

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 Sections 5-305 and 6-1 as follows:

6 (705 ILCS 405/5-305)

7 Sec. 5-305. Probation adjustment.

8 (1) The court may authorize the probation officer to confer
9 in a preliminary conference with a minor who is alleged to have
10 committed an offense, his or her parent, guardian or legal
11 custodian, the victim, the juvenile police officer, the State's
12 Attorney, and other interested persons concerning the
13 advisability of filing a petition under Section 5-520, with a
14 view to adjusting suitable cases without the filing of a
15 petition as provided for in this Article, the probation officer
16 should schedule a conference promptly except when the State's
17 Attorney insists on court action or when the minor has
18 indicated that he or she will demand a judicial hearing and
19 will not comply with a probation adjustment.

20 (1-b) In any case of a minor who is in custody, the holding
21 of a probation adjustment conference does not operate to
22 prolong temporary custody beyond the period permitted by
23 Section 5-415.

1 (2) This Section does not authorize any probation officer
2 to compel any person to appear at any conference, produce any
3 papers, or visit any place.

4 (3) No statement made during a preliminary conference in
5 regard to the offense that is the subject of the conference may
6 be admitted into evidence at an adjudicatory hearing or at any
7 proceeding against the minor under the criminal laws of this
8 State prior to his or her conviction under those laws.

9 (4) When a probation adjustment is appropriate, the
10 probation officer shall promptly formulate a written,
11 non-judicial adjustment plan following the initial conference.

12 (5) Non-judicial probation adjustment plans include but
13 are not limited to the following:

14 (a) up to 6 months informal supervision within the
15 family;

16 (b) up to 12 months informal supervision with a
17 probation officer involved which may include any
18 conditions of probation provided in Section 5-715;

19 (c) up to 6 months informal supervision with release to
20 a person other than a parent;

21 (d) referral to special educational, counseling, or
22 other rehabilitative social or educational programs;

23 (e) referral to residential treatment programs;

24 (f) participation in a public or community service
25 program or activity; and

26 (g) any other appropriate action with the consent of

1 the minor and a parent.

2 (6) The factors to be considered by the probation officer
3 in formulating a non-judicial probation adjustment plan shall
4 be the same as those limited in subsection (4) of Section
5 5-405.

6 (7) Beginning January 1, 2000, the probation officer who
7 imposes a probation adjustment plan shall assure that
8 information about an offense which would constitute a felony if
9 committed by an adult, and may assure that information about a
10 misdemeanor offense, is transmitted to the Department of State
11 Police.

12 (8) If the minor fails to comply with any term or condition
13 of the non-judicial probation adjustment, the matter shall be
14 referred to the State's Attorney for determination of whether a
15 petition under this Article shall be filed.

16 (Source: P.A. 92-329, eff. 8-9-01.)

17 (705 ILCS 405/6-1) (from Ch. 37, par. 806-1)

18 Sec. 6-1. Probation departments; functions and duties.

19 (1) The chief judge of each circuit shall make provision
20 for probation services for each county in his or her circuit.
21 The appointment of officers to probation or court services
22 departments and the administration of such departments shall be
23 governed by the provisions of the Probation and Probation
24 Officers Act.

25 (2) Every county or every group of counties constituting a

1 probation district shall maintain a court services or probation
2 department subject to the provisions of the Probation and
3 Probation Officers Act. For the purposes of this Act, such a
4 court services or probation department has, but is not limited
5 to, the following powers and duties:

6 (a) When authorized or directed by the court, to
7 receive, investigate and evaluate complaints indicating
8 dependency, requirement of authoritative intervention,
9 addiction or delinquency within the meaning of Sections
10 2-3, 2-4, 3-3, 4-3 or 5-105, respectively; to determine or
11 assist the complainant in determining whether a petition
12 should be filed under Sections 2-13, 3-15, 4-12 or 5-520 or
13 whether referral should be made to an agency, association
14 or other person or whether some other action is advisable;
15 and to see that the indicating filing, referral or other
16 action is accomplished. However, no such investigation,
17 evaluation or supervision by such court services or
18 probation department is to occur with regard to complaints
19 indicating only that a minor may be a chronic or habitual
20 truant.

21 (a-1) To confer in a preliminary conference, with a
22 view to adjusting suitable cases without the filing of a
23 petition as provided for in Section 2-12 or Section 5-305.

24 (b) When a petition is filed under Section 2-13, 3-15,
25 4-15 or 5-520, to make pre-adjudicatory ~~pre-hearing~~
26 investigations and formulate recommendations to the court

1 when the court has authorized or directed the department to
2 do so.

3 (b-1) When authorized or directed by the court, and
4 with the consent of the party respondents and the State's
5 Attorney, to confer in a pre-adjudicatory conference, with
6 a view to adjusting suitable cases as provided for in
7 Section 2-12 or Section 5-305.

8 (c) To counsel and, by order of the court, to supervise
9 minors referred to the court; to conduct indicated programs
10 of casework, including referrals for medical and mental
11 health service, organized recreation and job placement for
12 wards of the court and, when appropriate, for members of
13 the family of a ward; to act as liaison officer between the
14 court and agencies or associations to which minors are
15 referred or through which they are placed; when so
16 appointed, to serve as guardian of the person of a ward of
17 the court; to provide probation supervision and protective
18 supervision ordered by the court; and to provide like
19 services to wards and probationers of courts in other
20 counties or jurisdictions who have lawfully become local
21 residents.

22 (d) To arrange for placements pursuant to court order.

23 (e) To assume administrative responsibility for such
24 detention, shelter care and other institutions for minors
25 as the court may operate.

26 (f) To maintain an adequate system of case records,

1 statistical records, and financial records related to
2 juvenile detention and shelter care and to make reports to
3 the court and other authorized persons, and to the Supreme
4 Court pursuant to the Probation and Probation Officers Act.

5 (g) To perform such other services as may be
6 appropriate to effectuate the purposes of this Act or as
7 may be directed by any order of court made under this Act.

8 (3) The court services or probation department in any
9 probation district or county having less than 1,000,000
10 inhabitants, or any personnel of the department, may be
11 required by the circuit court to render services to the court
12 in other matters as well as proceedings under this Act.

13 (4) In any county or probation district, a probation
14 department may be established as a separate division of a more
15 inclusive department of court services, with any appropriate
16 divisional designation. The organization of any such
17 department of court services and the appointment of officers
18 and other personnel must comply with the Probation and
19 Probations Officers Act.

20 (5) For purposes of this Act only, probation officers
21 appointed to probation or court services departments shall be
22 considered peace officers. In the exercise of their official
23 duties, probation officers, sheriffs, and police officers may,
24 anywhere within the State, arrest any minor who is in violation
25 of any of the conditions of his or her probation, continuance
26 under supervision, or informal supervision, and it shall be the

1 duty of the officer making the arrest to take the minor before
2 the court having jurisdiction over the minor for further
3 action.

4 (Source: P.A. 93-576, eff. 1-1-04.)