



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4334

Introduced 1/29/2020, by Rep. John M. Cabello

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-405  
705 ILCS 405/5-407  
705 ILCS 405/5-410  
705 ILCS 405/5-415  
705 ILCS 405/5-501

Amends the Juvenile Court Act of 1987. Provides that if a minor is taken into custody for an offense which would be a forcible felony if committed by an adult, the minor may be detained in a secure detention facility until the court makes a finding concerning the minor's detention or release at the detention or shelter care hearing.

LRB101 16367 RLC 65745 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 Sections 5-405, 5-407, 5-410, 5-415, and 5-501 as  
6 follows:

7 (705 ILCS 405/5-405)

8 Sec. 5-405. Duty of officer; admissions by minor.

9 (1) A law enforcement officer who arrests a minor with a  
10 warrant shall immediately make a reasonable attempt to notify  
11 the parent or other person legally responsible for the minor's  
12 care or the person with whom the minor resides that the minor  
13 has been arrested and where he or she is being held. The minor  
14 shall be delivered without unnecessary delay to the court or to  
15 the place designated by rule or order of court for the  
16 reception of minors.

17 (2) A law enforcement officer who arrests a minor without a  
18 warrant under Section 5-401 shall, if the minor is not  
19 released, immediately make a reasonable attempt to notify the  
20 parent or other person legally responsible for the minor's care  
21 or the person with whom the minor resides that the minor has  
22 been arrested and where the minor is being held; and the law  
23 enforcement officer shall without unnecessary delay take the

1 minor to the nearest juvenile police officer designated for  
2 these purposes in the county of venue or shall surrender the  
3 minor to a juvenile police officer in the city or village where  
4 the offense is alleged to have been committed. If a minor is  
5 taken into custody for an offense which would be a forcible  
6 felony, as defined in Section 2-8 of the Criminal Code of 2012,  
7 if committed by an adult, the minor may be detained in a secure  
8 detention facility until the court makes a finding concerning  
9 the minor's detention or release at the detention or shelter  
10 care hearing under Section 5-501. If a minor is taken into  
11 custody for an offense which would be a misdemeanor if  
12 committed by an adult, the law enforcement officer, upon  
13 determining the true identity of the minor, may release the  
14 minor to the parent or other person legally responsible for the  
15 minor's care or the person with whom the minor resides. If a  
16 minor is so released, the law enforcement officer shall  
17 promptly notify a juvenile police officer of the circumstances  
18 of the custody and release.

19 (3) The juvenile police officer may take one of the  
20 following actions:

21 (a) station adjustment and release of the minor;

22 (b) release the minor to his or her parents and refer  
23 the case to Juvenile Court;

24 (c) if the juvenile police officer reasonably believes  
25 that there is an urgent and immediate necessity to keep the  
26 minor in custody, the juvenile police officer shall deliver

1 the minor without unnecessary delay to the court or to the  
2 place designated by rule or order of court for the  
3 reception of minors;

4 (d) any other appropriate action with consent of the  
5 minor or a parent.

6 (4) The factors to be considered in determining whether to  
7 release or keep a minor in custody shall include:

8 (a) the nature of the allegations against the minor;

9 (b) the minor's history and present situation;

10 (c) the history of the minor's family and the family's  
11 present situation;

12 (d) the educational and employment status of the minor;

13 (e) the availability of special resource or community  
14 services to aid or counsel the minor;

15 (f) the minor's past involvement with and progress in  
16 social programs;

17 (g) the attitude of complainant and community toward  
18 the minor; and

19 (h) the present attitude of the minor and family.

20 (5) The records of law enforcement officers concerning all  
21 minors taken into custody under this Act shall be maintained  
22 separate from the records of arrests of adults and may not be  
23 inspected by or disclosed to the public except pursuant to  
24 Section 5-901 and Section 5-905.

25 (Source: P.A. 90-590, eff. 1-1-99.)

1 (705 ILCS 405/5-407)

2 Sec. 5-407. Processing of juvenile in possession of a  
3 firearm.

4 (a) If a law enforcement officer detains a minor pursuant  
5 to Section 10-27.1A of the School Code, the officer shall  
6 deliver the minor to the nearest juvenile officer, in the  
7 manner prescribed by subsection (2) of Section 5-405 of this  
8 Act. The juvenile officer shall deliver the minor without  
9 unnecessary delay to the court or to the place designated by  
10 rule or order of court for the reception of minors. In no event  
11 shall the minor be eligible for any other disposition by the  
12 juvenile police officer, notwithstanding the provisions of  
13 subsection (3) of Section 5-405 of this Act.

14 (b) Except as otherwise provided in subsection (2) of  
15 Section 5-405, minors ~~Minors~~ shall be brought before a judicial  
16 officer within 40 hours, exclusive of Saturdays, Sundays, and  
17 court-designated holidays, for a detention hearing to  
18 determine whether he or she shall be further held in custody.  
19 If the court finds that there is probable cause to believe that  
20 the minor is a delinquent minor by virtue of his or her  
21 violation of item (4) of subsection (a) of Section 24-1 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012 while on  
23 school grounds, that finding shall create a presumption that  
24 immediate and urgent necessity exists under subdivision (2) of  
25 Section 5-501 of this Act. Once the presumption of immediate  
26 and urgent necessity has been raised, the burden of

1 demonstrating the lack of immediate and urgent necessity shall  
2 be on any party that is opposing detention for the minor.  
3 Should the court order detention pursuant to this Section, the  
4 minor shall be detained, pending the results of a court-ordered  
5 psychological evaluation to determine if the minor is a risk to  
6 himself, herself, or others. Upon receipt of the psychological  
7 evaluation, the court shall review the determination regarding  
8 the existence of urgent and immediate necessity. The court  
9 shall consider the psychological evaluation in conjunction  
10 with the other factors identified in subdivision (2) of Section  
11 5-501 of this Act in order to make a de novo determination  
12 regarding whether it is a matter of immediate and urgent  
13 necessity for the protection of the minor or of the person or  
14 property of another that the minor be detained or placed in a  
15 shelter care facility. In addition to the pre-trial conditions  
16 found in Section 5-505 of this Act, the court may order the  
17 minor to receive counseling and any other services recommended  
18 by the psychological evaluation as a condition for release of  
19 the minor.

20 (c) Upon making a determination that the student presents a  
21 risk to himself, herself, or others, the court shall issue an  
22 order restraining the student from entering the property of the  
23 school if he or she has been suspended or expelled from the  
24 school as a result of possessing a firearm. The order shall  
25 restrain the student from entering the school and school owned  
26 or leased property, including any conveyance owned, leased, or

1 contracted by the school to transport students to or from  
2 school or a school-related activity. The order shall remain in  
3 effect until such time as the court determines that the student  
4 no longer presents a risk to himself, herself, or others.

5 (d) Psychological evaluations ordered pursuant to  
6 subsection (b) of this Section and statements made by the minor  
7 during the course of these evaluations, shall not be admissible  
8 on the issue of delinquency during the course of any  
9 adjudicatory hearing held under this Act.

10 (e) In this Section:

11 "School" means any public or private elementary or  
12 secondary school.

13 "School grounds" includes the real property comprising any  
14 school, any conveyance owned, leased, or contracted by a school  
15 to transport students to or from school or a school-related  
16 activity, or any public way within 1,000 feet of the real  
17 property comprising any school.

18 (Source: P.A. 99-258, eff. 1-1-16.)

19 (705 ILCS 405/5-410)

20 Sec. 5-410. Non-secure custody or detention.

21 (1) Any minor arrested or taken into custody pursuant to  
22 this Act who requires care away from his or her home but who  
23 does not require physical restriction shall be given temporary  
24 care in a foster family home or other shelter facility  
25 designated by the court.

1           (2) (a) Any minor 10 years of age or older arrested  
2 pursuant to this Act where there is probable cause to believe  
3 that the minor is a delinquent minor and that (i) secure  
4 custody is a matter of immediate and urgent necessity for the  
5 protection of the minor or of the person or property of  
6 another, (ii) the minor is likely to flee the jurisdiction of  
7 the court, or (iii) the minor was taken into custody under a  
8 warrant, may be kept or detained in an authorized detention  
9 facility. A minor under 13 years of age shall not be admitted,  
10 kept, or detained in a detention facility unless a local youth  
11 service provider, including a provider through the  
12 Comprehensive Community Based Youth Services network, has been  
13 contacted and has not been able to accept the minor. No minor  
14 under 12 years of age shall be detained in a county jail or a  
15 municipal lockup for more than 6 hours.

16           (a-5) For a minor arrested or taken into custody for  
17 vehicular hijacking or aggravated vehicular hijacking, a  
18 previous finding of delinquency for vehicular hijacking or  
19 aggravated vehicular hijacking shall be given greater weight in  
20 determining whether secured custody of a minor is a matter of  
21 immediate and urgent necessity for the protection of the minor  
22 or of the person or property of another.

23           (b) Except as otherwise provided in subsection (2) of  
24 Section 5-405, the ~~The~~ written authorization of the probation  
25 officer or detention officer (or other public officer  
26 designated by the court in a county having 3,000,000 or more



1 inhabitants) constitutes authority for the superintendent of  
2 any juvenile detention home to detain and keep a minor for up  
3 to 40 hours, excluding Saturdays, Sundays, and  
4 court-designated holidays. These records shall be available to  
5 the same persons and pursuant to the same conditions as are law  
6 enforcement records as provided in Section 5-905.

7 (b-4) The consultation required by paragraph (b-5) shall  
8 not be applicable if the probation officer or detention officer  
9 (or other public officer designated by the court in a county  
10 having 3,000,000 or more inhabitants) utilizes a scorable  
11 detention screening instrument, which has been developed with  
12 input by the State's Attorney, to determine whether a minor  
13 should be detained, however, paragraph (b-5) shall still be  
14 applicable where no such screening instrument is used or where  
15 the probation officer, detention officer (or other public  
16 officer designated by the court in a county having 3,000,000 or  
17 more inhabitants) deviates from the screening instrument.

18 (b-5) Subject to the provisions of paragraph (b-4), if a  
19 probation officer or detention officer (or other public officer  
20 designated by the court in a county having 3,000,000 or more  
21 inhabitants) does not intend to detain a minor for an offense  
22 which constitutes one of the following offenses he or she shall  
23 consult with the State's Attorney's Office prior to the release  
24 of the minor: first degree murder, second degree murder,  
25 involuntary manslaughter, criminal sexual assault, aggravated  
26 criminal sexual assault, aggravated battery with a firearm as

1 described in Section 12-4.2 or subdivision (e)(1), (e)(2),  
2 (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous  
3 battery involving permanent disability or disfigurement or  
4 great bodily harm, robbery, aggravated robbery, armed robbery,  
5 vehicular hijacking, aggravated vehicular hijacking, vehicular  
6 invasion, arson, aggravated arson, kidnapping, aggravated  
7 kidnapping, home invasion, burglary, or residential burglary.

8 (c) Except as otherwise provided in paragraph (a), (d), or  
9 (e), no minor shall be detained in a county jail or municipal  
10 lockup for more than 12 hours, unless the offense is a crime of  
11 violence in which case the minor may be detained up to 24  
12 hours. For the purpose of this paragraph, "crime of violence"  
13 has the meaning ascribed to it in Section 1-10 of the  
14 Alcoholism and Other Drug Abuse and Dependency Act.

15 (i) The period of detention is deemed to have begun  
16 once the minor has been placed in a locked room or cell or  
17 handcuffed to a stationary object in a building housing a  
18 county jail or municipal lockup. Time spent transporting a  
19 minor is not considered to be time in detention or secure  
20 custody.

21 (ii) Any minor so confined shall be under periodic  
22 supervision and shall not be permitted to come into or  
23 remain in contact with adults in custody in the building.

24 (iii) Upon placement in secure custody in a jail or  
25 lockup, the minor shall be informed of the purpose of the  
26 detention, the time it is expected to last and the fact

1 that it cannot exceed the time specified under this Act.

2 (iv) A log shall be kept which shows the offense which  
3 is the basis for the detention, the reasons and  
4 circumstances for the decision to detain, and the length of  
5 time the minor was in detention.

6 (v) Violation of the time limit on detention in a  
7 county jail or municipal lockup shall not, in and of  
8 itself, render inadmissible evidence obtained as a result  
9 of the violation of this time limit. Minors under 18 years  
10 of age shall be kept separate from confined adults and may  
11 not at any time be kept in the same cell, room, or yard  
12 with adults confined pursuant to criminal law. Persons 18  
13 years of age and older who have a petition of delinquency  
14 filed against them may be confined in an adult detention  
15 facility. In making a determination whether to confine a  
16 person 18 years of age or older who has a petition of  
17 delinquency filed against the person, these factors, among  
18 other matters, shall be considered:

19 (A) the age of the person;

20 (B) any previous delinquent or criminal history of  
21 the person;

22 (C) any previous abuse or neglect history of the  
23 person; and

24 (D) any mental health or educational history of the  
25 person, or both.

26 (d) (i) If a minor 12 years of age or older is confined in a

1 county jail in a county with a population below 3,000,000  
2 inhabitants, then the minor's confinement shall be implemented  
3 in such a manner that there will be no contact by sight, sound,  
4 or otherwise between the minor and adult prisoners. Minors 12  
5 years of age or older must be kept separate from confined  
6 adults and may not at any time be kept in the same cell, room,  
7 or yard with confined adults. This paragraph (d)(i) shall only  
8 apply to confinement pending an adjudicatory hearing and,  
9 except as otherwise provided in subsection (2) of Section  
10 5-405, shall not exceed 40 hours, excluding Saturdays, Sundays,  
11 and court-designated holidays. To accept or hold minors during  
12 this time period, county jails shall comply with all monitoring  
13 standards adopted by the Department of Corrections and training  
14 standards approved by the Illinois Law Enforcement Training  
15 Standards Board.

16 (ii) To accept or hold minors, 12 years of age or older,  
17 after the time period prescribed in paragraph (d)(i) of this  
18 subsection (2) of this Section but not exceeding 7 days  
19 including Saturdays, Sundays, and holidays pending an  
20 adjudicatory hearing, county jails shall comply with all  
21 temporary detention standards adopted by the Department of  
22 Corrections and training standards approved by the Illinois Law  
23 Enforcement Training Standards Board.

24 (iii) To accept or hold minors 12 years of age or older,  
25 after the time period prescribed in paragraphs (d)(i) and  
26 (d)(ii) of this subsection (2) of this Section, county jails

1 shall comply with all county juvenile detention standards  
2 adopted by the Department of Juvenile Justice.

3 (e) When a minor who is at least 15 years of age is  
4 prosecuted under the criminal laws of this State, the court may  
5 enter an order directing that the juvenile be confined in the  
6 county jail. However, any juvenile confined in the county jail  
7 under this provision shall be separated from adults who are  
8 confined in the county jail in such a manner that there will be  
9 no contact by sight, sound or otherwise between the juvenile  
10 and adult prisoners.

11 (f) For purposes of appearing in a physical lineup, the  
12 minor may be taken to a county jail or municipal lockup under  
13 the direct and constant supervision of a juvenile police  
14 officer. During such time as is necessary to conduct a lineup,  
15 and while supervised by a juvenile police officer, the sight  
16 and sound separation provisions shall not apply.

17 (g) For purposes of processing a minor, the minor may be  
18 taken to a county jail or municipal lockup under the direct and  
19 constant supervision of a law enforcement officer or  
20 correctional officer. During such time as is necessary to  
21 process the minor, and while supervised by a law enforcement  
22 officer or correctional officer, the sight and sound separation  
23 provisions shall not apply.

24 (3) Except as otherwise provided in subsection (2) of  
25 Section 5-405, if ~~if~~ the probation officer or State's Attorney  
26 (or such other public officer designated by the court in a

1 county having 3,000,000 or more inhabitants) determines that  
2 the minor may be a delinquent minor as described in subsection  
3 (3) of Section 5-105, and should be retained in custody but  
4 does not require physical restriction, the minor may be placed  
5 in non-secure custody for up to 40 hours pending a detention  
6 hearing.

7 (4) Any minor taken into temporary custody, not requiring  
8 secure detention, may, however, be detained in the home of his  
9 or her parent or guardian subject to such conditions as the  
10 court may impose.

11 (5) The changes made to this Section by Public Act 98-61  
12 apply to a minor who has been arrested or taken into custody on  
13 or after January 1, 2014 (the effective date of Public Act  
14 98-61).

15 (Source: P.A. 100-745, eff. 8-10-18; 101-81, eff. 7-12-19.)

16 (705 ILCS 405/5-415)

17 Sec. 5-415. Setting of detention or shelter care hearing;  
18 release.

19 (1) Except as otherwise provided in subsection (2) of  
20 Section 5-405, unless ~~Unless~~ sooner released, a minor alleged  
21 to be a delinquent minor taken into temporary custody must be  
22 brought before a judicial officer within 40 hours for a  
23 detention or shelter care hearing to determine whether he or  
24 she shall be further held in custody. If a minor alleged to be  
25 a delinquent minor taken into custody is hospitalized or is

1 receiving treatment for a physical or mental condition, and is  
2 unable to be brought before a judicial officer for a detention  
3 or shelter care hearing, the 40 hour period will not commence  
4 until the minor is released from the hospital or place of  
5 treatment. If the minor gives false information to law  
6 enforcement officials regarding the minor's identity or age,  
7 the 40 hour period will not commence until the court rules that  
8 the minor is subject to this Act and not subject to prosecution  
9 under the Criminal Code of 1961 or the Criminal Code of 2012.  
10 Any other delay attributable to a minor alleged to be a  
11 delinquent minor who is taken into temporary custody shall act  
12 to toll the 40 hour time period. The 40 hour time period shall  
13 be tolled to allow counsel for the minor to prepare for the  
14 detention or shelter care hearing, upon a motion filed by such  
15 counsel and granted by the court. In all cases, the 40 hour  
16 time period is exclusive of Saturdays, Sundays and  
17 court-designated holidays.

18 (2) If the State's Attorney or probation officer (or other  
19 public officer designated by the court in a county having more  
20 than 3,000,000 inhabitants) determines that the minor should be  
21 retained in custody, he or she shall cause a petition to be  
22 filed as provided in Section 5-520 of this Article, and the  
23 clerk of the court shall set the matter for hearing on the  
24 detention or shelter care hearing calendar. Immediately upon  
25 the filing of a petition in the case of a minor retained in  
26 custody, the court shall cause counsel to be appointed to

1 represent the minor. When a parent, legal guardian, custodian,  
2 or responsible relative is present and so requests, the  
3 detention or shelter care hearing shall be held immediately if  
4 the court is in session and the State is ready to proceed,  
5 otherwise at the earliest feasible time. In no event shall a  
6 detention or shelter care hearing be held until the minor has  
7 had adequate opportunity to consult with counsel. The probation  
8 officer or such other public officer designated by the court in  
9 a county having more than 3,000,000 inhabitants shall notify  
10 the minor's parent, legal guardian, custodian, or responsible  
11 relative of the time and place of the hearing. The notice may  
12 be given orally.

13 (3) Except as otherwise provided in subsection (2) of  
14 Section 5-405, the ~~The~~ minor must be released from custody at  
15 the expiration of the 40 hour period specified by this Section  
16 if not brought before a judicial officer within that period.

17 (4) Except as otherwise provided in subsection (2) of  
18 Section 5-405, after ~~After~~ the initial 40 hour period has  
19 lapsed, the court may review the minor's custodial status at  
20 any time prior to the trial or sentencing hearing. If during  
21 this time period new or additional information becomes  
22 available concerning the minor's conduct, the court may conduct  
23 a hearing to determine whether the minor should be placed in a  
24 detention or shelter care facility. If the court finds that  
25 there is probable cause that the minor is a delinquent minor  
26 and that it is a matter of immediate and urgent necessity for



1 the protection of the minor or of the person or property of  
2 another, or that he or she is likely to flee the jurisdiction  
3 of the court, the court may order that the minor be placed in  
4 detention or shelter care.

5 (Source: P.A. 97-1150, eff. 1-25-13.)

6 (705 ILCS 405/5-501)

7 Sec. 5-501. Detention or shelter care hearing. At the  
8 appearance of the minor before the court at the detention or  
9 shelter care hearing, the court shall receive all relevant  
10 information and evidence, including affidavits concerning the  
11 allegations made in the petition. Evidence used by the court in  
12 its findings or stated in or offered in connection with this  
13 Section may be by way of proffer based on reliable information  
14 offered by the State or minor. All evidence shall be admissible  
15 if it is relevant and reliable regardless of whether it would  
16 be admissible under the rules of evidence applicable at a  
17 trial. No hearing may be held unless the minor is represented  
18 by counsel and no hearing shall be held until the minor has had  
19 adequate opportunity to consult with counsel.

20 (1) If the court finds that there is not probable cause to  
21 believe that the minor is a delinquent minor it shall release  
22 the minor and dismiss the petition.

23 (2) If the court finds that there is probable cause to  
24 believe that the minor is a delinquent minor, the minor, his or  
25 her parent, guardian, custodian and other persons able to give

1 relevant testimony may be examined before the court. The court  
2 may also consider any evidence by way of proffer based upon  
3 reliable information offered by the State or the minor. All  
4 evidence, including affidavits, shall be admissible if it is  
5 relevant and reliable regardless of whether it would be  
6 admissible under the rules of evidence applicable at trial.  
7 After such evidence is presented, the court may enter an order  
8 that the minor shall be released upon the request of a parent,  
9 guardian or legal custodian if the parent, guardian or  
10 custodian appears to take custody.

11 If the court finds that it is a matter of immediate and  
12 urgent necessity for the protection of the minor or of the  
13 person or property of another that the minor be detained or  
14 placed in a shelter care facility or that he or she is likely  
15 to flee the jurisdiction of the court, the court may prescribe  
16 detention or shelter care and order that the minor be kept in a  
17 suitable place designated by the court or in a shelter care  
18 facility designated by the Department of Children and Family  
19 Services or a licensed child welfare agency; otherwise it shall  
20 release the minor from custody. If the court prescribes shelter  
21 care, then in placing the minor, the Department or other agency  
22 shall, to the extent compatible with the court's order, comply  
23 with Section 7 of the Children and Family Services Act. In  
24 making the determination of the existence of immediate and  
25 urgent necessity, the court shall consider among other matters:  
26 (a) the nature and seriousness of the alleged offense; (b) the

1 minor's record of delinquency offenses, including whether the  
2 minor has delinquency cases pending; (c) the minor's record of  
3 willful failure to appear following the issuance of a summons  
4 or warrant; (d) the availability of non-custodial  
5 alternatives, including the presence of a parent, guardian or  
6 other responsible relative able and willing to provide  
7 supervision and care for the minor and to assure his or her  
8 compliance with a summons. If the minor is ordered placed in a  
9 shelter care facility of a licensed child welfare agency, the  
10 court shall, upon request of the agency, appoint the  
11 appropriate agency executive temporary custodian of the minor  
12 and the court may enter such other orders related to the  
13 temporary custody of the minor as it deems fit and proper.

14 The order together with the court's findings of fact in  
15 support of the order shall be entered of record in the court.

16 Once the court finds that it is a matter of immediate and  
17 urgent necessity for the protection of the minor that the minor  
18 be placed in a shelter care facility, the minor shall not be  
19 returned to the parent, custodian or guardian until the court  
20 finds that the placement is no longer necessary for the  
21 protection of the minor.

22 (3) Only when there is reasonable cause to believe that the  
23 minor taken into custody is a delinquent minor may the minor be  
24 kept or detained in a facility authorized for juvenile  
25 detention. This Section shall in no way be construed to limit  
26 subsection (4).

1 (4) Minors 12 years of age or older must be kept separate  
2 from confined adults and may not at any time be kept in the  
3 same cell, room or yard with confined adults. This paragraph  
4 (4):

5 (a) shall only apply to confinement pending an  
6 adjudicatory hearing and shall not exceed 40 hours,  
7 excluding Saturdays, Sundays, and court designated  
8 holidays, except as otherwise provided in subsection (2) of  
9 Section 5-405. To accept or hold minors during this time  
10 period, county jails shall comply with all monitoring  
11 standards adopted by the Department of Corrections and  
12 training standards approved by the Illinois Law  
13 Enforcement Training Standards Board.

14 (b) To accept or hold minors, 12 years of age or older,  
15 after the time period prescribed in clause (a) of  
16 subsection (4) of this Section but not exceeding 7 days  
17 including Saturdays, Sundays, and holidays, pending an  
18 adjudicatory hearing, county jails shall comply with all  
19 temporary detention standards adopted by the Department of  
20 Corrections and training standards approved by the  
21 Illinois Law Enforcement Training Standards Board.

22 (c) To accept or hold minors 12 years of age or older,  
23 after the time period prescribed in clause (a) and (b), of  
24 this subsection county jails shall comply with all county  
25 juvenile detention standards adopted by the Department of  
26 Juvenile Justice.

1           (5) If the minor is not brought before a judicial officer  
2 within the time period as specified in Section 5-415 the minor  
3 must immediately be released from custody.

4           (6) If neither the parent, guardian or legal custodian  
5 appears within 24 hours to take custody of a minor released  
6 from detention or shelter care, then the clerk of the court  
7 shall set the matter for rehearing not later than 7 days after  
8 the original order and shall issue a summons directed to the  
9 parent, guardian or legal custodian to appear. At the same time  
10 the probation department shall prepare a report on the minor.  
11 If a parent, guardian or legal custodian does not appear at  
12 such rehearing, the judge may enter an order prescribing that  
13 the minor be kept in a suitable place designated by the  
14 Department of Human Services or a licensed child welfare  
15 agency. The time during which a minor is in custody after being  
16 released upon the request of a parent, guardian or legal  
17 custodian shall be considered as time spent in detention for  
18 purposes of scheduling the trial.

19           (7) Any party, including the State, the temporary  
20 custodian, an agency providing services to the minor or family  
21 under a service plan pursuant to Section 8.2 of the Abused and  
22 Neglected Child Reporting Act, foster parent, or any of their  
23 representatives, may file a motion to modify or vacate a  
24 temporary custody order or vacate a detention or shelter care  
25 order on any of the following grounds:

26           (a) It is no longer a matter of immediate and urgent

1 necessity that the minor remain in detention or shelter  
2 care; or

3 (b) There is a material change in the circumstances of  
4 the natural family from which the minor was removed; or

5 (c) A person, including a parent, relative or legal  
6 guardian, is capable of assuming temporary custody of the  
7 minor; or

8 (d) Services provided by the Department of Children and  
9 Family Services or a child welfare agency or other service  
10 provider have been successful in eliminating the need for  
11 temporary custody.

12 The clerk shall set the matter for hearing not later than  
13 14 days after such motion is filed. In the event that the court  
14 modifies or vacates a temporary order but does not vacate its  
15 finding of probable cause, the court may order that appropriate  
16 services be continued or initiated in behalf of the minor and  
17 his or her family.

18 (8) Whenever a petition has been filed under Section 5-520  
19 the court can, at any time prior to trial or sentencing, order  
20 that the minor be placed in detention or a shelter care  
21 facility after the court conducts a hearing and finds that the  
22 conduct and behavior of the minor may endanger the health,  
23 person, welfare, or property of himself or others or that the  
24 circumstances of his or her home environment may endanger his  
25 or her health, person, welfare or property.

26 (Source: P.A. 98-685, eff. 1-1-15.)