keeping families intact whenever possible.<sup>12</sup>

¶20 In addition to the improvement in the quality of the judges assigned to the Juvenile Court, two additional improvements to the services provided by the Juvenile Court should be noted. First, the Circuit Court improved the performance of the Juvenile Court’s Probation Department. Under the leadership of Michael Rohan, the Probation Department of the Juvenile Court became a leader in providing quality services to youth. With the support of the Annie E. Casey Foundation, the Probation Department reduced

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<sup>8</sup> JERALD S. SOLOVY, FINAL REPORT OF THE ILLINOIS SUPREME COURT SPECIAL COMMISSION ON THE ADMINISTRATION OF JUSTICE: PART II: JUVENILE JUSTICE 3–4 (1993) (internal citations omitted).

<sup>9</sup> See John Flynn Rooney, *O’Connell Seen as a Source of Reform*, CHI. DAILY L. BULL. Sept. 9, 1994, at 1 (“O’Connell acknowledged during an interview following his election that court officials need to continue addressing public perceptions stemming from the convictions [in Greylord and Gambat]. ‘The message that we need to make certain we get across is that judges won’t stand for that kind of conduct, and that judges and the public are revolted by it.’”).

<sup>10</sup> See Andrew Herrmann, *Murphy Blames DCFS Worker in Boy’s Death*, CHI. TRIB., Apr. 21, 1993, at 4.

<sup>11</sup> *Id.*

<sup>12</sup> See JOEL J. BELLOWS ET AL., REPORT OF THE INDEPENDENT COMMITTEE TO INQUIRE INTO THE PRACTICES, PROCESSES AND PROCEEDINGS AS RELATE TO THE JOSEPH WALLACE CASES (1993) (on file with author).

its reliance upon pre-trial detention of children awaiting trial. Second, Judge O'Connell asked the CFJC, with the support of the John D. and Catherine T. MacArthur Foundation, to assess and later to take charge of the Juvenile Court's Department of Clinical Services. Under the leadership of Julie Biehl (N.U. Law, 1986, now the CFJC's Director) and Barbara Kahn (N.U. Law, 1986), the Court's Department of Clinical Services has become a national model for a court clinic devoted to assessing the mental health needs of children and families who appear in the Cook County Juvenile Court.<sup>13</sup>

¶21 Additional important reforms were undertaken by the State's Attorney of Cook County and by the Law Offices of the Cook County Public Defender. Under the leadership of Catherine Ryan (N.U. Law, 1972), the Cook County State's Attorney's chief at Juvenile Court, the number of delinquency filings was dramatically reduced, allowing judges, prosecutors, and public defenders to focus on the most serious cases. The Juvenile Division of the Law Offices of the Cook County Public Defender under the leadership of Rita Fry (N.U. Law, 1979) and Edward Burnette undertook significant initiatives to increase resources for the Public Defender's juvenile division. This progress continues under the leadership of Linda Uttal, head of the Public Defender's Juvenile Division, and of the Chief Public Defender of Cook County, Judge A.C. Cunningham (N.U. Law, 1972).

¶22 Thus, beginning in 1994, the Circuit Court of Cook County welcomed collaboration in support of its efforts to improve the performance of the Juvenile Court of Cook County. The CFJC was a major partner in this ongoing reform initiative. The spirit of collaboration within the Circuit Court continues to this day under the leadership of the Honorable Timothy Evans, Chief Judge of the Circuit Court of Cook County.

¶23 At the same time that the CFJC was working with others to advocate reform of the Juvenile Court of Cook County, faculty and students of the CFJC developed a parallel strategy for addressing significant legal and advocacy issues in both the delinquency and child protection decisions of the Juvenile Court. These issues, as with the problems associated with the administration of the Juvenile Court, were identified based upon the experience of our Clinic's faculty and students representing children and families in the Juvenile Court of Cook County.

¶24 One significant problem that the CFJC identified was the Juvenile Court's isolation from non-juvenile court practitioners. This isolation resulted in a lack of exposure of lawyers in juvenile court to the newest developments in the representation of children and effective advocacy. In order to address this problem, the CFJC developed its "Pro-Bono Project" that encouraged and supported the involvement of major Chicago law firms in the representation of children in the Cook County Juvenile Court.<sup>14</sup> The CFJC's Pro-

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<sup>13</sup> See JUVENILE COURT OF COOK CNTY., WORK PLAN FOR CLINICAL EVALUATION AND SERVICES INITIATIVE (1996) (on file with author).

<sup>14</sup> See Proposal to the Jane Addams Juvenile Court Foundation for a Juvenile Court Pro Bono Initiative (2000) (on file with author). The Pro Bono Project provided resources for the organization and training of a corps of volunteer lawyers from Chicago law firms to represent children in the Juvenile Court of Cook County. *Id.* In 2005, the law firm DLA Piper made representation of children in juvenile court the object of its Signature Project and funded a lawyer to work cooperatively with the CFJC and the law firm to achieve this objective. See Carolyn E. Frazier & Alice A. Kelly, *Protecting Our Future: How One Law Firm and Non-Profit are Partnering to Benefit Children*, 8 ABA CHILDREN'S RIGHTS LITIGATION COMM. NEWSL. 1 (2006), available at <http://www.dlapiperprobono.com/files/upload/JJC%20Article.pdf> (describing a collaboration between Bluhm Legal Clinic and DLA Piper to promote effective representation

Bono Project provided representation to children and families in need as well as practical training for law firm associates and partners. It also opened the doors of the Juvenile Court to a new community of lawyers who took an interest in the affairs of the Juvenile Court ranging from the performance of judges to access to education for youth released from the Juvenile Temporary Detention Center.

¶25 When the CFJC was formed, it was envisioned that its faculty and students would be active in both delinquency and child protection cases. Bruce Boyer (N.U. Law, 1986) and Annette Appell (N.U., Law 1986) took charge of the child protection cases. Steve Drizin (N.U. Law, 1986) headed the juvenile justice division of the CFJC.

¶26 Bruce Boyer's and Annette Appell's work focused on the representation of parents in child protection cases. The CFJC chose this challenging practice because parents in child protection cases were particularly vulnerable to a pervasive failure to recognize the importance of providing services and support to keep families in crisis together whenever possible.<sup>15</sup> When children were separated from their families in child protection proceedings, the Department of Children & Family Services often failed to use its best efforts to provide the services necessary for reunification. Children placed in foster care were often shuttled between multiple placements with little hope of permanency, much less hope of being reunited with their parents. Under Boyer's and Appell's leadership, and with the assistance of Peggy Slater (N.U. Law, 1975), the Juvenile Court was urged to focus its efforts on permanency planning as the most important element of the child protection process. Today, the Child Protection Division of the Juvenile Court of Cook County owes much to this early CFJC initiative. Requiring best efforts to keep families together and permanency planning are now the key objectives of the Child Protection Division of the Juvenile Court of Cook County.<sup>16</sup>

¶27 Perhaps the most significant legal issue on the delinquency side of the court that the CFJC grappled with in its early years was the trend, starting in the early 1980s, to try children as adults. When the Clinic faculty began representing children in transfer hearings (before the CFJC was established), all prosecutions of youth in criminal court had to be approved by a juvenile court judge under a "discretionary transfer" process in

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of children in the Juvenile Court of Cook County). "The DLA Piper/Bluhm Clinic partnership offers several significant benefits to both the firm and to the clinic. Importantly, the support the Bluhm Legal Clinic provides to firm attorneys working on juvenile cases encourages *pro bono* work by attorneys who might otherwise feel uncomfortable practicing outside their area of expertise. . . . This has increased the number of attorneys willing to take on *pro bono* work, which in turn has strengthened the *pro bono* culture at the firm." *Id.* at 4.

<sup>15</sup> See, e.g., *Testimony Before the Ill. Sen. Judiciary Comm.* (1994) (statement of Bruce Boyer) (on file with author) ("Judges in neglect courts carry an average of over 3,000 active cases. To break this down, assuming that each judge spends a generous average of 1,500 hours per year on the bench, this means that each case can expect to receive, annually, between 20–30 minutes of attention from the court. The consequence of asking judges to handle case loads so high as to be inconceivable in any other court are many, varied, and universally negative.").

<sup>16</sup> See C.J. EVANS & PRESIDENT J. BISHOP, A COURT GUIDE FOR CASEWORKERS, ILL. CIRCUIT COURT OF COOK CNTY. CHILD PROTECTION DIV. 2, available at [http://www.cookcountycourt.or/division/cp/docs/child\\_protection\\_division\\_caseworker\\_manual.pdf](http://www.cookcountycourt.or/division/cp/docs/child_protection_division_caseworker_manual.pdf) ("The Child Protection Division's mission, which was developed in 1997, is to protect every child's right to a safe, permanent, and nurturing home and to strengthen families in crisis, treating all with dignity, respecting diversity and valuing each child as our own.").

which the judge, rather than the prosecutor, made the decision of whether to retain juvenile court jurisdiction or to transfer the case to juvenile court.<sup>17</sup>

¶28 Illinois law was changed in the mid-1980s to require that many serious cases involving juveniles be tried in criminal court. CFJC faculty and students represented youth in many of these cases, perhaps the most significant of which was the case involving the murder of Robert “Yummy” Sandifer. These cases raised important issues, including the criminal responsibility of the very young; the relevance of developmental and social factors in the culpability of the very young; the disproportionate minority impact of automatic transfer laws;<sup>18</sup> the admissibility and reliability of statements made by youth to police officers and prosecutors;<sup>19</sup> the political, social, and legal policies that should govern decisions regarding the criminal responsibility of youth;<sup>20</sup> and the reliability of juvenile court convictions.<sup>21</sup>

¶29 Because so many of the cases the state sought to try in criminal court relied upon the statements made by youth to police officers and prosecutors, the CFJC, under Steve Drizin’s leadership, began to examine the reliability of these statements and the special susceptibility of youth to making false confessions. Steve Drizin’s work, which can be traced back to the CFJC’s early involvement in the defense of juvenile cases resting upon confessions, has raised important questions about how police and prosecutors should investigate crimes committed by youth, how attorneys representing youth should defend

<sup>17</sup> See ILL. JUVENILE JUSTICE INITIATIVE, CHANGING COURSE: A REVIEW OF THE FIRST TWO YEARS OF DRUG TRANSFER REFORM IN ILLINOIS, 7–8 (2008), available at [www.modelsforchange.net/publications/111](http://www.modelsforchange.net/publications/111) (follow “Download” hyperlink), for a brief history of transfer laws in Illinois.

Beginning in 1982, the Illinois General Assembly adopted legislation providing for the automatic transfer to adult court of youth ages 15 and 16 charged with violent offenses, including murder, armed robbery with a firearm, rape, and deviant sexual assault. During the mid-1980s, the automatic transfer legislation was expanded to include 15- and 16-year-olds charged with drug offenses within 1,000 feet of a school and later within 1,000 feet of public housing. Over the next several years, the Illinois General Assembly further expanded the ‘automatic’ transfer statute and added presumptive transfer for most Class X offenses, resulting in one of the most extensive transfer statutes in the nation.

*Id.* at 7–8; see also THE NATIONAL CENTER FOR JUVENILE JUSTICE, DIFFERENT FROM ADULTS: AN UPDATED ANALYSIS OF JUVENILE TRANSFER AND BLENDED SENTENCING LAWS, WITH RECOMMENDATIONS FOR REFORM 1 (2008), available at [www.modelsforchange.net/publications/181](http://www.modelsforchange.net/publications/181) (follow “Download” hyperlink) (“Although transfer laws are not new—they have been around in some form for as long as there have been juvenile courts—in the last three decades of the 20th century they became far more common, more sweeping in their coverage, and more automatic in their operation than ever before.”).

<sup>18</sup> See *Testimony Before the Ill. Sen. Judiciary Comm.* (1994) (testimony of Steven A. Drizin) (on file with author). (“At the Center [(CFJC)], we reviewed the records kept by the Pre-trial Services Division of the Criminal Courts at 26th & California for a 10 month period in 1991 and 1992. . . . The results of our research were alarming. Out of 126 juveniles charged under this statute [(a law then in effect requiring prosecution of juveniles as adults who were charged with selling drugs within 1000 feet of a school)] in Cook County . . . 124 were from Chicago . . . . Of these 126, 117 were African-American, 6 were Hispanic, and 3 were white.”).

<sup>19</sup> See, e.g., *A.M. v. Butler*, 360 F.3d 787 (7th Cir. 2004) (granting habeas relief where juvenile court defense counsel failed to file motion to suppress a twelve-year-old’s statement to police).

<sup>20</sup> See *U.S. ex. rel. Hardaway v. Young*, 302 F.3d 757 (7th Cir. 2002), for a history of the case involving the death of “Yummy” Sandifer.

<sup>21</sup> See generally Joshua A. Tepfer, Laura H. Nirider & Lynda M. Tricarico, *Arresting Development: Convictions of Innocent Youth*, 62 RUTGERS L. REV. 887 (2010); Steven A. Drizin & Greg Luloff, *Are Juvenile Courts a Breeding Ground for Wrongful Convictions?*, 34 N. KY. L. REV. 257 (2007).

these cases, and how judges and juries should evaluate the admissibility and reliability of statements and confessions made by youth to police and prosecutors.

¶30 Leadership in efforts to reform the Cook County Juvenile Court, the involvement of a broad spectrum of lawyers and other professionals in the affairs of the Cook County Juvenile Court, advocating for measured responses to crimes committed by youth, and the CFJC's crucial role in questioning the reliability of confessions made by youth are but a few examples of the contributions made by the CFJC's faculty and students to the improvement of the quality of justice for children locally and nationally.

¶31 The past and future work of the CFJC is well-described in its 2000 grant proposal to the MacArthur Foundation:

The CFJC will build upon its practice of comprehensive legal engagement involving children (including juvenile and criminal justice, family violence including child neglect, abuse and domestic violence, adoption, custody, education and special education, health and disability, immigration and asylum, death penalty and Constitutional rights, conditions of confinement and human rights) to create an entity that will continue to train advocates and scholars, develop and communicate effective policy informed by research and practice, strengthen community justice, and identify barriers and systems in need of reform based upon daily legal interaction with children, youth, and families.<sup>22</sup>

¶32 New CFJC initiatives, to be undertaken under the leadership of Julie Biehl, the CFJC's new Director, include developing strategies to reduce the number of children in secure confinement, to increase the transparency of the parole process that result in the release of children from juvenile correctional facilities, and to find better ways of supporting children released from correctional facilities in their communities. The CFJC will also continue to focus on the training of children's advocates in the CFJC's law school clinical program within the Bluhm Legal Clinic and through continuing legal education programs for judges, public defenders, and prosecutors. The CFJC will continue its leadership in the promotion of children's rights locally, nationally, and internationally.<sup>23</sup>

¶33 The overarching goal of the CFJC for the foreseeable future will be to make the case that children are different and to use the emerging children's jurisprudence of *Roper v. Simmons*<sup>24</sup> and *Graham v. Florida*<sup>25</sup> as the basis for seeking more humane treatment of children and families in juvenile justice systems in Cook County, throughout the United States, and around the world.

¶34 The CFJC has a bright future because of the importance of its mission and because of the talent and dedication of its faculty and students. We at the Bluhm Legal Clinic of

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<sup>22</sup> Proposal of the Children & Family Justice Center of the Northwestern University School of Law Legal Clinic submitted to the John D. and Catherine T. MacArthur Foundation, Mar. 2000 (on file with author).

<sup>23</sup> Most recently, the CFJC's international work has included evaluations of juvenile justice systems in Liberia, Ghana, and Cameroon, in cooperation with UNICEF West Africa and the Loyola University Chicago School of Law Civitas Childlaw Center.

<sup>24</sup> *Roper v. Simmons*, 543 U.S. 551 (2005).

<sup>25</sup> *Graham v. Florida*, 130 S. Ct. 2011 (2010).

the Northwestern University School of Law look forward to the CFJC's next twenty years.