



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4296

Introduced 1/22/2018, by Rep. Joe Sosnowski

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-3  
720 ILCS 5/12C-10

from Ch. 37, par. 802-3  
was 720 ILCS 5/12-21.5

Amends the Juvenile Court Act of 1987. Provides that a neglected minor includes any minor under the age of 12 (rather than 14) years whose parent or other person responsible for the minor's welfare leaves the minor without supervision for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of that minor. Amends the Criminal Code of 2012. Provides that a person commits child abandonment when he or she, as a parent, guardian, or other person having physical custody or control of a child, without regard for the mental or physical health, safety, or welfare of that child, knowingly leaves that child who is under the age of 12 (rather than 13) without supervision by a responsible person over the age of 14 for a period of 24 hours or more.

LRB100 15460 SLF 30465 b

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Section 2-3 as follows:

6 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

7 Sec. 2-3. Neglected or abused minor.

8 (1) Those who are neglected include:

9 (a) any minor under 18 years of age who is not  
10 receiving the proper or necessary support, education as  
11 required by law, or medical or other remedial care  
12 recognized under State law as necessary for a minor's  
13 well-being, or other care necessary for his or her  
14 well-being, including adequate food, clothing and shelter,  
15 or who is abandoned by his or her parent or parents or  
16 other person or persons responsible for the minor's  
17 welfare, except that a minor shall not be considered  
18 neglected for the sole reason that the minor's parent or  
19 parents or other person or persons responsible for the  
20 minor's welfare have left the minor in the care of an adult  
21 relative for any period of time, who the parent or parents  
22 or other person responsible for the minor's welfare know is  
23 both a mentally capable adult relative and physically

1 capable adult relative, as defined by this Act; or

2 (b) any minor under 18 years of age whose environment  
3 is injurious to his or her welfare; or

4 (c) any newborn infant whose blood, urine, or meconium  
5 contains any amount of a controlled substance as defined in  
6 subsection (f) of Section 102 of the Illinois Controlled  
7 Substances Act, as now or hereafter amended, or a  
8 metabolite of a controlled substance, with the exception of  
9 controlled substances or metabolites of such substances,  
10 the presence of which in the newborn infant is the result  
11 of medical treatment administered to the mother or the  
12 newborn infant; or

13 (d) any minor under the age of 12 ~~14~~ years whose parent  
14 or other person responsible for the minor's welfare leaves  
15 the minor without supervision for an unreasonable period of  
16 time without regard for the mental or physical health,  
17 safety, or welfare of that minor; or

18 (e) any minor who has been provided with interim crisis  
19 intervention services under Section 3-5 of this Act and  
20 whose parent, guardian, or custodian refuses to permit the  
21 minor to return home unless the minor is an immediate  
22 physical danger to himself, herself, or others living in  
23 the home.

24 Whether the minor was left without regard for the mental or  
25 physical health, safety, or welfare of that minor or the period  
26 of time was unreasonable shall be determined by considering the

1 following factors, including but not limited to:

2 (1) the age of the minor;

3 (2) the number of minors left at the location;

4 (3) special needs of the minor, including whether the  
5 minor is a person with a physical or mental disability, or  
6 otherwise in need of ongoing prescribed medical treatment  
7 such as periodic doses of insulin or other medications;

8 (4) the duration of time in which the minor was left  
9 without supervision;

10 (5) the condition and location of the place where the  
11 minor was left without supervision;

12 (6) the time of day or night when the minor was left  
13 without supervision;

14 (7) the weather conditions, including whether the  
15 minor was left in a location with adequate protection from  
16 the natural elements such as adequate heat or light;

17 (8) the location of the parent or guardian at the time  
18 the minor was left without supervision, the physical  
19 distance the minor was from the parent or guardian at the  
20 time the minor was without supervision;

21 (9) whether the minor's movement was restricted, or the  
22 minor was otherwise locked within a room or other  
23 structure;

24 (10) whether the minor was given a phone number of a  
25 person or location to call in the event of an emergency and  
26 whether the minor was capable of making an emergency call;

1           (11) whether there was food and other provision left  
2 for the minor;

3           (12) whether any of the conduct is attributable to  
4 economic hardship or illness and the parent, guardian or  
5 other person having physical custody or control of the  
6 child made a good faith effort to provide for the health  
7 and safety of the minor;

8           (13) the age and physical and mental capabilities of  
9 the person or persons who provided supervision for the  
10 minor;

11           (14) whether the minor was left under the supervision  
12 of another person;

13           (15) any other factor that would endanger the health  
14 and safety of that particular minor.

15           A minor shall not be considered neglected for the sole  
16 reason that the minor has been relinquished in accordance with  
17 the Abandoned Newborn Infant Protection Act.

18           (2) Those who are abused include any minor under 18 years  
19 of age whose parent or immediate family member, or any person  
20 responsible for the minor's welfare, or any person who is in  
21 the same family or household as the minor, or any individual  
22 residing in the same home as the minor, or a paramour of the  
23 minor's parent:

24           (i) inflicts, causes to be inflicted, or allows to be  
25 inflicted upon such minor physical injury, by other than  
26 accidental means, which causes death, disfigurement,

1           impairment of physical or emotional health, or loss or  
2           impairment of any bodily function;

3           (ii) creates a substantial risk of physical injury to  
4           such minor by other than accidental means which would be  
5           likely to cause death, disfigurement, impairment of  
6           emotional health, or loss or impairment of any bodily  
7           function;

8           (iii) commits or allows to be committed any sex offense  
9           against such minor, as such sex offenses are defined in the  
10          Criminal Code of 1961 or the Criminal Code of 2012, or in  
11          the Wrongs to Children Act, and extending those definitions  
12          of sex offenses to include minors under 18 years of age;

13          (iv) commits or allows to be committed an act or acts  
14          of torture upon such minor;

15          (v) inflicts excessive corporal punishment;

16          (vi) commits or allows to be committed the offense of  
17          involuntary servitude, involuntary sexual servitude of a  
18          minor, or trafficking in persons as defined in Section 10-9  
19          of the Criminal Code of 1961 or the Criminal Code of 2012,  
20          upon such minor; or

21          (vii) allows, encourages or requires a minor to commit  
22          any act of prostitution, as defined in the Criminal Code of  
23          1961 or the Criminal Code of 2012, and extending those  
24          definitions to include minors under 18 years of age.

25          A minor shall not be considered abused for the sole reason  
26          that the minor has been relinquished in accordance with the

1 Abandoned Newborn Infant Protection Act.

2 (3) This Section does not apply to a minor who would be  
3 included herein solely for the purpose of qualifying for  
4 financial assistance for himself, his parents, guardian or  
5 custodian.

6 (Source: P.A. 99-143, eff. 7-27-15.)

7 Section 10. The Criminal Code of 2012 is amended by  
8 changing Section 12C-10 as follows:

9 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

10 Sec. 12C-10. Child abandonment.

11 (a) A person commits child abandonment when he or she, as a  
12 parent, guardian, or other person having physical custody or  
13 control of a child, without regard for the mental or physical  
14 health, safety, or welfare of that child, knowingly leaves that  
15 child who is under the age of 12 ~~13~~ without supervision by a  
16 responsible person over the age of 14 for a period of 24 hours  
17 or more. It is not a violation of this Section for a person to  
18 relinquish a child in accordance with the Abandoned Newborn  
19 Infant Protection Act.

20 (b) For the purposes of determining whether the child was  
21 left without regard for the mental or physical health, safety,  
22 or welfare of that child, the trier of fact shall consider the  
23 following factors:

24 (1) the age of the child;

- 1 (2) the number of children left at the location;
- 2 (3) special needs of the child, including whether the  
3 child is a person with a physical or mental disability, or  
4 otherwise in need of ongoing prescribed medical treatment  
5 such as periodic doses of insulin or other medications;
- 6 (4) the duration of time in which the child was left  
7 without supervision;
- 8 (5) the condition and location of the place where the  
9 child was left without supervision;
- 10 (6) the time of day or night when the child was left  
11 without supervision;
- 12 (7) the weather conditions, including whether the  
13 child was left in a location with adequate protection from  
14 the natural elements such as adequate heat or light;
- 15 (8) the location of the parent, guardian, or other  
16 person having physical custody or control of the child at  
17 the time the child was left without supervision, the  
18 physical distance the child was from the parent, guardian,  
19 or other person having physical custody or control of the  
20 child at the time the child was without supervision;
- 21 (9) whether the child's movement was restricted, or the  
22 child was otherwise locked within a room or other  
23 structure;
- 24 (10) whether the child was given a phone number of a  
25 person or location to call in the event of an emergency and  
26 whether the child was capable of making an emergency call;



1           (11) whether there was food and other provision left  
2 for the child;

3           (12) whether any of the conduct is attributable to  
4 economic hardship or illness and the parent, guardian or  
5 other person having physical custody or control of the  
6 child made a good faith effort to provide for the health  
7 and safety of the child;

8           (13) the age and physical and mental capabilities of  
9 the person or persons who provided supervision for the  
10 child;

11           (14) any other factor that would endanger the health or  
12 safety of that particular child;

13           (15) whether the child was left under the supervision  
14 of another person.

15           (c) Child abandonment is a Class 4 felony. A second or  
16 subsequent offense after a prior conviction is a Class 3  
17 felony. A parent, who is found to be in violation of this  
18 Section with respect to his or her child, may be sentenced to  
19 probation for this offense pursuant to Section 12C-15.

20           (Source: P.A. 98-756, eff. 7-16-14; 99-143, eff. 7-27-15.)