



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2334

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. Provides that neglect does not include permitting a child, whose basic needs are met and who is of sufficient age and maturity to avoid harm or unreasonable risk of harm, to engage in independent activities, including: (1) traveling to and from school, including by walking, running, or bicycling; (2) traveling to and from nearby commercial or recreational activities; (3) engaging in outdoor play; (4) remaining in a vehicle unattended, except as otherwise provided by law; (5) remaining at home unattended; or (6) engaging in a similar independent activity. 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.

LRB101 04660 SLF 49669 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 (1.5) Neglect does not include permitting a child, whose
19 basic needs are met and who is of sufficient age and maturity
20 to avoid harm or unreasonable risk of harm, to engage in
21 independent activities, including:

22 (a) traveling to and from school, including by walking,
23 running, or bicycling;

24 (b) traveling to and from nearby commercial or
25 recreational activities;

26 (c) engaging in outdoor play;

1 (d) remaining in a vehicle unattended, except as
2 otherwise provided by law;

3 (e) remaining at home unattended; or

4 (f) engaging in a similar independent activity.

5 (2) Those who are abused include any minor under 18 years
6 of age whose parent or immediate family member, or any person
7 responsible for the minor's welfare, or any person who is in
8 the same family or household as the minor, or any individual
9 residing in the same home as the minor, or a paramour of the
10 minor's parent:

11 (i) inflicts, causes to be inflicted, or allows to be
12 inflicted upon such minor physical injury, by other than
13 accidental means, which causes death, disfigurement,
14 impairment of physical or emotional health, or loss or
15 impairment of any bodily function;

16 (ii) creates a substantial risk of physical injury to
17 such minor by other than accidental means which would be
18 likely to cause death, disfigurement, impairment of
19 emotional health, or loss or impairment of any bodily
20 function;

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

26 (iv) commits or allows to be committed an act or acts

1 of torture upon such minor;

2 (v) inflicts excessive corporal punishment;

3 (vi) commits or allows to be committed the offense of
4 involuntary servitude, involuntary sexual servitude of a
5 minor, or trafficking in persons as defined in Section 10-9
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 upon such minor; or

8 (vii) allows, encourages or requires a minor to commit
9 any act of prostitution, as defined in the Criminal Code of
10 1961 or the Criminal Code of 2012, and extending those
11 definitions to include minors under 18 years of age.

12 A minor shall not be considered abused for the sole reason
13 that the minor has been relinquished in accordance with the
14 Abandoned Newborn Infant Protection Act.

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

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

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

22 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

23 Sec. 12C-10. Child abandonment.

24 (a) A person commits child abandonment when he or she, as a

1 parent, guardian, or other person having physical custody or
2 control of a child, without regard for the mental or physical
3 health, safety, or welfare of that child, knowingly leaves that
4 child who is under the age of 12 ~~13~~ without supervision by a
5 responsible person over the age of 14 for a period of 24 hours
6 or more. It is not a violation of this Section for a person to
7 relinquish a child in accordance with the Abandoned Newborn
8 Infant Protection Act.

9 (b) For the purposes of determining whether the child was
10 left without regard for the mental or physical health, safety,
11 or welfare of that child, the trier of fact shall consider the
12 following factors:

13 (1) the age of the child;

14 (2) the number of children left at the location;

15 (3) special needs of the child, including whether the
16 child is a person with a physical or mental disability, or
17 otherwise in need of ongoing prescribed medical treatment
18 such as periodic doses of insulin or other medications;

19 (4) the duration of time in which the child was left
20 without supervision;

21 (5) the condition and location of the place where the
22 child was left without supervision;

23 (6) the time of day or night when the child was left
24 without supervision;

25 (7) the weather conditions, including whether the
26 child was left in a location with adequate protection from

1 the natural elements such as adequate heat or light;

2 (8) the location of the parent, guardian, or other
3 person having physical custody or control of the child at
4 the time the child was left without supervision, the
5 physical distance the child was from the parent, guardian,
6 or other person having physical custody or control of the
7 child at the time the child was without supervision;

8 (9) whether the child's movement was restricted, or the
9 child was otherwise locked within a room or other
10 structure;

11 (10) whether the child was given a phone number of a
12 person or location to call in the event of an emergency and
13 whether the child was capable of making an emergency call;

14 (11) whether there was food and other provision left
15 for the child;

16 (12) whether any of the conduct is attributable to
17 economic hardship or illness and the parent, guardian or
18 other person having physical custody or control of the
19 child made a good faith effort to provide for the health
20 and safety of the child;

21 (13) the age and physical and mental capabilities of
22 the person or persons who provided supervision for the
23 child;

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

26 (15) whether the child was left under the supervision

1 of another person.

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

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