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FEATURE: Child Custody

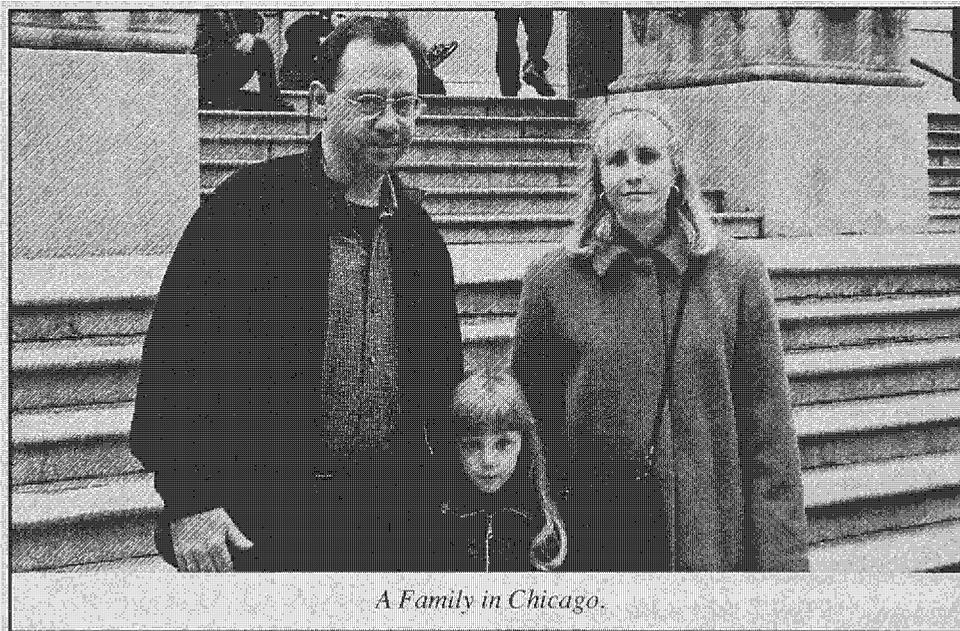
# ILLINOIS SUPREME COURT TO SOLVE CHILD CUSTODY ISSUES

By Lanetta Haynes

One of the most important and critical issues that many parents face in the child custody system in Cook County Juvenile Court is the possibility of losing their children. According to the Illinois Department of Children and Family Services (DCFS) statistics, more than 5,000 children statewide were moved into adoption or guardianship last year. While the agency says the number of children in the system has declined 43 percent from the years 1998 and 2001, there were still 27,000 children in foster care as of last year.

Greiman of the Illinois Appellate Court in Cook County and 14 other judges from around the state who are familiar and experienced in child welfare issues compose the Committee. The Committee's tasks include looking at ways to ensure that the judges who decide the issues in juvenile cases will either follow the case to completion or have knowledge of the pending issues.

The first of the Committee's hearings focused on the termination of parental rights in cases of juvenile abuse and neglect and was held on June 28, 2002 by



*A Family in Chicago.*

With so many children in the system, there have been many academic debates about how to reduce the number and how to improve upon the child protection system already in place. The Special Illinois Supreme Court Committee on Child Custody Issues has taken the initiative in trying to address and correct some of the problems that the Cook County Juvenile Court faces. The Special Committee was established in January of 2002 to study parental termination, adoption and child custody issues. Judge Alan J.

the Subcommittee on Termination of Parental Rights. The goal was to identify ways to improve the process of terminating parental rights and to ensure timely, appropriate outcomes for children. Judge Greiman stated in a press release that the Committee "hoped to develop methods that are fair to the parties involved and which speed the disposition of children's cases so that the children are not in limbo, and there is as little delay as possible in developing their permanent situation." Joseph R. Tybor, Special Supreme Court

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Committee Press Release, January 23, 2002, at A3.

At the hearing, legal practitioners, members of the public and child welfare professionals were all invited to voice their opinions about the many issues implicit in the termination of one's parental rights. The testimony and comments focused on issues such as the coordination of termination cases with other pending cases affecting child custody, the representation of children and their parents in termination cases, and the timely hearing and resolution of petitions for termination of parental rights. The committee will later review the testimony, look at the entire legislative framework and suggest changes that might be needed to improve the quality of child custody, adoption and parental termination cases.

The opinions came from various child welfare departments, including the Cook County State's Attorney's Office and the Public Defender's Office. In a child protection system where African-American children make up 84.4 percent, some in the Public Defender's Office have argued that the system is racist and that the parents of African-American children are not given the same protection as others. In an interview with the Chicago Law Bulletin, several assistant public defenders strongly encouraged jury trials for those clients facing termination proceedings. Deborah A. White, chief of the Civil Division in the Public Defender's Office made the point that if "criminal suspects get the right to a jury trial, parents in termination cases should also get jury trials." Jerry Crimmins, *Panel grapples with reform of process when parental rights are not at stake*, CHICAGO DAILY LAW BULLETIN, June 26, 2002 at A2.

One assistant public defender stated, "There's just no procedural protections. Having practiced criminal law, it's such a mind-blowing thing. They bring in hearsay accusations of abuse. We can't subpoena the children to testify. It's almost like the more people the hearsay passes through, the more credibility it is given." Jerry Crimmins, *For families, court system can be maelstrom*, CHICAGO DAILY LAW BULLETIN, June 18, 2002 at A2.

Other problems that the assistant public defenders cited were the lax legal rules of evidence, and the fact that both the State's Attorney and the guardian assigned to represent the alleged child victims usually line up against the parents.

Cheryl D. Cesario, representing DCFS, responded in the public hearing to the allegations by some public defenders and other professionals that African-American children make up a disproportionate number of those taken from their parents. Cesario stated both that the number has dropped from 95 percent to the current 84.4 percent and that "we have accepted the challenge to reduce incidences of African-American children needing to come to the attention of the courts." Jerry Crimmins, *Panel grapples with reform of process when parental rights are at stake*, CHICAGO DAILY LAW BULLETIN, July 1, 2002 at A2. Cesario further stated that DCFS tries to work to keep all families intact and will only remove the children when they feel there is serious risk of harm.

The Cook County State's Attorney's Office rang in on the debate and addressed what they feel are solutions to the problem that have already been put in place. The office pointed out that they are actively recruiting attorneys who have knowledge and compassion about child welfare issues.

***If "criminal suspects get the right to a jury trial, parents in termination cases should also get jury trials."***

— Deborah A. White, Chief of the Civil  
Division in the Public Defender's Office

In 1998, the office started a new program called Families Intact where the State's Attorney's Office and the University of Illinois at Chicago work to help keep children at home with their families, while the parents battle alcohol and drug abuse issues. The program offers individual and group counseling for the parents while their children engage in mentoring activities. The key to the program is that if the parents are willing to finish the program and make positive changes for their children and themselves, court intervention and the possible removal of the children would no longer be needed.

While it is important to hear the comments from those who practice and study such child custody is-

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