



**Illinois Prosecutor Services Website**

**Don Hays**

PO Box 722

Carlinville, Illinois 62626

Office Phone: (217) 854-8041 Fax: (217) 854-5343

Webpage: [www.illinoisprosecutorservices.com](http://www.illinoisprosecutorservices.com)

Email: [don@illinoisprosecutorservices.com](mailto:don@illinoisprosecutorservices.com) or [webmaster@illinoisprosecutorservices.com](mailto:webmaster@illinoisprosecutorservices.com)



**JUVENILE LAW - LEGISLATION**

**2004/2005**

**CHILDREN AND JUVENILE LAW**

1. **H. B. 3957:** Amends the **Abandoned Newborn Infant Protection Act**. Includes police stations as places where the child may be “relinquished”. Defines “police station” and the responsibilities of the persons in that station. Effective upon becoming law. **(The Governor signed into law Senate Bill 2583 P. A. 93-820, Eff: 7-27-04, which contained the exact same language as this bill.**

325 ILCS 2/ 10, 15, 20, 25, 27, 30, 35, 40, 50, 55 & 65 .....**TOTAL VETO STANDS - BILL DEAD**

2. **H. B. 4393:** Amends the **Collection Agency Act**. Prohibits collection agencies from imposing a fee or a charge for any child support payments collected through the efforts of the federal, State, or local government agency. Sets up other limits upon these agencies collection these types of fees. Effective upon becoming law.

225 ILCS 425/ 2.04 ..... **Public Act: 93-0896 - Eff: 8-10-04**

3. **H. B. 4566:** Amends the **Juvenile Court Act**. Makes numerous additional changes concerning the expungement of juvenile records. Mandates that these juveniles be admonished concerning these rights. Provides for the creation of forms upon which the juveniles and request expungement and upon which objections may be made to that request. Effective upon becoming law.

705 ILCS 405/ 5-915. ....**Public Act: 93-0912 - Eff: 8-12-04**  
750 ILCS 30/ 1, 2, 3-2.5 new, 3-2.10 new, 4, 5, 7, 8, 9 & 10.

4. **S. B. 2583:** Amends the **Abandoned Newborn Infant Protection Act**. Includes police stations as places where the child may be “relinquished”. Defines “police station” and the responsibilities of the persons in that station. Effective upon becoming law.

325 ILCS 2/ 10, 15, 20, 25, 27, 30, 35, 40, 50, 55 & 65 .....**Public Act: 93-0820 - Eff: 7-27-04**

5. **S. B. 2690:** Amends the **Illinois Marriage and Dissolution of Marriage Act** and numerous other Acts. This is a lengthy bill. It provides that if there is an unpaid arrearage or delinquency equal to at least one month’s support obligation on the termination date of the support or when the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. Provides additional details.. Effective July 1, 2004. **(The Governor amendatorily vetoed this bill. He extended its effective date from July 1, 2004 to January 1, 2005, in order to give the Department of Public Aid additional time to make the appropriate automated systems changes. The Legislature accepted the Governor’s Veto.)**

305 ILCS 5/ 10-8.1, 10-10 & 10-11 .....**Public Act: 93-1061 - Eff: 1-1-05**  
750 ILCS 5/ 505  
750 ILCS 16/ 20  
750 ILCS 28/ 32 new  
750 ILCS 45/ 13.1 & 14

**2005/2006**

**JUVENILE LAW**

1. **H. B. 0766:** Amends the **Parental Responsibility Law**. Raises the maximum recovery of actual damages to \$20,000 (from \$2,500) for each person or legal entity for each occurrence of wilful or malicious acts by the minor causing the injury. Effective upon becoming law.

740 ILCS 115/ 5.....**Public Act: 94-0130 - Eff: 7-7-05**

2. **S. B. 0283:** Amends the **Juvenile Court Act**. Changes the offenses that require adult criminal prosecutions. Changes the factors that the court must consider in determining whether to transfer a minor. Provides that the Illinois Criminal Justice Information Authority shall commission a study on the changes in jurisdiction make by this amendatory Act and report to the General Assembly 3 years after the effective date of this Act.

705 ILCS 405/ 5-130; 5-805; 5-810 & 5-821 new..... **Public Act: 94-574 - Eff: 8-12-05**

3. **S. B. 0292:** Amends the **Juvenile Court Act** and the **Rights of Crime Victims and Witnesses Act**. Changes the definition of “crime victim” to include both parents of a deceased minor who was a crime victim.

705 ILCS 405/ 1-5 .....**Public Act: 94-0271 - Eff: 1-1-06**  
725 ILCS 120/3

4. **S. B. 1953:** Amends the **Juvenile Court Act**. Provides that a juvenile may not waive his right to assistance of counsel in any judicial proceedings. Except for a few of the more serious offenses, proceedings under the Vehicle Code are excluded from this provision. Effective upon becoming law.

705 ILCS 405/ 1-5 .....**Public Act: 94-0345 - Eff: 7-26-05**

**K. CHILDREN**

1. **H. B. 0172:** Amends the **Abused and Neglected Child Reporting Act**. Requires that identifying information in indicated reports involving accusations of various sexual offenses against a child must be kept for not less than 50 (now 5) years after the report is indicated or after the subsequent case or report is closed. Effective upon becoming law.

325 ILCS 5/ 7.14.....**Public Act: 94-0160 - Eff: 7-11-05**

2. **H. B. 0175:** Amends the **Abandoned Newborn Protection Act**. Repeals the provision that repeals this Act on July 1, 2007.

325 ILCS 2/ 75 rep. .... **Public Act: 94-0207 - Eff: 1-1-06**

3. **H. B. 0785:** Amends the **Non-Support Punishment Act** and numerous other Acts. Replaces a provision concerning notice to a circuit clerk that a person is receiving child support enforcement services for the Department of Public Aid and requiring the clerk to send support payments in accordance with the Department’s instructions. Other provisions.

305 ILCS 5/ 10-10 & 10-28.....**Public Act: 94-0088 - Eff: 1-1-06**  
750 ILCS 5/ 507; 517 new; 705; & 709  
750 ILCS 16/ 25  
750 ILCS 45/ 21 & 28 new.

4. **H. B. 0984:** Amends the **Statute on Statutes**. Defines “person,” “human being,” “child,” and “individual” to include every infant member of the species homo sapiens who is born alive at any stage of development. Defines “born alive” to mean the complete expulsion or extraction from the mother of an infant, at any stage of development, who after such expulsion or extraction breathes or

has a beating hart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion. Other provisions.

5 ILCS 70/ 1.36 new.....**Public Act: 94-559 - Eff: 1-1-06**

5. **H. B. 1350:** Amends the **Hospital Licensing Act** and the **Vital Records Act**. Requires the reporting of various accidents that befall children. Effective upon becoming law.

210 ILCS 85/ 6.14f new.....**Public Act: 94-671 - 8-23-05**

410 ILCS 535/ 18

6. **S. B. 0452:** Amends the **Illinois Public Aid Code** and numerous other statutes. Amends these statutes to deal with accrued interest on child support payments. Effective January 1, 2006.

305 ILCS 5/ 10-1 & 10-16.5.....**Public Act: 94-0090 - Eff: 1-1-06**

705 ILCS 5/ 12-109

750 ILCS 5/ 505

750 ILCS 16/ 20 & 23

750 ILCS 28/ 15

750 ILCS 45/ 20.7

**2006/2007**

**CHILDREN AND JUVENILE LAW**

1. **H. B. 5375:** Amends the **Abused and Neglected Child Reporting Act**. Includes administrators and both certified and non-certified school employees within the definition of “school personnel” concerning persons required to report abuse and neglect. Provides that school board members must direct an investigation if allegations of abuse or neglect are raised at a board meeting. Effective upon becoming law

325 ILCS 5/ 4.....**Public Act: 94-0888 - Eff: 6-20-06**

2. **S. B. 2913:** Amends the **Abandoned Newborn Infant Protection Act**. Expands the definition of “newborn infant” for purposes of this provision to include a child 7 days (instead of 72 hours) old or less at the time the child is initially relinquished to a hospital or other authorized facility. Effective upon becoming law.

325 ILCS 2/ 10 & 60 ..... **Public Act: 94-0941 - Eff: 6-26-06**

**2007/2008**

**JUVENILE LAW**

1. **H. B. 0615:** Amends the **Juvenile Court Act** (with respect to disclosure of **Law Enforcement Records**).

**Synopsis As Introduced:** Provides that the court order permitting disclosure of law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday and juvenile court records must be issued by a judge presiding over matters pursuant to the Act. Provides that for purposes of obtaining these documents, a civil subpoena is not an order of the court. Provides that in cases where the records concern a pending juvenile court case, the party seeking to inspect the records shall provide actual notice to the attorney or guardian ad litem of the minor whose records are sought. Provides that in cases where the records concern a juvenile court case that is no longer pending, the party seeking to inspect the records shall provide actual notice to the minor or the minor's parent or legal guardian, and the matter shall be referred to the chief judge presiding over matters pursuant to the Act. Provides that in determining whether the records should be available for inspection, the court shall consider the minor's interest in confidentiality and rehabilitation over the moving party's interest in obtaining the information. Provides that any records obtained in violation of these provisions shall not be admissible in any criminal or civil proceeding, or operate to disqualify a minor from subsequently holding public office or securing employment, or operate as a forfeiture of any public benefit, right, privilege, or right to receive any license granted by public authority. Effective immediately.

Statutes Amended:  
705 ILCS 405/1-7 & 108

**Legislative Status** ----- **Public Act: 95-0123 - Eff: 8-13-07**

2. **H. B. 1080:** Amends the **Illinois Vehicle Code** and the **Juvenile Court Act** (with respect to **Adjudications of Delinquency because of Gang Activity**).

**Synopsis As Amended:** Amends the Illinois Vehicle Code and the Juvenile Court Act of 1987. Provides that if a person is adjudicated under the Juvenile Court Act of 1987 on the basis of an offense determined to have been committed in furtherance of gang activity, the court shall provide that the person shall be denied driving privileges. Provides that if the person has never held a driver's license or permit, he or she shall not be issued one until reaching the age of 18. Provides that if he or she already holds a driver's license or permit, the license or permit shall be revoked at least until he or she reaches the age of 21. Provides that, if the minor already holds a driver's license, the court may direct the Secretary of State to issue the minor a judicial driving permit, or JDP. Provides that the JDP shall be subject to the same terms as a JDP otherwise issued under the Illinois Vehicle Code, except that the court may direct that the JDP be effective immediately. Provides that, in order to provide a basis for denial of driving privileges, the offense must have involved the operation or use of a motor vehicle or the use of a driver's license or permit. Makes corresponding changes.

Statutes Amended:  
625 ILCS 5/6-103; 6-204 & 6-205  
705 ILCS 405/5-710

**Legislative Status** ----- **Public Act: 95-0337 - Eff: 1-1-08**

3. **H. B. 3621:** Amends the **Juvenile Court Act** (with respect to the appealability of court orders relating to **Permanency Goals**).

**Synopsis As Introduced:** Amends the Juvenile Court Act of 1987. Deletes provision that an order of the court relating to permanency goals following a permanency hearing shall be immediately appealable as a matter of right under Supreme Court Rule 304(b)(1). Effective immediately.

Statutes Amended:  
705 ILCS 405/2028

**Legislative Status** ----- **Public Act: 95-0182 - Eff: 8-14-07**

4. **S. B. 0108:** Amends the **Abused and Neglected Child Reporting Act** and the **Juvenile Court Act** (with respect to the **Return Home of Neglected Children**).

**Synopsis As Amended:** (1) Provides that a "neglected child" includes a child who has been provided with interim crisis intervention services under the Juvenile Court Act of 1987 and whose parent, guardian, or custodian refuses to permit the child to return home. (2) Requires the DCFS Child Protective Service Unit to begin an investigation of a report concerning such a child within 24 hours after receiving the report and determine whether to take the child into temporary protective custody and whether to file a petition alleging neglect or abuse. (3) Provides that no minor shall be sheltered in a temporary living arrangement for more than 48 hours, excluding Saturdays, Sundays, and court-designated holidays, when the agency has reported the minor as neglected or abused because the parent, guardian, or custodian refuses to permit the child to return home, provided that in all other instances the minor may be sheltered when the agency obtains the consent of the parent, guardian, or custodian or documents its unsuccessful efforts to obtain the consent or authority of the parent, guardian, or custodian, including recording the date and the staff involved in all telephone calls, telegrams, letters, and personal contacts to obtain the consent or authority, in which instances the minor may be so sheltered for not more than 21 days. (4) Provides that a minor who has been provided with interim crisis intervention services and whose parent, guardian, or custodian refuses to permit the minor to return home shall be considered a neglected minor unless the minor is an immediate physical danger to himself, herself, or others living in the home. (5) Provides that if the Department of Children and Family Services determines that the minor is not a neglected minor because the minor is an immediate physical danger to himself, herself, or others living in the home, then the Department shall take immediate steps to either secure the minor's immediate admission to a mental health facility, arrange for law enforcement authorities to take temporary custody of the minor as a delinquent minor, or take other appropriate action to assume protective custody in order to safeguard the minor or others living in the home from immediate physical

danger. (6) Provides that the provision requiring the Department of Children and Family Services to take the minor into temporary protective custody at any time after receiving the report of child neglect is subject to appropriation. (7) Provides that the reporting of the minor as neglected to the Department of Children and Family Services shall only be made if the parent, guardian, or custodian refuses to permit the minor to return home, and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child.

Statutes Amended:  
325 ILCS 5/3  
705 ILCS 405/2-3 & 3-5

**Legislative Status** ----- **Public Act: 95-0443 - Eff: 1-1-08**

5. **S. B. 0521:** Amends the **State Appellate Defender Act** and the **State's Attorneys Appellate Prosecutor's Act** (with respect to providing Juvenile Justice Resource Centers).

**Synopsis As Amended:** Provides that the State Appellate Defender may develop a Juvenile Defender Resource Center to: (i) study, design, develop, and implement model systems for the delivery of trial level defender services for juveniles in the justice system; (ii) in cases in which a sentence of incarceration or an adult sentence, or both, is an authorized disposition, provide trial counsel with legal advice and the assistance of expert witnesses and investigators from funds appropriated to the Office of the State Appellate Defender by the General Assembly specifically for that purpose; (iii) develop and provide training to public defenders on juvenile justice issues, utilizing resources including the State and local bar associations, the Illinois Public Defender Association, law schools, the Midwest Juvenile Defender Center, and pro bono efforts by law firms, and (iv) make an annual report to the General Assembly. Provides that the Office of the State's Attorneys Appellate Prosecutor may develop a Juvenile Justice Resource Center to: (i) study, design, develop, and implement model systems for the adjudication of juveniles in the justice system; (ii) in cases in which a sentence of incarceration or an adult sentence, or both, is an authorized disposition, provide trial counsel with legal advice and the assistance of expert witnesses and investigators from funds appropriated to the Office by the General Assembly specifically for that purpose; (iii) develop and provide training to assistant State's Attorneys on juvenile justice issues, and, (iv) make an annual report to the General Assembly.

Statutes Amended:  
725 ILCS 105/10  
725 ILCS 210/4.11 new

**Legislative Status** ----- **Public Act: 95-0376 - Eff: 1-1-08**

6. **S. B. 1379:** Amends the **Children and Family Services Act**; the **Abused and Neglected Child Reporting Act**, and the **Juvenile Court Act** (with respect to Criminal Background Checks and other provisions).

**Synopsis As Amended:** Provides that mandated reporters under the Act include field personnel of the Department of Juvenile Justice. Amends the Children and Family Services Act. Provides that prior to final approval for placement of a child, the Department of Children and Family Services shall (i) conduct a criminal records background check of the prospective foster or adoptive parent, including fingerprint-based checks of national crime information databases, and (ii) check its child abuse and neglect registry for information concerning prospective foster and adoptive parents, and any adult living in the home. Restricts placement if the background check reveals a felony conviction. Amends the Juvenile Court Act of 1987. Provides that in determining a permanency goal for an abused, neglected, or dependent minor, the court shall consult with the minor in an age-appropriate manner regarding the proposed permanency or transition plan for the minor. Also provides that the court's determination shall include both out-of-State and in-State placement options. Effective immediately.

Statutes Amended:  
20 ILCS 505/5  
325 ILCS 5/4  
705 ILCS 405/2-28

**Legislative Status** ----- **Public Act: 95-0010 - Eff: 6-30-07**

**CHILDREN**

1. **H. B. 0421:** Amends the **Abused and Neglected Child Reporting Act** (with respect to Reports of Suspected Child Abuse or Neglect).

**Synopsis As Amended:** Provides that reports of suspected child abuse or neglect made to the central register through the State-wide, toll-free telephone number shall be immediately transmitted to the appropriate local law enforcement agency. Requires that reports of abuse or neglect made to the central register be transmitted to the appropriate Child Protective Service Unit "by the Department" of Children and Family Services. Provides that all such reports alleging the death of a child, serious injury to a child, torture of a child, malnutrition of a child, and sexual abuse to a child shall also be immediately transmitted by the Department to the appropriate local law enforcement agency. Provides that all oral reports made by the Department of Children and Family Services to local law enforcement personnel and the office of the State's Attorney of the involved county shall be confirmed in writing within 24 (instead of 48) hours of the oral report. Provides that the Department shall adopt rules expressly allowing law enforcement personnel to investigate reports of suspected child abuse or neglect concurrently with the Department, without regard to whether the Department determines a report to be "indicated" or "unfounded" or deems a report to be "undetermined. Effective immediately.

Statutes Amended:  
325 ILCS 5/7 & 7.3

**Legislative Status** ----- **Public Act: 95-0057 - Eff: 8-10-07**

2. **H. B. 0438:** Amends the **School Code** (with respect to Gang Resistance Education).

**Synopsis As Introduced:** Amends the School Code. In a Section concerning bullying prevention education, provides that, in addition to providing for instruction in bullying prevention, each school district may make suitable provisions for instruction in gang resistance education and training in all grades and include such instruction in the courses of study regularly taught therein. Provides that, for purposes of gang resistance education and training, a school board must collaborate with State and local law enforcement agencies. Allows the State Board of Education to assist in the development of instructional materials and teacher training in relation to gang resistance education and training.

Statutes Amended:  
105 ILCS 5/27-23.7

**Legislative Status** ----- **Public Act: 95-0198 - Eff: 1-1-08**

3. **H. B. 0572:** Amends the **Privacy of Child Victims of Criminal Sexual Offenses Act** (with respect to information to be made available to Parole Agents or Probation Officers).

**Synopsis As Introduced:** Provides that a parole agent or probation officer may obtain the identity of a child under 18 years of age who is the victim of a criminal sexual offense from the law enforcement records and court records relating to the case.

Statutes Amended:  
725 ILCS 190/3

**Legislative Status** ----- **Public Act: 95-0069 - Eff: 1-1-08**

4. **H. B. 0616:** Amends the **Abused and Neglected Child Reporting Act**, the **Child Death Review Team Act**, and the **Juvenile Court Act** (with respect to information to be obtained involving Injuries to Children).

**Synopsis As Amended:** **Amends the Abused and Neglected Child Reporting Act.** (1) Requires the Department of Children and Family Services to investigate and report on cases involving a serious life-threatening injury of a child (as well as cases involving the death of a child). (2) Makes changes concerning the information that must be contained in the Department's reports. (3) Provides that in any case involving the death or near death of a child, when a person responsible for the child has been charged with committing a crime that results in the child's death or near death, there shall be a presumption that the best interest of the public will be served by public disclosure of certain information concerning the circumstances of the investigations of the death or near death of the child and any other investigations concerning that child or other children living in the same household. (4) Makes other changes concerning the release of such information. **Amends the Child Death Review Team Act.** (1) Provides that with respect to each recommendation made by a child death review team concerning the prevention of child deaths due to abuse or neglect and the

establishment of protocols for investigating child deaths, the Director of Children and Family Services shall submit his or her reply both to the chairperson of that team and to the chairperson of the Executive Council. (2) Provides that the Director's reply to each recommendation must include a statement as to whether the Director intends to implement the recommendation. (3) Provides that within 90 days after the Director submits a reply to a recommendation, the Director must submit an additional report that sets forth in detail the way in which the Director will implement the recommendation and the schedule for implementing the recommendation. (4) Provides that within 180 days after the Director submits that report, the Director shall submit a further report that sets forth the specific changes in the Department's policies and procedures that have been made in response to the recommendation. (5) Provides that at each quarterly meeting of the Executive Council, the Executive Council shall review all such replies and reports received from the Director since the Executive Council's previous meeting. (6) Requires the Executive Council to send an annual report to the Governor, legislators, and child death review team members. Amends the Juvenile Court Act of 1987. In provisions concerning abused, neglected, or dependent minors, provides that: (1) if it is determined that a parent's, guardian's, or custodian's compliance with critical services mitigates the necessity for removal of the minor from his or her home, the court may enter an Order of Protection setting forth reasonable conditions of behavior that a parent, guardian, or custodian must observe for a specified period of time, not to exceed 12 months, without a violation; (2) a petition with respect to an alleged abused, neglected, or dependent minor may request that the minor remain in the custody of the parent, guardian, or custodian under an Order of Protection; and (3) if a petition is filed charging a violation of a condition contained in a protective order and if the court determines that this violation is of a critical service necessary to the safety and welfare of the minor, the court may proceed to findings and an order for temporary custody. Makes other changes.

Statutes Amended:  
20 ILCS 515/20 & 40  
325 ILCS 5/4.2  
705 ILCS 405/ 2-10, 2-13 & 2-25

Legislative Status ----- Public Act: 95-0405 - Eff: 1-1-08

5. **H. B. 0653:** Amends the **Abandoned Newborn Infant Protection Act** (with respect to Newborn Information).

**Synopsis As Amended:** Provides that hospitals, emergency medical professionals, employees, or other persons engaged in the administration or operation of a fire station, police station, emergency medical facility, child placing agency, or the Department where a baby has been relinquished or transferred under this Act, are prohibited from publicly disclosing any information concerning the relinquishment of the infant and the individuals involved, except as otherwise provided by law.

Statute Amended:  
325 ILCS 2/37

Legislative Status ----- Public Act: 95-0653 - Eff: 6-1-08

6. **H. B. 1391:** Amends the **Counties Code** (with respect to Children's Advocacy Center Fees).

**Synopsis As Amended:** Provides that certain county boards may adopt a mandatory fee of between \$5 and \$30 to be paid by certain defendants and deposited into an account specifically for the operation and administration of a Children's Advocacy Center.

Statute Amended:  
55 ILCS 5/5-1101

Legislative Status ----- Public Act: 95-0103 - Eff: 1-1-08

7. **S. B. 0335:** Amends the **Abandoned Newborn Infant Protection Act** (with respect to Signs).

**Synopsis As Amended:** Provides that every hospital, fire station, emergency medical facility, and police station that is required to accept a relinquished newborn infant in accordance with the Act must post a sign in a conspicuous place on the exterior of the building housing the facility informing persons that a newborn infant may be relinquished at the facility in accordance with the Act. Requires the Department of Children and Family Services to prescribe specifications for the signs and for their placement that will ensure statewide uniformity. Provides that the provisions requiring the posting of a sign do not apply to a hospital, fire station, emergency medical facility, or police station that has a sign that is consistent with the requirements of these provisions that is posted on the effective date of this amendatory Act. Effective immediately.

Statute Amended:  
325 ILCS 2/22 new

**Legislative Status** ----- **Public Act: 95-0275 - Eff: 8-17-07**

8. **S. B. 1379:** Amends the **Children and Family Services Act**; the **Abused and Neglected Child Reporting Act**, and the **Juvenile Court Act** (with respect to Criminal Background Checks and Various Other Provisions).

**Synopsis As Amended:** Provides that mandated reporters under the Act include field personnel of the Department of Juvenile Justice. Amends the Children and Family Services Act. Provides that prior to final approval for placement of a child, the Department of Children and Family Services shall (i) conduct a criminal records background check of the prospective foster or adoptive parent, including fingerprint-based checks of national crime information databases, and (ii) check its child abuse and neglect registry for information concerning prospective foster and adoptive parents, and any adult living in the home. Restricts placement if the background check reveals a felony conviction. Amends the Juvenile Court Act of 1987. Provides that in determining a permanency goal for an abused, neglected, or dependent minor, the court shall consult with the minor in an age-appropriate manner regarding the proposed permanency or transition plan for the minor. Also provides that the court's determination shall include both out-of-State and in-State placement options. Effective immediately.

Statutes Amended:  
20 ILCS 505/5  
325 ILCS 5/4  
705 ILCS 405/2-28

**Legislative Status** ----- **Public Act: 95-0010 - Eff: 6-30-07**

9. **S. B. 1428:** Amends the **Abused and Neglected Child Reporting Act** (with respect to Mandated Reporters).

**Synopsis As Amended:** Adds members of a school board, the Chicago Board of Education, or the governing body of a private school as mandated reporters. In amendatory provisions naming members of a school board or the Chicago Board of Education or the governing body of a private school as mandated reporters of suspected child abuse or neglect, adds a provision that such persons are mandated reporters only to the extent required in accordance with other provisions expressly concerning the duty of school board members to report suspected child abuse if such an allegation is raised to a school board member during the course of a school board meeting. Effective immediately.

Statute Amended:  
325 ILCS 5/4

**Legislative Status** ----- **Public Act: 95-0461 - Eff: 8-27-07**

## **2008/2009**

### **CHILDREN AND JUVENILE LAW**

1. **H. B. 1639:** Amends the **Juvenile Court Act** of 1987 with respect to the **expungement of juvenile records**.

Shortens from 90 days to 45 days, after notification of the petition to expunge juvenile records, the period of time in which the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, or the arresting agency or agencies may file an objection to the petition.

705 ILCS 405/ 5-915 ..... **Public Act: 95-0861 - Eff: 1/1/09**

2. **S. B. 1865:** Amends the **Parental Responsibility Law** with respect to **damages caused and attorneys fees incurred by**



juveniles.

Provides that reasonable attorney's fees may be awarded up to \$15,000 in an action against a parent or legal guardian of a minor for actual damages caused by the willful or malicious acts of the minor. Provides that recovery for damages shall be limited to \$20,000 for the first act and \$30,000 if the minor exhibits a pattern or practice of willful or malicious conduct. Provides that the provisions concerning liability and limitations on damages shall apply to causes of action accruing on or after the effective date of this amendatory Act.

740 ILCS 115/ 5 ..... **Public Act: 95-0914 - Eff: 1/1/09**

3. **S. B. 2118:** Amends the **Juvenile Court Act** of 1987 with respect to shelter care hearings.

Provides that immediately upon the filing of a petition for a detention or shelter care hearing in the case of a minor retained in custody, the court shall cause counsel to be appointed to represent the minor. Provides that a detention or shelter care hearing may not be held until the minor has had adequate opportunity to consult with counsel. Provides that the 40 hour time period in which a delinquent minor taken into temporary custody must be brought before the court for a shelter care or detention hearing shall be tolled to allow counsel for the minor to prepare for the detention or shelter care hearing, upon a motion filed by such counsel and granted by the court.

705 ILCS 405/ 5-415 & 5-501 ..... **Public Act: 95-0846 - Eff: 1/1/09**

**2009/2010**

**CHILDREN AND JUVENILE LAW**

1. **HB0520**                      **Short Description:** JUVENILE COURT - ADULT RELATIVE

**Synopsis:** Amends the Juvenile Court Act of 1987. Defines "mentally capable adult relative" and "physically capable adult relative". Provides that a minor shall not be considered neglected or dependent for the sole reason that the minor's parent or parents or other person or persons responsible for the minor's welfare have left the minor in the care of an adult relative who the parent or parents or other person responsible for the minor's welfare know is both a mentally capable adult relative and a physically capable adult relative.

705 ILCS 405/ 1-3; 2-3 & 2-4.

Bill Status:            **Public Act: 96-0168 - Effective: 8/10/09.**

2. **HB0761**                      **Short Description:** JUV CT-PERMANENCY HEARING

**Synopsis:** Amends the Juvenile Court Act of 1987. Provides that if the minor is in the custody of the Illinois Department of Children and Family Services, pursuant to an order entered under the Delinquent Minors Article, the court shall conduct permanency hearings as set out in the Abused, Neglected, or Dependent Minors Article of the Act.

705 ILCS 405/ 5-745.

Bill Status:            **Public Act: 96-0178 - Effective: 1/1/10.**

3. **HB2678**                      **Short Description:** JUVENILE ELECTRONIC HOME DETENTION

**Synopsis:** Amends the Juvenile Court Act of 1987. Provides that a delinquent minor may be placed in a juvenile electronic home monitoring program. Establishes the conditions of the program.

705 ILCS 405/ 5-710; 5-7A-101 new; 5-7A-105 new; 5-7A-110 new; 5-7A-115 new; 5-7A-120 new; 5-7A-125 new.

Bill Status: **Public Act: 96-0293 - Effective: 1/1/10.**

**4. SB0104**                      **Short Description: JUV CT-RECORDS-DISCLOSURE**

**Synopsis:** Amends the Juvenile Court Act of 1987. Permits persons or their staff charged by a unit of local government with the duty of investigating the conduct of law enforcement officers to inspect and copy law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday. Provides that juvenile law enforcement records may be disclosed to an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, when necessary for the discharge of its official duties in connection with a particular investigation of the conduct of a law enforcement officer. Provides that the agency may not disclose such records to the public. Effective immediately.

705 ILCS 405/ 1-7 & 5-905

Bill Status: **Public Act: 96-0419 - Effective: 8/13/09.**

**5. SB1030**                      **Short Description: CD CORR-ARREST RECORDS AND EXPUNGEMENT**

**Synopsis:** Amends the Criminal Identification Act. Provides that law enforcement records maintained by the Department for minors arrested for an offense prior to their 17th birthday, or minors arrested for a non-felony offense, if committed by an adult, prior to their 18th birthday, shall not be forwarded to the Federal Bureau of Investigation unless those records relate to an arrest in which a minor was charged as an adult under any of the transfer provisions of the Juvenile Court Act of 1987. Amends the Juvenile Court Act of 1987. Provides that minors charged with a misdemeanor offense as a first offense are eligible for expungement review by the court upon their 18th birthday or when their sentences or the disposition of their cases are completed. Contains provisions regarding hearings, objections, determinations by the court, forwarding of copies of orders, and other matters. Provides for funding for expungement of juvenile records. Amends the Unified Code of Corrections. Provides for an additional \$30 fine to be added to every penalty imposed in sentencing for a criminal offense upon a plea of guilty or finding of guilty resulting in a judgment of conviction, provides for disposition of the additional fine, and makes a corresponding change in the Counties Code.

55 ILCS 5/ 4-2002 & 4-2002.1

705 ILCS 405/ 5-622 new

730 ILCS 5/ 5-9-1.17 new

Bill Status: **Public Act: 96-0707 - Effective: 1/1/10.**

**6. SB1274**                      **Short Description: JUV CT-PATERNITY DISCLOSURE**

**Synopsis:** Amends the Juvenile Court Act of 1987. Provides that findings and exclusions of paternity entered in proceedings occurring under the Abused, Neglected, or Dependent Minors Article of the Act shall be disclosed, in a manner and form approved by the Presiding Judge of the Juvenile Court, to the Department of Healthcare and Family Services when necessary to discharge the duties of the Department of Healthcare and Family Services under the Determination and Enforcement of Support Responsibility of Relatives Article of the Illinois Public Aid Code. Effective immediately.

705 ILCS 405/ 1-8

Bill Status: **Public Act: 96-0212 - Effective: 8/10/09.**

**7. SB1628**                      **Short Description: PATERNITY-DNA TEST REQUIRED**

**Synopsis:** Amends the Illinois Public Aid Code, the Vital Records Act, the Criminal Code of 1961, the Illinois Marriage and Dissolution of Marriage Act, and the Illinois Parentage Act of 1984. Provides that the Department of Healthcare and Family Services' form for voluntary acknowledgement of paternity in connection with child support collection shall be the same form prepared by the Department and distributed to county clerks and registrars under the Vital Records Act. Provides that an acknowledgement of paternity and denial of paternity form shall include a statement informing the mother, the alleged father, and the presumed father, if any, that they have the right to request DNA tests regarding the issue of the child's paternity and that by signing the form, they expressly waive such tests. Requires that the statement on the acknowledgement and denial of paternity form concerning the right to

request DNA tests be set forth in bold-face capital letters not less than 0.25 inches in height. Provides that in an action brought under the Illinois Parentage Act of 1984 to determine the existence of the father and child relationship or to declare the non-existence of the parent and child relationship, the court or Administrative Hearing Officer in an Expedited Child Support System shall, prior to the entry of a judgment in the case, advise the respondent who appears of the right to request an order that the parties and the child submit to DNA tests to determine inherited characteristics; provides that the advisement shall be noted in the record. Changes the name of the offense "unlawful visitation interference" to "unlawful visitation or parenting time interference" in the Criminal Code of 1961 and the Illinois Marriage and Dissolution of Marriage Act. Effective immediately.

305 ILCS 5/ 10-17.7  
410 ILCS 535/ 12  
720 ILCS 10-5.5  
750 ILCS 5/ 607.1  
750 ILCS 45/ 11

Bill Status: **Public Act: 96-0333 - Effective: 8/11/09.**

**8. SB1725**                      **Short Description:** CD CORR-JUVENILE PAROLE

**Synopsis:** Amends the Children and Family Services Act. Provides that the Department of Human Services shall develop recommendations to ensure the effective reintegration of youth offenders into the communities to which they are returning and shall advise and assist the Illinois Juvenile Justice Commission, utilizing information provided by the Department of Juvenile Justice, the Prisoner Review Board, the Illinois Criminal Justice Information Authority, and any other relevant State agency, to develop by Sept. 30, 2009, a report on juveniles who have been the subject of a parole revocation within the past year in Illinois. Effective immediately.

**Governor's Message:** **The Governor changed the date on which recommendations must be submitted from 2009 to 2010.**

20 ILCS 505/ 17a-5

Bill Status: **Amendatory Veto. Accepted by Both Houses.**

**2010/2011**

**CHILDREN AND JUVENILE LAW**

**1. HB-4583**                      **Short Description:** ELECTRONIC HARMFUL MATERIAL

**Synopsis as Amended:** Amends the Juvenile Court Act of 1987.

Provides that a minor shall not distribute or disseminate an indecent visual depiction of another minor through the use of a computer or electronic communication device. Provides that a minor who violates any of these provisions may be subject to a petition for adjudication and adjudged a minor in need of supervision. Provides that a minor found to be in need of supervision under this provision may be: (1) ordered to obtain counseling or other supportive services to address the acts that led to the need for supervision; or (2) ordered to perform community service.

**Statutes Amended:**

**705 ILCS 405/3-1; 3-7; 3-15 & 3-40 new**

**Bill Status:**                      Public Act: 96-1087 - Effective: 1/1/11.

**2. HB-4825**                      **Short Description:** JUV CT-RETURNING CHILD HOME

**Synopsis As Amended:** Amends the Juvenile Court Act of 1987.

Provides that the permanency plan shall include a finding by the court whether conditions that gave rise to a finding of parental abuse or neglect or of the minor's dependency have been remedied prior to returning the child home. Provides that the services contained in the service plan shall include services reasonably related to remedy the conditions that gave rise to removal of the child from the home

of his or her parents, guardian, or legal custodian or that the court has found must be remedied prior to returning the child home. Provides that any tasks the court requires of the parents, guardian, or legal custodian or child prior to returning the child home, must be reasonably related to remedying a condition or conditions that gave rise to or which could give rise to any finding of child abuse or neglect. Changes the conditions under which a motion to reinstate parental rights may be filed by the Department of Children and Family Services regarding any minor who is a ward of the court because of abuse, neglect, or dependency. Effective immediately.

**Statutes Amended:**

**705 ILCS 405/2-28 & 2-34**

**Bill Status:** Public Act: 96-1375 - Effective: 7/29/10.

**3. HB-5007 Short Description: DPT JUV JUST-MORTALITY REVIEW**

**Synopsis As Amended:** Creates the Department of Juvenile Justice Mortality Review Team Act and amends the Open Meetings Act and the Freedom of Information Act.

Provides that upon the occurrence of the death of any youth in the Department of Juvenile Justice's custody, the Director of Juvenile Justice shall appoint members and a chairperson to a mortality review team. Provides for membership of the teams. Provides that State policy includes a requirement that the response to the death of a youth committed to the custody of the Department of Juvenile Justice must include a determination of the factors contributing to the death. Adds, as a member of a mortality review team, a representative of the Office of the Governor's Executive Inspector General. Provides that the Director of Juvenile Justice may (instead of shall) request that a team review a subsequent death if the death occurs while a prior youth death is under review. Provides that a mortality review team's evaluation of means by which a death might have been prevented is not limited to the evaluation of specified "systems" of the Department of Juvenile Justice. Provides that one of a mortality review team's purposes is to recommend (instead of promote) continuing education and training for Department of Juvenile Justice staff. Provides for a team's review of every death of a youth that occurs within a facility of the Department or as the result of an act or incident occurring within a facility of the Department, including as the result of suspected illness, injury, self-harm, or unknown cause. Provides for a team's recommendations to the Director of Juvenile Justice and for the Director's reply; also requires the Director to submit a report to the Executive Inspector General appointed by the Governor under the State Officials and Employees Ethics Act. Provides that team meetings are not subject to the Open Meetings Act and that records and information provided to or maintained by a team are not subject to inspection and copying under the Freedom of Information Act. Provides for indemnification of team members. Effective immediately.

**Statutes Amended:**

**New Act  
5 ILCS 120/2 & 7**

**Bill Status:** Public Act: 96-1378 - Effective: 7/29/10.

**4. HB-5459 Short Description: ABANDONED NEWBORN-INFO PACKET**

**Synopsis As Amended:** Amends the Abandoned Newborn Infant Protection Act.

Provides that the information packet given to a relinquishing parent in accordance with the Act shall not exceed 5 pages and shall include, in addition to other required information, a one-page brochure (self-mailer) that describes the Safe Haven Law; a one-page brochure (self-mailer) that describes the Illinois Adoption Registry; and a one-page brochure describing health information for the mother and how she can get medical care if she needs it. Eliminates language requiring a hospital, police station, fire station, or emergency medical facility that receives an abandoned newborn infant to inform the relinquishing person that registration with the Illinois Adoption Registry and Medical Information Exchange is voluntary, that the person will remain anonymous if he or she completes a Denial of Information Exchange, and that the person has the option to provide medical information only and still remain anonymous. Eliminates language providing that the information packet given to a relinquishing person must include all Illinois Adoption Registry and Medical Information Exchange application forms, including the Medical Information Exchange Questionnaire and the web site address and toll-free phone number of the Registry. Provides that the Information packet given to a relinquishing parent must include a brochure (with a self-mailer attached) that describes the Abandoned Newborn Infant Protection Act and the rights of birth parents, including an optional section for the parent to complete and mail to the Department of Children and Family Services, that shall ask for basic anonymous background information about the relinquished child; a brochure that describes the

Illinois Adoption Registry, including a toll-free number and website information; and a brochure describing postpartum health information for the mother (rather than, a one-page brochure (self-mailer) that describes the provisions of the Abandoned Newborn Infant Protection Act; a one-page brochure (self-mailer) that describes the Illinois Adoption Registry; and a one-page brochure describing health information for the mother and how she can get medical care if she needs it). Provides that the information packet shall be designed in coordination between the Office of Vital Records and the Department of Children and Family Services, with the exception of the resource list of providers of counseling services and adoption agencies, which will be provided by the hospital, fire station, police station, sheriff's office, or emergency medical facility. Effective immediately.

**Statutes Amended:**

**325 ILCS 2/35**

**Bill Status:** Public Act: 96-1114 - Effective: 7/20/10.

**5. HB-5914** **Short Description:** CD CORR-JUV PAROLE

**Synopsis As Amended:** Amends the Children and Family Services Act and the Unified Code of Corrections.

Provides that the Juvenile Justice Commission shall develop recommendations to recommend due process protections for youth during release decision-making processes including, but not limited to, parole revocation proceedings and release on parole. Provides that the parole period of a juvenile committed to the Department under the Juvenile Court Act or the Juvenile Court Act of 1987 may be continued under the existing term of parole with or without modifying the conditions of parole, paroled or released to a group home or other residential facility, or recommitted until the age of 21 unless sooner terminated.

**Statutes Amended:**

**20 ILCS 505/17a-5**

**730 ILCS 5/3-3-9**

**Bill Status:** Public Act: 96-1271 - Effective: 1/1/11.

**6. HB-6129** **Short Description:** JUV CT-CONFIDENTIALITY

**Synopsis As Amended:** Amends the Juvenile Court Act of 1987.

Provides that the statement, admission, confession, or incriminating information relating to the instant offense, as part of any behavioral health screening, assessment, evaluation, or treatment, shall not be admissible as evidence against the minor on the issue of guilt only in the instant juvenile court proceeding. Provides that these provisions are in addition to and do not override any existing statutory and constitutional prohibition on the admission into evidence in delinquency proceedings of information obtained during screening, assessment, or treatment.

**Statutes Amended:**

**705 ILCS 405/401.5**

**Bill Status:** Public Act: 96-1251 - Effective: 1/1/11.

**7. SB-2605** **Short Description:** CHILD ABUSE REPORTS

**Synopsis As Amended:** Amends the Abused and Neglected Child Reporting Act.

Changes the definition of the term "subject of report" to mean any child reported to the central register of child abuse and neglect as an alleged victim of child abuse or neglect and the parent or guardian of the alleged victim or other person responsible for the alleged victim's welfare who is named in the report or added to the report as an alleged perpetrator of child abuse or neglect.





the court may order that the respondent accept a change of educational placement or program, as determined by the school district or private or non-public school. Provides that if a respondent claims that an educational transfer, a change of placement, or a change of program of the respondent is not available, the respondent may not base that assertion on the grounds that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or that the respondent fails, refuses, or take actions for a transfer, change of placement, or change of program. Provides that the court may make the parents, guardian, or legal custodian of the respondent responsible for costs associated with the respondent's placement under the order. Provides that, with respect to the enforcement of an order, the court: (i) shall not hold a school district or private or non-public school or any of its employees in civil or criminal contempt unless the school district or private or non-public school has been allowed to intervene; and (ii) may hold the parents, guardian, or legal custodian of the minor respondent in civil or criminal contempt for a violation of an order for conduct of the minor in violation of the Act if the parents, guardian, or legal custodian directed, encouraged, or assisted the minor in the conduct. Makes other changes.

**Statutes Amended:**

740 ILCS 21/80  
740 ILCS 22/213 & 220  
750 ILCS 60/214 & 223

**Bill Status:** Public Act . . . . . 97-0294.

**Effective:** 1-1-12.

**J-5. HB-3005**

**Short Description:** DEFINITION OF PARENT

**Synopsis as Amended:** Amends the Juvenile Court Act. Provides that the term "parent" does not include a person who has been or could be determined under law to be a parent if that person has been convicted of or pled guilty or nolo contendere to a crime that resulted in the conception of the child unless any party to the juvenile court proceedings, other than the offender, makes a request that the court deem the offender to be a parent and the court finds that to do so for purposes of the juvenile court proceedings is in the child's best interest. Further amends the Illinois Parentage Act of 1984. Provides that a person who was convicted of or pled guilty or nolo contendere (instead of convicted or pled guilty) to a criminal offense that resulted in the conception of a child is not entitled to custody of or visitation with that child without the consent of the child's mother and the father cannot give this consent even if he is the guardian of the child or of the mother. Effective immediately.

**Statutes Amended:** 705 ILCS 405/1-3; 6-9 & 6.5

**Bill Status:** Public Act . . . . . 97-0568.

**Effective:** 8-25-11.

**J-6. HB-3179**

**Short Description:** SCH CD-CHRONIC/HABITUAL TRUANT

**Synopsis As Introduced:** Amends the School Code. Provides that a chronic or habitual truant shall be defined as a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% (instead of 10%) or more of the previous 180 regular attendance days. Effective immediately.

**Statute Amended:** 105 ILCS 5/26-2a

**Bill Status:** Public Act . . . . . 97-0218.

**Effective:** 7-28-11.

**J-7. SB-1949**

**Short Description:** JUV CT-PERMANENCY HEARING

**Synopsis:** Amends the Juvenile Court Act of 1987 relating to abused, neglected, and dependent minors. Provides that the initial permanency hearing shall be held within 12 months from the date temporary custody of the minor was taken, regardless of whether an adjudication or dispositional hearing has been completed within that timeframe. Effective immediately.

**Statutes Amended:** 705 ILCS 405/2-28

**Bill Status:** Public Act . . . . . 97-0425.

**Effective:** 8-16-11.



**J-8. SB-1950**

**Short Description: ABUSED CHILD ACT-FALSE RPTS**

**Synopsis:** Amends the Abused and Neglected Child Reporting Act. Enhances the criminal penalty for persons who knowingly transmit a false report of child abuse or neglect to the Department of Children and Family Services. Effective immediately.

**Statutes Amended:** 325 ILCS 5/4; 7 & 7.6

**Bill Status:** Public Act . . . . . 97-0189. **Effective:** 7-22-11.

**J-9. SB-2151**

**Short Description: CRIM CD-JUVENILE DELINQUENT**

**Synopsis As Amended:** Amends the Children and Family Services Act. Provides that the Juvenile Justice Commission shall study and make recommendations to the Governor and General Assembly to ensure the effective treatment and supervision of the specialized population of juvenile offenders who are adjudicated delinquent for a sex offense. Provides that the Commission shall utilize available information and research on best practices within the state and across the nation including, but not limited to research and recommendations from the U.S. Department of Justice. Provides that the Commission shall: consider requiring specially trained probation, parole or aftercare officers to supervise juveniles adjudicated as sex offenders; explore the development of individualized probation or parole orders which would include, but is not limited to, supervision and treatment options for juveniles adjudicated as sex offenders; and consider the appropriateness and feasibility of restricting juveniles adjudicated as sex offenders from certain locations including schools and parks.

**Statutes Amended:** 20 ILCS 505/17a-5

**Bill Status:** Public Act . . . . . 97-0163. **Effective:** 1-1-12.

**2012/2013**

**CHILDREN AND JUVENILE LAW**

**J-1. HB3806**

**Short Description: JUV CT-CHRONIC TRUANT DEFINED**

**Synopsis As Introduced:** Amends the Juvenile Court Act of 1987. In the provision relating to truant minors in need of supervision, changes the definition of "chronic truant" to having the meaning ascribed to it in the School Code. Effective immediately.

**Statutes Amended:** 705 ILCS 405/3-33.5

**BILL STATUS:** Public Act: . . . . . 97-0975. **EFFECTIVE DATE:** 8-17-12.

**J-2. HB3887**

**Short Description: ABUSED CHILD-MANDATED REPORTRS**

**Synopsis As Introduced:** Amends the Abused and Neglected Child Reporting Act. Adds personnel of institutions of higher education, athletic program personnel, and early intervention providers to the list of mandated reporters under the Act. Effective immediately.

**Statutes Amended:** 325 ILCS 5/4

**BILL STATUS:** Public Act: . . . . . 97-0711. **EFFECTIVE DATE:** 6-27-2012.

**J-3. HB4566**

**Short Description: ABUSED KID-DEVELOPMNTAL SCREEN**

**Synopsis As Amended:** Amends the Abused and Neglected Child Reporting Act. Requires the Department of Children and Family Services to conduct a developmental and social-emotional screening within 45 days after the Department is granted temporary custody of a child. Provides that when a child under the age of 3 is engaged in intact family services, the Department shall offer to conduct a developmental screening within 60 days after the Department opens the case, and that for children in intact cases who are ages 3 through 5, the intact caseworker shall refer the child for a developmental screening. Requires the Department to promulgate rules

necessary for implementation of this provision. Effective immediately.

**Statutes Amended:** 325 ILCS 5/8.2a new

**BILL STATUS:** Public Act: . . . . . **97-0930.** **EFFECTIVE DATE:** 8-10-12.

**J-4.     HB-5602**

**Short Description:** JUVENILE RECORDS-RELEASE

**Synopsis As Amended:** Amends the School Code and the Juvenile Court Act of 1987. Provides that the inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday may be released to appropriate school officials by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency concerning a minor enrolled in a school within the school district who is the subject of a police investigation. Provides that the information derived from the law enforcement records shall be kept separate from and shall not become a part of the official school record of that child and shall not be a public record. Provides that a local law enforcement agency or officer may provide information to appropriate school officials only if the agency or officer believes that there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on school grounds. Provides that any information provided to appropriate school officials whom the school has determined to have a legitimate educational or safety interest by local law enforcement officials about a minor who is the subject of a current police investigation that is directly related to school safety shall consist of oral information only, and not written law enforcement records, and shall be used solely by the appropriate school official or officials to protect the safety of students and employees in the school and aid in the proper rehabilitation of the child. Provides that the information derived orally from the local law enforcement officials shall be kept separate from and shall not become a part of the official school record of the child and shall not be a public record. Provides that this limitation on the use of information about a minor who is the subject of a current police investigation shall in no way limit the use of this information by prosecutors in pursuing criminal charges arising out of the information disclosed during a police investigation of the minor. Provides that the information furnished to the appropriate school officials shall concern only the offenses of: (1) violations of the Deadly Weapons Article of the Criminal Code of 1961; (2) violations of the Illinois Controlled Substances Act; (3) violations of the Cannabis Control Act; (4) forcible felonies; (4) violations of the Methamphetamine Control and Community Protection Act; (5) harassment through electronic communications; (7) violations of the Hazing Act; and (8) assault, aggravated assault, battery, aggravated battery, battery of an unborn child, aggravated battery of an unborn child, domestic battery, violation of an order of protection, interference with reporting of domestic violence, reckless conduct, stalking, aggravated stalking, cyberstalking, mob action, or unlawful contact with streetgang members. Provides that if the designated law enforcement and school officials deem it to be in the best interest of the minor, the student may be referred to in-school or community based social services if those services are available. Provides that "rehabilitation services" may include interventions by school support personnel, evaluation for eligibility for special education, referrals to community-based agencies such as youth services, behavioral healthcare service providers, drug and alcohol prevention or treatment programs, and other interventions as deemed appropriate for the student. Adds definition of "investigation".

**Statutes Amended:**

105 ILCS 5/22-20  
705 ILCS 405/1-7 & 5-905

**BILL STATUS:** Public Act: . . . . . **97-1104.** **EFFECTIVE DATE:** 1-1-13.

**J-5.     SB-2849**

**Short Description:** ABUSED CHILD RPT ACT-DEFINITION

**Synopsis As Amended:** Amends the Abused and Neglected Child Reporting Act. Expands the definition of the term "neglected child" to include any child who is subjected to an environment which is injurious insofar as (i) the child's environment creates a likelihood of harm to the child's health, physical well-being, or welfare and (ii) the likely harm to the child is the result of a blatant disregard of parent or caretaker responsibilities (rather than any child who is subjected to an environment injurious to his or her health and welfare). Defines the term "blatant disregard" to mean an incident where the real, significant, and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm. Effective immediately.

**Statutes Amended:** 325 ILCS 5/3

**BILL STATUS:** Public Act: . . . . . **97-0803.** **EFFECTIVE DATE:** 7-13-12.

**J-6. SB-3517**

**Short Description: CHILD CARE-CRIME-LIC DENIAL**

**Synopsis As Amended:** Amends the Child Care Act of 1969. Provides that no applicant may receive a license from the Illinois Department of Children and Family Services and no person may be employed by the Department or a child care facility licensed by the Department who has been convicted of committing or attempting to commit specified offenses unless, after careful review of the circumstances surrounding the convictions, through questioning of the applicant and accessing and reviewing official documents, the Department determines that the applicant does not pose a threat to State resources or clients. Includes provisions with regard to applicants with access to confidential financial information or who submit documentation to support billing. Provides that in evaluating certain exceptions, the Department of Children and Family Services must carefully review any relevant documents to determine whether the applicant, despite the disqualifying convictions, poses a substantial risk to State resources or clients. Sets forth guidelines to be used in making the determination. Makes other changes. Effective immediately.

**Statutes Amended:** 225 ILCS 10/4.2

**BILL STATUS: Public Act: . . . . . 97-0874. EFFECTIVE DATE: 7-31-12.**

**J-7. SB-3544**

**Short Description: ABUSED NEGLECT CHILD-UNFOUNDED**

**Synopsis As Amended:** Amends the Abused and Neglected Child Reporting Act. Provides that if an individual is the subject of a subsequent investigation that is pending, the Department of Children and Family Services shall maintain all prior unfounded reports pertaining to that individual until the pending investigation has been completed or for 12 months, whichever time period ends later. Effective immediately.

**Statutes Amended:** 325 ILCS 5/7.7

**BILL STATUS: Public Act: . . . . . 97-1089. EFFECTIVE DATE: 8-24-12.**

**J-8. SB-3549**

**Short Description: CHILD-SUPPORT-SELF-EMPLOYED**

**Synopsis As Introduced:** Amends the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support Punishment Act, and the Illinois Parentage Act. Provides that if a person who is found guilty of contempt for failure to pay support conducts a business or is self-employed, the court may in addition to other penalties provided by law order the person to do one or more of the following: (i) provide monthly financial statements from the business or the self-employment; (ii) seek employment and report to the court information about his or her employment search; or (iii) report to the Department of Employment Security for job search services to find employment that will be subject to child support withholding. Effective January 1, 2013.

**Statutes Amended:**

- 305 ILCS 5/10-10
- 750 ILCS 5/505
- 750 ILCS 16/20
- 750 ILCS 45/15

**BILL STATUS: Public Act: . . . . . 97-1029. EFFECTIVE DATE: 1-1-13.**

**2013/2014**

**CHILDREN AND JUVENILE LAW**

**H. JUVENILE LAW**

**H-1 HB-2404 (PA: 98-0061) Short Description: JUV CT-DELINQUENCY AGE**

**Synopsis as Amended:**

Amends the **Juvenile Court Act of 1987**. **1)** Changes the definition of delinquent minor to include a person who was under 18 (rather than 17) years of age when he or she committed an offense classified as a felony. **2)** Also changes the age concerning confidentiality of juvenile records. **3)** Provides that the restrictions apply to persons taken into custody before their 18th (rather than 17th) birthday. **4)** Further amends the Juvenile Court Act of 1987. Makes other conforming changes reflecting increasing the age at which a minor may be prosecuted under the Act rather than under the criminal laws from under 17 to under 18 years of age. Makes corresponding change in the expungement provisions of the Act. **5)** Provides that the amendatory changes are prospective.

**Statutes Amended:** 705 ILCS 405/1-7; 1-8; 1-9; 2-10; 3-12; 4-9; 5-105; 5-120; 5-130; 5-401.5; 5-410; 5-905; 5-901 & 5-915

**BILL STATUS:** Public Act: **98-0061**. **EFFECTIVE DATE:** **1-1-14**.

**H-2 HB-2659** (PA: **98-0249**)      **Short Description:** JUV CT-PREVIOUS FOSTER PARENT

**Synopsis as Amended:**

Amends the **Children and Family Services Act**. **1)** Provides that a court determination that a current foster home placement is necessary and appropriate under the Abused, Neglected or Dependent Minors Article of the Juvenile Court Act of 1987 does not constitute a judicial determination on the merits of an administrative appeal, filed by a former foster parent, involving a change of placement decision. Amends the **Juvenile Court Act of 1987**. **2)** Defines "foster parent" to include a relative caregiver and includes a relative caregiver selected by the Department of Children and Family Services to provide care for the minor. **3)** Provides that if after an adjudication that a minor is abused or neglected and a motion has been made to restore the minor to any parent, guardian, or legal custodian found by the court to have caused the neglect or to have inflicted the abuse on the minor, a foster parent may file a motion to intervene in the proceeding for the sole purpose of requesting that the minor be placed with the foster parent, provided that the foster parent (1) is the current foster parent of the minor or (2) has previously been a foster parent for the minor for one year or more, has a foster care license or is eligible for a license or is not required to have a license, and is not the subject of any findings of abuse or neglect of any child.

**Statutes Amended:**

20 ILCS 505/5  
705 ILCS 405/1-3; 1-5

**BILL STATUS:** Public Act: **98-0249**. **EFFECTIVE DATE:** **1-1-14**.

**H-3 HB-3147** (PA: **98-0477**)      **Short Description:** JUV CT-REINSTATE PARENT RIGHTS

**Synopsis as Amended:**

Amends the **Juvenile Court Act of 1987**. **1)** Provides that a motion to reinstate parental rights may be filed only by the Department of Children and Family Services or the minor regarding any minor who is presently a ward of the court under the Abused, Neglected, or Dependent Minors Article of the Act when certain specified conditions are met. **2)** Deletes that the Section concerning a motion to reinstate parental rights is repealed 4 years after its effective date (August 21, 2013). Provides that a motion to reinstate parental rights may be filed by the minor as well as the Department of Children and Family Services. Effective immediately.

**Statutes Amended:** 705 ILCS 405/2-34

**BILL STATUS:** Public Act: **98-0477**. **EFFECTIVE DATE:** **8-16-13**.

**H-4 HB-3172** (PA: **98-0062**)      **Short Description:** JUV CT-CONTINUANCE

**Synopsis as Amended:**

Amends the **Juvenile Court Act of 1987**. **1)** Provides on delinquency petitions other than first degree murder, a Class X felony, or a forcible felony, the minor, his or her parent, guardian, or legal custodian, the minor's attorney, or the State's Attorney can object to an order of continuance under supervision before a finding of delinquency is made (rather than before adjudication or hearing evidence)

and if an objection is made the court may not order a continuance under supervision. 2) After a finding of delinquency allows the court to order a continuance under supervision after considering the circumstances of the offense and the history, character, and condition of the minor, if the court is of the opinion that: (1) the minor is not likely to commit further crimes; (2) the minor and the public would be best served if the minor were not to receive a criminal record; and (3) in the best interests of justice an order of continuance under supervision is more appropriate than a sentence otherwise permitted under the Juvenile Court Act of 1987. 3) If warranted by the conduct of the minor and the ends of justice, in addition to allowing the court to terminate a continuance under supervision, the court may also vacate the finding of delinquency or terminate supervision and vacate the finding of delinquency.

**Statutes Amended:** 705 ILCS 405/5-615

**BILL STATUS:** Public Act: 98-0062. **EFFECTIVE DATE:** 1-1-14.

**H-5 SB-1006 (PA: 98-05470)** Short Description: CRIMINAL JUSTICE-RECORDINGS

**Synopsis as Amended:**

Amends the Juvenile Court Act of 1987 and the Code of Criminal Procedure of 1963. Provides an oral, written, or sign language statement of a person made as a result of a custodial interrogation at a police station or other place of detention shall be presumed to be inadmissible against the minor or adult in a juvenile or criminal court proceeding for certain criminal offenses when the interrogation occurs on or after certain specified dates, unless an electronic recording is made of the custodial interrogation and the recording is substantially accurate and not intentionally altered. Provides if while conducting a custodial interrogation, the person being interrogated makes a statement which creates reasonable suspicion that the person has committed an offense other than those required to be recorded by this provision, the interrogators may continue to record the interrogation regarding that other offense without the person's consent, notwithstanding any provision of law to the contrary. Changes the standard for admissibility of a statement given in violation of the additional offenses to the recording of the interrogation requirement from the interrogators lack reasonable suspicion that the person had committed one of the offenses added to the recording requirement to the standard that the interrogators were unaware of facts and circumstances that would create probable cause to believe the person had committed one of the offenses.

**Statutes Amended:**

705 ILCS 405/5-401.5  
725 ILCS 5/103-2.1

**BILL STATUS:** Public Act: 98-0547. **EFFECTIVE DATE:** 1-1-14.

**H-6 SB-1192 (PA: 98-0558)** Short Description: CD CORR-JUVENILE AFTERCARE

**Synopsis as Amended:**

Amends the Unified Code of Corrections.

1) Provides that to assist youth committed to the Department of Juvenile Justice under the Juvenile Court Act of 1987 with successful reintegration into society, the Department shall retain custody and control of all adjudicated delinquent juveniles re-released after their parole or mandatory supervised release has been revoked, shall provide a continuum of post-release treatment and services to those youth, and shall supervise those youth during their release period in accordance with the conditions set by the Prisoner Review Board. 2) Provides that the Department of Juvenile Justice shall implement an aftercare program for released delinquents. 3) Establishes the conditions of the release. 4) Provides that the Prisoner Review Board has the authority for hearing and deciding the time of aftercare release for persons adjudicated delinquent under the Juvenile Court Act of 1987. 5) Changes juvenile parole to aftercare release. 6) Provides that the supervising officer is an aftercare specialist. 7) Amends various other Acts to make conforming changes.

**Statutes Amended:**

15 ILCS 335/4  
20 ILCS 301/40-15  
20 ILCS 505/34.2  
20 ILCS 515/25

20 ILCS 3930/3  
20 ILCS 4026/17  
210 ILCS 28/25  
210 ILCS 45/2-110  
210 ILCS 47/2-110  
210 ILCS 48/2-110  
305 ILCS 5/12-10.4  
405 ILCS 82/20  
705 ILCS 405/5-105; 5-750; 5-815 & 5-820  
720 ILCS 5/11-9.2; 31-1; 31-6; 31-7 & 31A-0.1  
720 ILCS 570/509  
725 ILCS 5/102-3.5 new; 102-16; 103-5; 5/110-5; 110-6.1; 110-6.3; 112A-2; 112A-20; 112A-22 & 112A-22.10  
725 ILCS 120/3; 4.5 & 5  
725 ILCS 190/3  
725 ILCS 207/15; 30 & 40  
725 ILCS 225/22  
730 ILCS 5/3-1-2; 3-2-2; 3-2.5-20; 3-2.5-65; 3-2.5-70 new; 3-2.5-75 new; 3-2.5-80 new; 3-3-1; 3-3-2; 3-3-3; 3-3-4; 3-3-5; 3-3-7; 3-3-8; 3-3-9; 3-3-10; 3-4-3; 3-5-1; 3-10-6; 5-1-1.1 new; 5-1-16; 5-4-3; 5-8A-3; 5-8A-5 & 5-8A-7  
730 ILCS 105/5; 10; 15; 20 & 35  
730 ILCS 150/3; 4; & 8-5  
730 ILCS 154/15 & 50  
740 ILCS 21/20; 115; & 117  
740 ILCS 22/202; 216; 218 & 218.1  
740 ILCS 147/30  
745 ILCS 10/4-106  
750 ILCS 60/202; 220; 222; & 222.10  
820 ILCS 315/2;

**BILL STATUS: Public Act: 98-0558. EFFECTIVE DATE: 1-1-14.**

**H-7 SB-1213 (PA: 98-0082)**

**Short Description: JUV JUSTICE-DUTIES**

**Synopsis as Introduced:**

Amends the **State Employee Indemnification Act**. **1)** Provides that the term "employee" includes an individual or organization which contracts with the Department of Juvenile Justice to provide services. **2)** Amends the **Juvenile Court Act of 1987** relating to the placement of minors requiring authoritative intervention. **3)** Changes references from the Department of Corrections to the Department of Juvenile Justice. Effective immediately.

**Statutes Amended:**

5 ILCS 350/1  
705 ILCS 405/3-28

**BILL STATUS: Public Act: 98-0082. EFFECTIVE DATE: 7-15-13.**

**H-8 SB-1843 (PA: 98-0575)**

**Short Description: PROBATION-TRANSFER CASE**

**Synopsis as Amended:**

Amends the **Probation and Probation Officers Act**. **1)** Defines "transfer case" as any case where an adult or juvenile offender seeks to have supervision transferred from one county to another or from another state to a county in Illinois, and the transfer is approved by a judicial officer, a probation or court services department, or through an interstate compact. Amends the **Juvenile Court Act of 1987** and the **Unified Code of Corrections**. **2)** Provides that jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. **3)** Provides that further transfers or retransfers of jurisdiction are also authorized in the same manner. Provides that the court to which jurisdiction has been transferred shall have the same powers as the sentencing court. **4)** Provides that the probation department within the circuit to which jurisdiction has been transferred, or which has agreed to provide supervision, may impose probation fees upon receiving the transferred offender as provided in the Unified Code of

Corrections. **5)** Provides that for all transfer cases, as defined in the Probation and Probation Officers Act, the probation department from the original sentencing court shall retain all probation fees collected prior to the transfer. **6)** Provides that after the transfer all probation fees shall be paid to the probation department within the circuit to which jurisdiction has been transferred. **7)** Provides that if the transfer case originated in another state and has been transferred under the Interstate Compact for Juveniles to the jurisdiction of an Illinois circuit court for supervision by an Illinois probation department, probation fees may be imposed only if permitted by the Interstate Commission for Juveniles.

**Statutes Amended:**

705 ILCS 405/5-715

730 ILCS 5/5-6-3

730 ILCS 110/9b

**BILL STATUS: Public Act: 98-0575. EFFECTIVE DATE: 1-1-14.**

**H-9 SB-1844 (PA: 98-0536)**

Short Description: JUV CT-JUV DETENTION

**Synopsis as Amended:**

Amends the **Juvenile Court Act of 1987**. Provides that persons 17 years of age and older who have a petition of delinquency filed against them may be confined in an adult detention facility. Provides that in making a determination whether to confine a person 17 years of age or older who has a petition of delinquency filed against the person, these factors among other matters shall be considered: (1) the age of the person; (2) any previous delinquent or criminal history of the person; (3) any previous abuse or neglect history of the person; (4) any mental health history of the person; and (5) any educational history of the person. Provides that the limitation that the minor shall only be placed in a juvenile detention home does not apply to persons 18 years of age and older (rather than 17 years of age and older) who have a petition of delinquency filed against them. Provides that these persons 18 years of age and older may be confined in an adult detention facility. Effective immediately.

**Statutes Amended:** 705 ILCS 405/5-710

**BILL STATUS: Public Act: 98-0536. EFFECTIVE DATE: 8-23-13.**

**H-10 SB-1923 (PA: 98-0552)**

Short Description: JUV CT-CONFIDENTIALITY

**Synopsis as Amended:**

Amends the **Juvenile Court Act of 1987**. **1)** Provides that subject to certain limitations specified in the Act, the court presiding over the juvenile court proceeding brought under the Act, in its discretion, may order that juvenile court records may be made available in individual cases to representatives of agencies, associations, news media, and other properly interested persons. **2)** Provides that in determining whether inspection should be limited to certain parts of the file, the court shall consider the minor's interest in confidentiality and rehabilitation over the moving party's interest in obtaining the information. Effective immediately.

**Statutes Amended:** 705 ILCS 405/1-8

**BILL STATUS: Public Act: 98-0552. EFFECTIVE DATE: 8-23-13.**

## I. CHILDREN

**I-1 HB-1443 (PA: 98-0393)**

Short Description: CRIM CD-HAZING-REPORT

**Synopsis as Amended:**

Amends the **Criminal Code of 2012**. **1)** Creates the offense of failure to report hazing. **2)** Provides that a school official commits failure to report hazing when: (1) while fulfilling his or her official responsibilities as a school official, he or she personally observes an act which is not sanctioned or authorized by that educational institution; (2) the act results in bodily harm to any person; and (3) the school official knowingly fails to report the act to supervising educational authorities or, in the event of death or great bodily harm, to law enforcement. **3)** Provides that failure to report hazing is a Class B misdemeanor. **4)** Provides that if the act which the person failed

to report resulted in death or great bodily harm, the offense is a Class A misdemeanor. **5)** Establishes an affirmative defense. **6)** Provides that nothing in this provision shall be construed to allow prosecution of a person who personally observes the act of hazing and assists with an investigation and any subsequent prosecution of the offender. Effective immediately.

**Statutes Amended:** 720 ILCS 5/12C-50.1 new

**BILL STATUS:** Public Act: **98-0393.** **EFFECTIVE DATE:** **8-16-13.**

**I-2** **HB-2245** (PA: **98-0408**) Short Description: ABUSED CHILD REPORTING-SCHOOL

**Synopsis as Amended:**

Amends the **Abused and Neglected Child Reporting Act**. Provides that within one year of initial employment and at least once every 5 years thereafter, school personnel required to report child abuse must complete mandated reporter training by a provider or agency with expertise in recognizing and reporting child abuse. Effective July 1, 2014.

**Statutes Amended:** 325 ILCS 5/4

**BILL STATUS:** Public Act: **98-0408.** **EFFECTIVE DATE:** **7-1-14.**

**I-3** **HB-2771** (PA: **98-0067**) Short Description: ABUSED CHILD-ATTORNEY PRIVILEGED

**Synopsis as Amended:**

Amends the **Abused and Neglected Child Reporting Act**. **1)** Provides that the reporting requirements of the Act shall not apply to the contents of a privileged communication between an attorney and his or her client or to confidential information within the meaning of Rule 1.6 of the Illinois Rules of Professional Conduct relating to the legal representation of an individual client. Effective immediately.

**Statutes Amended:** 325 ILCS 5/4

**BILL STATUS:** Public Act: **98-0067.** **EFFECTIVE DATE:** **7-15-13.**

**I-4** **H.B. 3128** (PA: **98-0476**) Short Description: SEX ABUSER-END PARENT RIGHTS

**Synopsis as Amended:**

Amends the **Illinois Parentage Act of 1984**. **1)** Provides that a person is not entitled to custody of or visitation with a child without the consent of the child's mother or guardian if the person is found by clear and convincing evidence to have committed an act of non-consensual sexual penetration for his conduct in fathering that child and provides that the child's mother or guardian may decline support and maintenance obligations from such a father. **2)** Provides that a man who has fathered a child through sexual assault or sexual abuse is not entitled to any inheritance or other rights from the child without the consent of the child's mother or guardian. **3)** Provides that notwithstanding any provision of the Illinois Marriage and Dissolution of Marriage Act, the parent, grandparent, great-grandparent, or sibling of a man who has fathered a child through sexual assault or sexual abuse does not have standing to bring an action requesting custody or visitation with the child without the consent of the child's mother or guardian. **4)** Provides that the child's mother or guardian may file a petition under the new provisions either as an affirmative petition or as an affirmative defense in any proceeding filed by a man who has fathered a child through sexual assault or sexual abuse.

**Statutes Amended:**

750 ILCS 45/6.5

**BILL STATUS:** Public Act: **98-0476.** **EFFECTIVE DATE:** **1-1-14.**

**I-5** **H. B. 3380** (PA: **98-0486**) Short Description: CONSUMER-CREDIT FREEZE-PARENT



**Synopsis as Amended:**

Amends the **Consumer Fraud and Deceptive Business Practices Act**. **1)** Provides that a guardian of a disabled person appointed under the Guardians for Disabled Adults Article of the Probate Act of 1975 or a parent or guardian of a minor may request that a consumer reporting agency place a security freeze on the credit report of the disabled person or minor by sending a request to the consumer reporting agency. **2)** Provides that the freeze may be requested by the holder of a power of attorney that complies with the Illinois Power of Attorney Act and a guardian of a minor under the Minors Article of the Probate Act of 1975. **3)** Authorizes a consumer reporting agency to require proper identification and documentation of authority from the person making the request. **4)** Provides that a security freeze relating to a minor may not be temporarily lifted. **5)** Provides that parents or guardians requesting a security freeze may only request a security freeze for the minor or disabled person for which they are responsible. **6)** Expands the list of persons that may have proper authority to include agents. **7)** Limits the power of attorney that may serve as proper authority to durable power of attorney. **8)** Provides that guardians appointed under the Juvenile Court Act of 1987 may request that a security freeze be placed on the credit report of certain youth. **9)** Defines terms.

**Statutes Amended:**

815 ILCS 505/2MM

**BILL STATUS:** Public Act: 98-0486. **EFFECTIVE DATE:** 1-1-14.

**I-6 SB-1169 (PA: 98-0081)** Short Description: CHLD SUPPORT-ENFORCEMENT ORDER

**Synopsis as Introduced:**

Amends the **Income Withholding for Support Act**. Removes language providing that an income withholding notice shall include the date that withholding for current support terminates, which shall be the date of termination of the current support obligation set forth in the order for support. Effective immediately.

**Statutes Amended:**

750 ILCS 28/20

**BILL STATUS:** Public Act: 98-0081. **EFFECTIVE DATE:** 7-15-13.

**I-7 SB-1756 (PA: 98-0350)** Short Description: ELECTRONIC CIGARETTE-MINOR

**Synopsis as Introduced:**

Amends the **Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act**. **1)** Provides that a person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, may not sell, offer for sale, give, or furnish any alternative nicotine product, or any cartridge or component of an alternative nicotine product, to a person under 18 years of age. **2)** Provides that before selling, offering for sale, giving, or furnishing an alternative nicotine product, or any cartridge or component of an alternative nicotine product, to another person, the person selling, offering for sale, giving, or furnishing the alternative nicotine product shall verify that the person is at least 18 years of age by: (1) examining from any person that appears to be under 27 years of age a government-issued photographic identification that establishes the person is at least 18 years of age or (2) for sales made through the Internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is 18 years of age or older. **3)** Establishes penalties.

**Statutes Amended:**

720 ILCS 675/1.5 new & 2

**BILL STATUS:** Public Act: 98-0350. **EFFECTIVE DATE:** 1-1-14.

**I-8 S.B. 1814 (PA: 98-0160)** Short Description: CRIM PRO - EVIDENCE

**Synopsis as Introduced:**

Amends the **Code of Criminal Procedure of 1963**. Adds child abduction involving luring of a child to the list of offenses for which evidence of the prior commission of that offense or other listed offense may be introduced in the trial or retrial of the accused for a listed offense to prove a propensity of the accused.

**Statutes Amended:**

725 ILCS 5/115-7.3

**BILL STATUS:** Public Act: **98-0160**. **EFFECTIVE DATE:** **1-1-14**.

**2014/2015**

**JUVENILE LAW AND LAWS RELATING TO CHILDREN**

**G-1. JUVENILE LAW**

**HOUSE BILL – 4082**

**(PUBLIC ACT 98-0892)**

**EFFECTIVE DATE: 1-1-15.**

**Short Description:** JUVENILE COURTS-Non-Judicial Probation Adjustment

**Synopsis As Amended:** Amends the Juvenile Court Act of 1987. Provides that if the minor fails to comply with terms of the non-judicial probation adjustment, the matter shall be referred to the State's Attorney for determination of whether a delinquency petition shall be filed. Provides that a court services or probation department has the power to confer in a preliminary conference with a view to adjusting suitable cases without the filing of a petition for an adjudicatory hearing under the Abused, Neglected, or Dependent Minors Article or the Delinquent Minors Article of the Act. Provides that a court services or probation department may, when authorized or directed by the court, and with the consent of the party respondents and the State's Attorney, confer in a pre-adjudicatory conference, with a view to adjusting suitable cases.

**Statutes Amended:** 705 ILCS 405/5-305 and 6-1

**G-2. JUVENILE LAW**

**HOUSE BILL 4083**

**(PUBLIC ACT: 98-0685)**

**EFFECTIVE DATE: 1-1-15.**

**Short Description:** JUVENILE COURTS – Issuance of Identification Card and Promulgation of Jail Standards and Procedures.

**Synopsis As Amended:** Amends the Juvenile Court Act of 1987. Provides that county juvenile detention standards shall be adopted by the Department of Juvenile Justice (rather than the Department of Corrections). Amends the Unified Code of Corrections. Provides that when Department or Director is used in the Code, the terms apply both to the Department of Corrections and the Department of Juvenile Justice and both to the Director of Corrections and the Director of Juvenile Justice, unless the context is specific to either the Department of Corrections or the Department of Juvenile Justice or the Director of Corrections or Director of Juvenile Justice. Provides that the Department of Juvenile Justice shall establish criteria that the youth must meet before an identification card is issued upon the release of a youth on aftercare or who has been wrongfully imprisoned. Provides that it is the sole responsibility of the youth requesting the identification card issued by the Department to meet the established criteria. Provides that the youth's failure to meet the criteria is sufficient reason to deny the youth the identification card. Provides that an identification card issued by the Department shall be valid for a period of time not to exceed 30 calendar days from the date the card is issued. Provides that the Department shall not be held civilly or criminally liable to anyone because of any act of any person utilizing a card issued by the Department.

**Statutes Amended:** 705 ILCS 405/5-105, 5-410, 5-501 / 730 ILCS 5/3-1-2, 3-2.5-75, 3-15-2, and 3-15-3

**G-3. JUVENILE LAW**

**HOUSE BILL – 4781**

**(PUBLIC ACT: 98-0689)**

**EFFECTIVE DATE: 1-1-15.**

**Short Description:** CORRECTIONS-PARENTAL NOTIFICATION

**Synopsis as Amended:** Amends the School Code. Provides that the Articles of the Code concerning regional superintendents of schools, educational service regions, duties of the county board, trustees of schools, regional boards of school trustees, and the evaluation of certified employees do not apply to the Department of Juvenile Justice School District. Amends the Unified Code of Corrections. Provides that Department of Juvenile Justice personnel who are hired by the Department and who participate or assist in the rehabilitative and vocational training of delinquent youths, supervise the daily activities involving direct and continuing responsibility for the youth's security, welfare and development, or participate in the personal rehabilitation of delinquent youth by training, supervising, and assisting lower level personnel who perform these duties must be over the age of 21 and have a bachelor's or advanced degree from an accredited college or university with a specialization in criminal justice, education, psychology, social work, or a closely related social science or other bachelor's or advanced degree with at least 2 years experience in the field of juvenile matters. Provides that the Department of Juvenile Justice shall by certified mail and telephone or electronic message (deletes return receipt requested) notify the parent, guardian or nearest relative of any person committed to the Department of Juvenile Justice of his or her physical location and any change thereof.

**Statutes Amended:** 105 ILCS 5/13-45 / 730 ILCS 5/3-7-2

#### **G-4. JUVENILE LAW**

**HOUSE BILL – 5526**

**(PUBLIC ACT: 98-0981)**

**EFFECTIVE DATE: 1-1-15.**

**Short Description:** CONTROLLED SUB-Kratom Control Act

**Synopsis as Amended:** Creates the Kratom Control Act. Provides that a minor under 18 years of age shall not knowingly purchase or possess any product containing any quantity of Kratom. Provides that a minor under 18 years of age shall not knowingly purchase or possess any product containing any quantity of Kratom. Provides that a minor under 18 years of age in the furtherance or facilitation of obtaining any product containing Kratom shall not knowingly display or use a false or forged identification card or transfer, alter, or deface an identification card. Provides that a person shall not knowingly sell, buy for, distribute samples of, or furnish any product containing any quantity of Kratom to any minor under 18 years of age. Provides that a violation is a Class B misdemeanor. Provides that if the violation involves selling, buying for, or distributing samples of, or furnishing any product containing any quantity of Kratom to any minor under 18 years of age, the offender shall pay a minimum fine of \$500.

**Statutes Amended:** New Act.

#### **G-5. JUVENILE LAW**

**HOUSE BILL - 5689**

**Short Description:** CHILD SAFE E-CIGARETTES

**Synopsis as Amended:** Amends the Illinois Poison Prevention Packaging Act. Provides that electronic cigarette liquids sold and marketed for the refilling of e-cigarettes may be sold only in special packaging. Provides that the Department of Public Health shall adopt rules establishing the standards for special packaging to be used for e-cigarette liquids. Defines "electronic cigarette." Effective: January 1, 2015.

**Statutes Amended:** 430 ILCS 40/2, 2.10 new, and 10 new.

**Bill Status:** Sent to the Governor.

#### **G-6. JUVENILE LAW**

**HOUSE BILL – 5858**

**(PUBLIC ACT: 98-0936)**

**EFFECTIVE DATE: 8-15-14.**

**Short Description:** CRIM CD-TATTOO REMOVAL-MINOR

**Synopsis As Introduced:** Amends the Criminal Code of 2012. Provides that the prohibitions of the statute concerning tattooing the body of a minor do not apply to the removal of a tattoo from a person under 18 years of age, who is a victim of trafficking in persons, involuntary sexual servitude of a minor, or involuntary servitude or who is or has been a street-gang member as defined in the Illinois Street-gang Terrorism Omnibus Prevention Act, if the removal of the tattoo is performed in an establishment or multi-type establishment which has received a certificate of registration from the Department of Public Health or its agent under the Tattoo and

Body Piercing Establishment Registration Act and the removal of the tattoo is performed by the operator or an authorized employee of the operator of the establishment or multi-type establishment. Effective immediately.

**Statutes Amended:** 720 ILCS 5/12C-35.

**G-7. JUVENILE LAW**

**HOUSE BILL 5990**

**(PUBLIC ACT: 98-0809)**

**EFFECTIVE DATE: 1-1-15.**

**Short Description:** COUNTIES-CHILD ADVOCACY CTR

**Synopsis as Amended:** Amends the Children's Advocacy Center Act. Makes legislative findings. Defines "Children's Advocacy Center" and "Children's Advocacy Centers of Illinois". Makes other changes consistent with this Act.

**Statutes Amended:** 55 ILCS 80/2, 2.5 new, 3, & 4.

**G-8. JUVENILE LAW**

**SENATE BILL 0978**

**(PUBLIC ACT: 98-0637)**

**EFFECTIVE DATE: 1-1-15.**

**Short Description:** JUV CT-AUTOMATICALLY EXPUNGE

**Synopsis as Amended:** Amends the State Records Act. Exempts from the provisions of the Act juvenile law enforcement records in the possession of the Department of State Police subject to automatic expungement under the Juvenile Court Act of 1987. Amends the Criminal Identification Act. Removes the ability to object to a petition for expungement of a conviction record if filed by a person who has been granted a pardon with authorization for expungement on the offense by the Governor. Amends the Juvenile Court Act of 1987. Provides that 180 days after the effective date of this amendatory Act, the Department of State Police shall automatically expunge, on or before January 1 of each year, a person's law enforcement records relating to incidents occurring before his or her 18th birthday in the Department's possession or control which pertain to the person when arrested as a minor if: (1) the minor was arrested for an eligible offense and no petition for delinquency was filed with the clerk of the circuit court; (2) the person attained the age of 18 years during the last calendar year; and (3) since the date of the minor's most recent arrest, at least 6 months have elapsed without an additional arrest, filing of a petition for delinquency whether related or not to a previous arrest, or filing of changes not initiated by arrest. Provides that nothing in the automatic expungement provisions precludes a person from filing a petition for expungement of records subject to automatic expungement. Provides that eligible offenses under the automatic expungement provisions are records relating to an arrest or incident occurring before the person's 18th birthday that if committed by an adult is not an offense classified as a Class 2 felony or higher offense or sex offense. Also commencing on the effective date of this amendatory Act, a person whose law enforcement records are not subject to automatic expungement and who has attained the age of 18 years may use the Access and Review process, established in the Department of State Police, for verifying and expunging his or her law enforcement records relating to incidents occurring before his or her 18th birthday in the Department's possession or control which pertain to the person when arrested for an eligible offense as a minor, if the incident occurred no earlier than 30 years before the effective date of this amendatory Act. Establishes procedures. Provides that a petition for expungement may include multiple offenses on the same petition, if the petitioner is 18 years of age or older and when a minor was arrested and no delinquency petition filed or if filed was found not delinquent of the offense or supervision successfully completed, or the offense would be a Class B misdemeanor or lesser offense if committed by an adult. Provides the Department of State Police or any employee of the Department shall be immune from civil or criminal liability for failure to expunge any records of arrest that are subject to expungement under the new provisions because of inability to verify a record. Provides that nothing in the expungement provisions shall create Department of State Police liability or responsibility for the expungement of law enforcement records it does not possess. Automatic expungement of records applies to law enforcement records of minors arrested or taken into custody on or after January 1, 2015 and access and review expungement of records of an incident no earlier than 30 years before the effective date of the amendatory Act applies to law enforcement records of minors arrested or taken into custody before January 1, 2015.

**Statutes Amended:** 5 ILCS 160/3 / 20 ILCS 2630/5.2 / 705 ILCS 405/5-915

**G-9. JUVENILE LAW**

**SENATE BILL 2782**

**(PUBLIC ACT: 98-0868)**

**EFFECTIVE DATE: 8-8-14.**

**Short Description:** JUV CT-EDUCATIONAL SURROGATE

**Synopsis as Amended:** Amends the Juvenile Court Act of 1987. Provides that upon issuing an order for temporary custody, whenever a special education services or early intervention services surrogate parent is appointed for a minor under the federal Individuals with Disabilities Education Act (rather than if the minor is in need of special education services or early intervention services), the court may appoint one or both parents or the minor's legal guardian who is a respondent as the educational surrogate parent or early intervention program surrogate parent for the minor if: (1) the parent or legal guardian respondent requests the appointment; and (2) the court finds that the best interests of the minor are consistent with the appointment. Provides that the court may appoint a person other than a parent or legal guardian respondent as educational surrogate parent or early intervention program surrogate parent of the minor if: (1) the person is not a party to the abuse, neglect, or dependency of the minor; (2) the person is familiar with the needs of the minor; (3) a parent or guardian does not request appointment, is unavailable, or the court denies the request for appointment by a parent or guardian respondent; and (4) the court finds that the best interests of the minor are consistent with the appointment. Establishes qualifications of an educational surrogate parent or an early intervention program surrogate parent. Effective immediately.

**Statutes Amended:** 705 ILCS 405/2-10.2 new.

**G-10. JUVENILE LAW**

**SENATE BILL 2783**

**(PUBLIC ACT: 98-0826)**

**EFFECTIVE DATE: 8-1-14.**

**Short Description:** CIRCUIT COURTS-WITNESS FEES

**Synopsis as Introduced:** Amends the Circuit Courts Act. Provides that witness fees in actions arising under the Abused, Neglected or Dependent Minors Article of the Juvenile Court Act of 1987 shall be paid in the same manner as witness fees paid in criminal cases. Requires a witness seeking reimbursement to file an affidavit stating, among other things, that the attendance of the witness was at the instance of the State's Attorney or attorney of any other party to the action. Effective immediately.

**Statutes Amended:** 705 ILCS 35/4.3

**G-11. JUVENILE LAW**

**SENATE BILL – 3421**

**(PUBLIC ACT: 98-0850)**

**EFFECTIVE DATE: 1-1-15.**

**Short Description:** ABUSED CHILD-REPORTER-TRAINING

**Synopsis as Amended:** Amends the Civil Administrative Code of Illinois. Requires the Department of Financial and Professional Regulation to accept continuing education credit for mandated reporter training on how to recognize and report child abuse offered by the Department of Children and Family Services and completed by any person who holds a professional license issued by the Department and who is a mandated reporter under the Abused and Neglected Child Reporting Act.

**Statutes Amended:** 20 ILCS 2105/2105-15.

**2015/2016**

**G. JUVENILE LAW AND LAWS RELATING TO CHILDREN**

**G-1. JUVENILE LAW**

**HB-1530**

**Short Description:** DCFS-YOUTH SHELTERS

**Synopsis as Amended:** Amends the Children and Family Services Act. *(1)* Provides that any child care facility authorized by the Department of Children and Family Services to provide temporary residential shelter services to children in the guardianship, temporary custody, or protective custody of the Department shall: provide interventions and activities that engage the children and youth in its care; maintain staffing levels that ensure a safe environment; implement protocols that require screening and assessment upon admission to evaluate behaviors that indicate the risk of elopement and physical aggression, with the findings reflected in the individual service plan and updated periodically as new behaviors manifest; establish rules and procedures that prevent the violation of curfew laws and that do not permit any child under the age of 18 to leave the facility for any period of time prior to the child's

complete discharge from the temporary shelter program, unless the child is accompanied by a responsible adult or the facility or the Department authorizes the child to leave the facility for a particular purpose; and whenever a child or youth is absent from the facility without authorization, utilize the standards of best practice and adopt actionable steps to locate and return the child or youth to the facility. (2) Provides that a child care facility shall have its admissions placed on hold by the Department whenever unauthorized absences from the facility are excessive; and that the admissions hold shall remain in effect until the facility has complied with a corrective action plan prescribed by the Department, and if the facility is non-compliant, the Department shall impose licensing sanctions up to and including the revocation of the facility's license. (3) Provides that the Department shall adopt any rules necessary to implement these requirements and shall monitor a child care facility to ensure that the facility establishes and adheres to these requirements. Provides that nothing in this provision shall be interpreted to create a "secure child care facility" as defined in the Child Care Act of 1969.

**Statutes Amended:** 20 ILCS 505/4c new

**Bill Status:** Public Act . . . . . **99-0339.**                      **Effective Date:** **January 1, 2016.**

**G-2. JUVENILE LAW**

**HB-2567**                                      **Short Description:** JUV CT-DETENTION AGE

**Synopsis as Amended:** Amends the Juvenile Court Act of 1987. Provides that an alleged delinquent minor under 13 years of age shall not be admitted, kept, or detained in a detention facility unless a local youth service provider, including a provider through the Comprehensive Community Based Youth Services network, has been contacted and has not been able to accept the minor.

**Statutes Amended:** 705 ILCS 405/5-410

**Bill Status:** Public Act . . . . . **99-0254.**                      **Effective Date:** **January 1, 2016.**

**G-3. JUVENILE LAW**

**HB-3718**                                      **Short Description:** JUVENILE COURT ACT-VARIOUS

**Synopsis as Amended:** (A) Amends the Juvenile Court Act of 1987. (1) Eliminates mandatory transfers. (2) Provides for presumptive transfers of a minor 15 years of age or older who commits an act that constitutes a forcible felony under the laws of this State, and if a motion by the State's Attorney to prosecute the minor under the criminal laws of Illinois for the alleged forcible felony alleges that (i) the minor has previously been adjudicated delinquent or found guilty for commission of an act that constitutes a forcible felony under the laws of this State or any other state and (ii) the act that constitutes the offense was committed in furtherance of criminal activity by an organized gang. (3) In the excluded jurisdiction provisions, increases from at least 15 to at least 16 years of age, the automatic adult prosecution of a person charged with: (a) first degree murder, (b) aggravated criminal sexual assault, or (c) aggravated battery with a firearm where the minor personally discharged a firearm. Deletes the automatic adult prosecution of a person at least 15 years of age for armed robbery when the armed robbery was committed with a firearm, or aggravated vehicular hijacking when the hijacking was committed with a firearm. (4) Provides that each circuit clerk shall track the filing, processing, and disposition of all cases: (a) initiated in criminal court as a result of excluded jurisdiction; (b) in which a motion to transfer for adult prosecution was filed by the State; (c) in which a motion for extended jurisdiction was filed by the State; (d) in which a designation is sought of a Habitual Juvenile Offender; and (e) in which a designation is sought of a Violent Juvenile Offender. Provides that on January 15 and June 15 of each year beginning 6 months after the effective date of the amendatory Act, the clerk of each county shall submit a report outlining all of certain descriptive information concerning the defendants to the General Assembly and the county board of the clerk's respective county. (B) (1) Repeals provision that authorizes the Illinois Criminal Justice Information Authority to commission a study on the changes in jurisdiction made in the amendatory Act of the 94th General Assembly and requests that the Illinois Criminal Justice Information Authority provide a written report to the General Assembly 3 years after the effective date of the amendatory Act of the 94th General Assembly (August 12, 2008). (2) Provides that the amendatory changes to the transfer of jurisdiction provisions are prospective. (C) Amends the Unified Code of Corrections. (1) Provides that the court, at the sentencing hearing, shall consider specified mitigating factors before sentencing a person who was under 18 years of age at the time of the commission of the offense. (2) Establishes special sentencing provisions if a person under 18 is convicted of first degree murder of certain persons.

**Statutes Amended:** 705 ILCS 405/5-130; 5-407; /5-805; 5-810; 5-822 new & 5-821 rep.

**Bill Status:** Public Act . . . . . **99-0258.**                      **Effective Date:** **January 1, 2016.**

**G-4. JUVENILE LAW**

**HB-4044**

**Short Description:** JUVENILE JUSTICE COUNCILS

**Synopsis as Amended:** Amends provisions of the Juvenile Court Act of 1987 relating to juvenile justice councils. (1) Provides that each county, or any group of contiguous counties under an intergovernmental agreement or, in counties having a population of 3,000,000 or more, any township or group of those townships may, at the initiative of any State's Attorney, Public Defender, court services director, probation officer, county board member, regional superintendent of schools, sheriff, chief of police, judge serving in a juvenile court within the jurisdiction, or governing body of any Redeploy Illinois site serving any part of that area (rather than each county or group of counties pursuant to an intergovernmental agreement) establish a juvenile justice council. (2) Provides that the Public Defender shall also designate a representative to serve on the council. Provides that additional members appointed to the council by the chairperson shall be with the advice and consent of the council. (3) Provides that the additional members may include a judge who hears juvenile cases in the jurisdiction in which the council sits, community youth service providers, faith based organizations, the State or local board of education, any family violence coordinating council, any domestic violence agency, any children's advocacy center, any serious and habitual offender comprehensive action program, the Department of Human Services, the Chamber of Commerce, any director of court services, and local justice involved youth. (4) Provides that the number of voting members of any juvenile justice council shall not exceed 21. (5) Deletes a provision that the chairperson shall appoint, whenever possible, a local Chief of Police and a representative of a community youth service provider to the council. (6) Provides that the juvenile justice council shall meet monthly (rather than from time to time but no less than semi-annually) for the purpose of encouraging the initiation of, or supporting ongoing, interagency cooperation and programs to address juvenile delinquency and juvenile crime. (7) Provides that in counties having a population of 3,000,000 or more, the juvenile justice council shall provide for local area council participation in its by-laws. (8) Deletes a provision that the duties of the council are to provide a forum for the presentation of interagency recommendations and the resolution of disagreements relating to the contents of the county interagency agreement or the performance by the parties of their respective obligations under the agreement. (9) Includes in the duties of the council: (a) facilitating community based collaboration and perspective on oversight, research, and evaluation of activities, programs, and policies directed towards and impacting the lives of juveniles; (b) planning for and supporting applications for Redeploy Illinois, and development of funding for screening, assessment, and risk-appropriate, evidence-informed services to reduce commitments to the Department of Juvenile Justice; and (c) planning for and supporting the development of funding for screening, assessment, and risk-appropriate, evidence-informed services to youth reentering the community from detention in a county detention center or commitment from the Department of Juvenile Justice. (10) Provides that a council which is the sole council serving any part of the area of an established Redeploy Illinois site may, in its discretion, and at the request of the Redeploy Illinois governing body of the site, undertake and maintain governance of the site under the Probation and Probation Officers Act.

**Statutes Amended:** 705 ILCS 405/6-12.

**Bill Status:** Public Act . . . . . **99-0435.**

**Effective Date:** **January 1, 2016.**

**G-5. JUVENILE LAW**

**SB-0706**

**Short Description:** SCH CD-CRIMINAL HISTORY CHECKS

**Synopsis as Introduced:** Amends the School Code. (1) In provisions concerning the registration and recognition of non-public elementary and secondary schools, (a) changes a statutory reference, (b) makes changes concerning the release of criminal history record information concerning an applicant for employment, (c) requires a student teacher, prior to the commencement of any student teaching experience (or required internship) in a school, to authorize a fingerprint-based criminal history records check, and (d) requires a school to perform a check of the Statewide Sex Offender Database and of the Statewide Murderer and Violent Offender Against Youth Database for each student teacher. (2) In provisions concerning criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database for applicants for employment with a school district, (a) requires the Department of State Police and the Federal Bureau of Investigation to furnish records of convictions forever and hereinafter (until expunged), (b) makes changes concerning the release of confidential information concerning criminal convictions, (c) provides that information obtained by a school district within the last year with respect to employees of persons or firms holding contracts with the school district must be made available to a requesting school or school district (instead of to a requesting school, school district, community college district, or private school), and (d) makes changes concerning checks for student teachers.

**Statutes Amended:** 105 ILCS 5/2-3.25o; 10-21.9 & 34-18.5

**Bill Status:** Public Act . . . . . **99-0021.**

**Effective Date:** **January 1, 2016.**

**G-6. JUVENILE LAW**

**SB-1335**

**Short Description:** ABUSED KIDS-PROTECTION ORDERS

**Synopsis As Amended:** *Amends the Abused and Neglected Child Reporting Act. (1) Provides that State's Attorneys are authorized to receive unfounded reports of child abuse or neglect for the purposes of screening and prosecuting a petition filed under Article II of the Juvenile Court Act of 1987 alleging a subsequent allegation of abuse or neglect relating to the same child, sibling of the child, or the same perpetrator. (2) Provides that an unfounded report shall not be admissible in any judicial or administrative proceeding or action except for proceedings under the Juvenile Court Act of 1987 involving a petition filed under the Juvenile Court Act of 1987 alleging abuse or neglect to the same child, a sibling of the child, or the same perpetrator. (3) Provides that parties to the proceedings filed under Article II of the Juvenile Court Act of 1987 are entitled to receive copies of previously unfounded reports regarding the same child, a sibling of the child, or the same perpetrator for purposes of hearings under the Juvenile Court Act of 1987.*

**Statutes Amended:** 325 ILCS 5/7.8 & 7.14

**Bill Status:** Public Act . . . . . 99-0349.

**Effective Date:** January 1, 2016.

**G-7. JUVENILE LAW**

**SB-1389**

**Short Description:** CRIM PRO-SEX OFFENSE-CHILD

**Synopsis as Amended:** *Amends the Code of Criminal Procedure of 1963. (1) Provides that in a prosecution of criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, or aggravated criminal sexual abuse, the court may set any conditions it finds just and appropriate on the taking of testimony of a victim who is a child under the age of 18 years or a moderately, severely, or profoundly intellectually disabled person or a person affected by a developmental disability, including the use of a facility dog, in any proceeding involving that offense. (2) Defines "facility dog". (3) Provides that when deciding whether to permit the child or person to testify with the assistance of a facility dog, the court shall take into consideration the age of the child or the person, the interests of the child or the person, the rights of the parties to the litigation, and any other relevant factor that would facilitate the testimony by the child or the person.*

**Statutes Amended:** 725 ILCS 5/106B-10 new

**Bill Status:** Public Act . . . . . 99-0094.

**Effective Date:** January 1, 2016.

**G-8. JUVENILE LAW**

**SB-1560**

**Short Description:** JUV CT&CD CORR-JUV SENTENCING

**Synopsis as Amended:** *(A) Amends the Juvenile Court Act of 1987. (1) Provides that a minor found to be guilty may be committed to the Department of Juvenile Justice if the minor is at least 13 years and under 20 years of age, provided that the commitment to the Department of Juvenile Justice shall be made only if a term of imprisonment in the penitentiary system of the Department of Corrections is permitted by law for adults found guilty of the offense for which the minor was adjudicated delinquent. (2) Provides that the court shall include in the sentencing order any pre-custody credits the minor is entitled to under the Unified Code of Corrections. (3) Provides that in no event shall a guilty minor be committed to the Department of Juvenile Justice or placed in detention when the act for which the minor was adjudicated delinquent would not be illegal if committed by an adult. (4) Provides that upon release from a Department facility, a minor adjudged delinquent for first degree murder shall be placed on aftercare release until the age of 21, unless sooner discharged from aftercare release or custodianship is otherwise terminated under the Act or as otherwise provided for by law. (5) Establishes the duration of aftercare release. (B) Amends the Unified Code of Corrections. (1) Limits circumstances in which an arrest warrant must be issued for a minor who has violated his or terms of aftercare release. (2) Provides that the aftercare supervisor shall request the Department of Juvenile Justice to issue an aftercare release violation warrant, and the Department of Juvenile Justice shall issue an aftercare release violation warrant, if the releasee has a subsequent delinquency petition filed against him or her alleging commission of an act that constitutes a felony using a firearm or knife.*

**Statutes Amended:**



**Bill Status:** Public Act . . . . . 99-0268.

**Effective Date:** January 1, 2016.

**2017/2017**

**H. JUVENILE LAW AND LAWS RELATING TO CHILDREN**

**H-1. JUVENILE LAW & CHILDREN**

**HB-0114.** Short Description: JUV CT-CRITICAL INCIDENT RPT

**STATUS:** PUBLIC ACT. . . . . 99-0664. **EFFECTIVE:** 1-1-17.

**Statutes Amended:** 705 ILCS 405/5-745.

**Synopsis as Amended:**

Amends the *Juvenile Court Act of 1987*. Provides that if the Department of Children and Family Services is appointed legal custodian or guardian of a minor under this Act, the Department of Children and Family services shall file updated case plans with the court every 6 months (rather than providing a guardian or legal custodian appointed under this Act shall file updated case plans with the court every 6 months). Provides the Department of Juvenile Justice shall notify the court in writing, filed within 10 days of the occurrence, of a critical incident involving a youth committed to the Department and a youth who has been released by the Prisoner Review Board but remains in a Department facility solely because the youth does not have an approved aftercare release site. Provides that the Department shall notify the court in writing of a youth, except a youth who has been adjudicated a habitual or violent offender, or committed for first degree murder, who has been held in a Department facility for over one consecutive year with a supplemental report filed every 6 months thereafter. Provides that the notification shall contain a brief description of the incident or situation and a summary of the minor's current physical, mental, and emotional health and the actions the Department took in response. Provides that upon receipt of the notification, the court may require the Department to make a full report. Provides that with respect to any report required to be filed with the court, the Independent Juvenile Ombudsman shall provide a copy to the minor's court appointed guardian ad litem and to the minor's attorney. Provides that under specified circumstances, the Independent Juvenile Ombudsman shall send a notice to the minor's parents or guardian that the report is available and will be provided by the Independent Juvenile Ombudsman upon request.

**H-2. JUVENILE LAW & CHILDREN**

**HB 5551.** Short Description: DCFS-FICTIVE KIN

**STATUS:** Public Act . . . . . 99-0836. **EFFECTIVE:** 1-1-17.

**Statutes Amended:** 20 ILCS 505/7.

**Synopsis as Amended:**

Amends the *Children and Family Services Act*. In provisions requiring the Department of Children and Family Services to develop a case plan for each client for whom the Department is providing placement services, requires the Department to ensure that incarcerated parents are able to participate in case plan reviews via teleconference or videoconference; and requires the case plan to address the tasks that must be completed by an incarcerated parent and other matters. Requires the Department to use the child's best interest standard under the Juvenile Court Act of 1987 when considering a placement that will permit the child to maintain a meaningful relationship with his or her parents. Expands the definition of "*fictive kin*" to include any individual, unrelated by birth or marriage, who is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule. Amends the Juvenile Court Act of 1987. In provisions concerning a petition for the termination of parental rights involving minors who are committed to the care of the Department, provides that such a petition shall be filed unless a good cause exists that filing the petition is contrary to the child's best interests. Lists a parent's incarceration or prior



