



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB2649**

by Rep. Delia C. Ramirez

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/Art. 106F heading new  
725 ILCS 5/106F-5 new  
725 ILCS 5/106F-10 new

Amends the Code of Criminal Procedure of 1963. Creates a bill of rights for children of incarcerated parents. Provides that the Department of Corrections, the county sheriff, or county correctional department shall develop and implement policies and practices that adhere to the bill of rights for decisions that impact incarcerated individuals with children. Effective immediately.

LRB101 10393 SLF 55499 b

1 AN ACT concerning criminal law.

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

4 Section 1. Short title. This Act may be cited as the Bill  
5 of Rights for Children of Incarcerated Parents Act.

6 Section 3. Purpose. The purpose of this Act is to ensure  
7 the fair and compassionate treatment for children of  
8 incarcerated parents by affording certain basic rights and  
9 considerations to these children.

10 Section 5. The Code of Criminal Procedure of 1963 is  
11 amended by adding the heading of Article 106F as follows:

12 (725 ILCS 5/Art. 106F heading new)

13 ARTICLE 106F. BILL OF RIGHTS FOR CHILDREN OF INCARCERATED  
14 PARENTS

15 (725 ILCS 5/106F-5 new)

16 Sec. 106F-5. Policies and procedures. The Department of  
17 Corrections, county sheriff, or county correctional department  
18 shall develop and implement policies and practices that adhere  
19 to the guiding principles in Section 106F-10 for decisions that  
20 impact incarcerated individuals with children.

1 (725 ILCS 5/106F-10 new)

2 Sec. 106F-10. Bill of rights for children of incarcerated  
3 parents. The bill of rights for children of incarcerated  
4 parents described in this Section must recognize that each  
5 child of an incarcerated parent has certain essential rights,  
6 including, but not limited to, the following:

7 (1) To be protected from additional trauma at the time of  
8 parental arrest and sentencing.

9 (2) To be informed of the arrest and any sentence in an  
10 age-appropriate manner.

11 (3) To be heard and respected by decision makers when  
12 decisions are made about the child.

13 (4) To be considered when decisions are made about the  
14 child's parent.

15 (5) To be cared for in the absence of the child's parent in  
16 a way that prioritizes the child's physical, mental, and  
17 emotional needs.

18 (6) To be supported during the parent's incarceration.

19 (7) To speak with, see, and touch the incarcerated parent.

20 (8) To be informed about local services and programs that  
21 can provide support to the child as the child deals with the  
22 parent's incarceration.

23 (9) To not be judged, labeled, or blamed for the parent's  
24 incarceration.

25 (10) To have a lifelong relationship with the incarcerated

1 parent.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.