5-02/100.00 - Detention

Whenever possible, a juvenile should be released to the parent, guardian, or responsible relative, pending the juvenile court hearing. Section 207.2 WIC allows for an OR release and transport of minor home or to the area where he was taken into custody. If such a release is inappropriate due to the nature of the incident involved, the juvenile should be referred either to Probation Department or DCFS, as appropriate. However, the juvenile may be detained if one or more of the following conditions exist:

- The minor is in need of proper and effective parental care or control and has no parent, guardian, or responsible relative; or has no parent, guardian or responsible relative willing to exercise or capable of exercising such care and control; or has no parent, guardian, or responsible relative actually exercising such care or control;
- The minor is destitute or is not provided with the necessities of life or is not provided with a home or suitable place of abode;
- The minor is provided with a home which is an unfit place for him by reason of neglect, cruelty, or depravity of either of his parents or of his guardian or other person in whose custody or care he is;
- Continued detention of the minor is a matter of immediate and reasonable necessity for the protection of the person or property of another;
- The minor is likely to flee the jurisdiction of the juvenile court;
- The minor is physically dangerous to the public because of a mental or physical deficiency, disorder, or abnormality; and
- A warrant has been issued ordering the detention of the juvenile.

Juveniles not released to parents, relatives, or a responsible adult shall be detained at the applicable juvenile facility, depending on the circumstances and on whether the juvenile is delinquent or dependent (nondelinquent).