
MUNICIPAL ORDINANCE - ILLINOIS

In re Mathias H.

Appellate Court of Illinois, First District, First Division - October 28, 2019 - N.E.3d - 2019 IL App (1st) 182250 - 2019 WL 554363

After 12-year-old with pending juvenile delinquency adjudication for robbery of a store violated electronic monitoring, and was arrested and placed in juvenile detention center, he filed emergency petition for habeas corpus.

The Circuit Court denied the petition. Juvenile appealed.

The Appellate Court held that:

- Issue of whether county ordinance lawfully proscribed juvenile court from detaining juvenile was not moot, and
- County ordinance prohibiting detaining child under age of 13 in county's jail or juvenile detention facilities conflicted with express limitations of state law and thus was preempted.

Issue of whether Cook County ordinance, which purported to bar county's jail and juvenile temporary detention facilities from accepting any minor under the age of 13, was proper exercise of county's home rule authority, so that juvenile court's order detaining 12-year-old juvenile was unlawful, was not rendered moot after juvenile completed sentence and was released, since detention of juveniles was matter of public concern that required authoritative determination, and which, due to time constraints, was likely to recur with other minors in future.

Cook County ordinance that prohibited county's jail and juvenile temporary detention facilities from accepting any minor under age of 13 conflicted with express limitations enacted by the General Assembly, and thus, was preempted as an invalid exercise of county's home rule authority, even though ordinance was an attempt by county to concurrently exercise its police power for the well-being of its juveniles within the justice system; ordinance conflicted with the Juvenile Court Act and the Detention Act, which together represented a comprehensive scheme for the treatment of minors 10 years of age and older who were under the jurisdiction of the Juvenile Court Act that required, or may have required, detention in a secure facility.

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