



Rep. Justin Slaughter

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1 AMENDMENT TO SENATE BILL 1302

2 AMENDMENT NO. _____. Amend Senate Bill 1302 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-3, 5-410, and 5-415 and by adding Section
6 5-420 as follows:

7 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

8 Sec. 1-3. Definitions. Terms used in this Act, unless the
9 context otherwise requires, have the following meanings
10 ascribed to them:

11 (1) "Adjudicatory hearing" means a hearing to determine
12 whether the allegations of a petition under Section 2-13, 3-15
13 or 4-12 that a minor under 18 years of age is abused, neglected
14 or dependent, or requires authoritative intervention, or
15 addicted, respectively, are supported by a preponderance of the
16 evidence or whether the allegations of a petition under Section

1 5-520 that a minor is delinquent are proved beyond a reasonable
2 doubt.

3 (2) "Adult" means a person 21 years of age or older.

4 (3) "Agency" means a public or private child care facility
5 legally authorized or licensed by this State for placement or
6 institutional care or for both placement and institutional
7 care.

8 (4) "Association" means any organization, public or
9 private, engaged in welfare functions which include services to
10 or on behalf of children but does not include "agency" as
11 herein defined.

12 (4.05) Whenever a "best interest" determination is
13 required, the following factors shall be considered in the
14 context of the child's age and developmental needs:

15 (a) the physical safety and welfare of the child,
16 including food, shelter, health, and clothing;

17 (b) the development of the child's identity;

18 (c) the child's background and ties, including
19 familial, cultural, and religious;

20 (d) the child's sense of attachments, including:

21 (i) where the child actually feels love,
22 attachment, and a sense of being valued (as opposed to
23 where adults believe the child should feel such love,
24 attachment, and a sense of being valued);

25 (ii) the child's sense of security;

26 (iii) the child's sense of familiarity;

- 1 (iv) continuity of affection for the child;
- 2 (v) the least disruptive placement alternative for
3 the child;
- 4 (e) the child's wishes and long-term goals;
- 5 (f) the child's community ties, including church,
6 school, and friends;
- 7 (g) the child's need for permanence which includes the
8 child's need for stability and continuity of relationships
9 with parent figures and with siblings and other relatives;
- 10 (h) the uniqueness of every family and child;
- 11 (i) the risks attendant to entering and being in
12 substitute care; and
- 13 (j) the preferences of the persons available to care
14 for the child.

15 (4.1) "Chronic truant" shall have the definition ascribed
16 to it in Section 26-2a of the School Code.

17 (5) "Court" means the circuit court in a session or
18 division assigned to hear proceedings under this Act.

19 (6) "Dispositional hearing" means a hearing to determine
20 whether a minor should be adjudged to be a ward of the court,
21 and to determine what order of disposition should be made in
22 respect to a minor adjudged to be a ward of the court.

23 (6.5) "Dissemination" or "disseminate" means to publish,
24 produce, print, manufacture, distribute, sell, lease, exhibit,
25 broadcast, display, transmit, or otherwise share information
26 in any format so as to make the information accessible to

1 others.

2 (7) "Emancipated minor" means any minor 16 years of age or
3 over who has been completely or partially emancipated under the
4 Emancipation of Minors Act or under this Act.

5 (7.03) "Expunge" means to physically destroy the records
6 and to obliterate the minor's name from any official index,
7 public record, or electronic database.

8 (7.05) "Foster parent" includes a relative caregiver
9 selected by the Department of Children and Family Services to
10 provide care for the minor.

11 (8) "Guardianship of the person" of a minor means the duty
12 and authority to act in the best interests of the minor,
13 subject to residual parental rights and responsibilities, to
14 make important decisions in matters having a permanent effect
15 on the life and development of the minor and to be concerned
16 with his or her general welfare. It includes but is not
17 necessarily limited to:

18 (a) the authority to consent to marriage, to enlistment
19 in the armed forces of the United States, or to a major
20 medical, psychiatric, and surgical treatment; to represent
21 the minor in legal actions; and to make other decisions of
22 substantial legal significance concerning the minor;

23 (b) the authority and duty of reasonable visitation,
24 except to the extent that these have been limited in the
25 best interests of the minor by court order;

26 (c) the rights and responsibilities of legal custody

1 except where legal custody has been vested in another
2 person or agency; and

3 (d) the power to consent to the adoption of the minor,
4 but only if expressly conferred on the guardian in
5 accordance with Section 2-29, 3-30, or 4-27.

6 (8.1) "Juvenile court record" includes, but is not limited
7 to:

8 (a) all documents filed in or maintained by the
9 juvenile court pertaining to a specific incident,
10 proceeding, or individual;

11 (b) (blank); ~~all documents relating to a specific~~
12 ~~incident, proceeding, or individual made available to or~~
13 ~~maintained by probation officers;~~

14 (c) all documents, video or audio tapes, photographs,
15 and exhibits admitted into evidence at juvenile court
16 hearings; or

17 (d) all documents, transcripts, records, reports, or
18 other evidence prepared by, maintained by, or released by
19 any municipal, county, or State agency or department, in
20 any format, if indicating involvement with the juvenile
21 court relating to a specific incident, proceeding, or
22 individual.

23 "Juvenile court record" does not include any documents,
24 transcripts, records, reports, or other information maintained
25 by a probation department or a public defender.

26 (8.2) "Juvenile law enforcement record" includes records

1 of arrest, station adjustments, fingerprints, probation
2 adjustments, the issuance of a notice to appear, or any other
3 records or documents maintained by any law enforcement agency
4 relating to a minor suspected of committing an offense, and
5 records maintained by a law enforcement agency that identifies
6 a juvenile as a suspect in committing an offense, but does not
7 include records identifying a juvenile as a victim, witness, or
8 missing juvenile and any records created, maintained, or used
9 for purposes of referral to programs relating to diversion as
10 defined in subsection (6) of Section 5-105.

11 "Juvenile law enforcement record" does not include any
12 documents, transcripts, records, reports, or other information
13 maintained by a probation department or a public defender,
14 including records of probation adjustments maintained by any
15 probation department.

16 (9) "Legal custody" means the relationship created by an
17 order of court in the best interests of the minor which imposes
18 on the custodian the responsibility of physical possession of a
19 minor and the duty to protect, train and discipline him and to
20 provide him with food, shelter, education and ordinary medical
21 care, except as these are limited by residual parental rights
22 and responsibilities and the rights and responsibilities of the
23 guardian of the person, if any.

24 (9.1) "Mentally capable adult relative" means a person 21
25 years of age or older who is not suffering from a mental
26 illness that prevents him or her from providing the care

1 necessary to safeguard the physical safety and welfare of a
2 minor who is left in that person's care by the parent or
3 parents or other person responsible for the minor's welfare.

4 (10) "Minor" means a person under the age of 21 years
5 subject to this Act.

6 (11) "Parent" means a father or mother of a child and
7 includes any adoptive parent. It also includes a person (i)
8 whose parentage is presumed or has been established under the
9 law of this or another jurisdiction or (ii) who has registered
10 with the Putative Father Registry in accordance with Section
11 12.1 of the Adoption Act and whose paternity has not been ruled
12 out under the law of this or another jurisdiction. It does not
13 include a parent whose rights in respect to the minor have been
14 terminated in any manner provided by law. It does not include a
15 person who has been or could be determined to be a parent under
16 the Illinois Parentage Act of 1984 or the Illinois Parentage
17 Act of 2015, or similar parentage law in any other state, if
18 that person has been convicted of or pled nolo contendere to a
19 crime that resulted in the conception of the child under
20 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
21 12-14.1, subsection (a) or (b) (but not subsection (c)) of
22 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
23 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
24 Criminal Code of 1961 or the Criminal Code of 2012, or similar
25 statute in another jurisdiction unless upon motion of any
26 party, other than the offender, to the juvenile court

1 proceedings the court finds it is in the child's best interest
2 to deem the offender a parent for purposes of the juvenile
3 court proceedings.

4 (11.1) "Permanency goal" means a goal set by the court as
5 defined in subdivision (2) of Section 2-28.

6 (11.2) "Permanency hearing" means a hearing to set the
7 permanency goal and to review and determine (i) the
8 appropriateness of the services contained in the plan and
9 whether those services have been provided, (ii) whether
10 reasonable efforts have been made by all the parties to the
11 service plan to achieve the goal, and (iii) whether the plan
12 and goal have been achieved.

13 (12) "Petition" means the petition provided for in Section
14 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
15 thereunder in Section 3-15, 4-12 or 5-520.

16 (12.1) "Physically capable adult relative" means a person
17 21 years of age or older who does not have a severe physical
18 disability or medical condition, or is not suffering from
19 alcoholism or drug addiction, that prevents him or her from
20 providing the care necessary to safeguard the physical safety
21 and welfare of a minor who is left in that person's care by the
22 parent or parents or other person responsible for the minor's
23 welfare.

24 (12.2) "Post Permanency Sibling Contact Agreement" has the
25 meaning ascribed to the term in Section 7.4 of the Children and
26 Family Services Act.

1 (12.3) "Residential treatment center" means a licensed
2 setting that provides 24-hour care to children in a group home
3 or institution, including a facility licensed as a child care
4 institution under Section 2.06 of the Child Care Act of 1969, a
5 licensed group home under Section 2.16 of the Child Care Act of
6 1969, a secure child care facility as defined in paragraph (18)
7 of this Section, or any similar facility in another state.
8 "Residential treatment center" does not include a relative
9 foster home or a licensed foster family home.

10 (13) "Residual parental rights and responsibilities" means
11 those rights and responsibilities remaining with the parent
12 after the transfer of legal custody or guardianship of the
13 person, including, but not necessarily limited to, the right to
14 reasonable visitation (which may be limited by the court in the
15 best interests of the minor as provided in subsection (8)(b) of
16 this Section), the right to consent to adoption, the right to
17 determine the minor's religious affiliation, and the
18 responsibility for his support.

19 (14) "Shelter" means the temporary care of a minor in
20 physically unrestricting facilities pending court disposition
21 or execution of court order for placement.

22 (14.05) "Shelter placement" means a temporary or emergency
23 placement for a minor, including an emergency foster home
24 placement.

25 (14.1) "Sibling Contact Support Plan" has the meaning
26 ascribed to the term in Section 7.4 of the Children and Family

1 Services Act.

2 (14.2) "Significant event report" means a written document
3 describing an occurrence or event beyond the customary
4 operations, routines, or relationships in the Department of
5 Children of Family Services, a child care facility, or other
6 entity that is licensed or regulated by the Department of
7 Children of Family Services or that provides services for the
8 Department of Children of Family Services under a grant,
9 contract, or purchase of service agreement; involving children
10 or youth, employees, foster parents, or relative caregivers;
11 allegations of abuse or neglect or any other incident raising a
12 concern about the well-being of a minor under the jurisdiction
13 of the court under Article II of the Juvenile Court Act;
14 incidents involving damage to property, allegations of
15 criminal activity, misconduct, or other occurrences affecting
16 the operations of the Department of Children of Family Services
17 or a child care facility; any incident that could have media
18 impact; and unusual incidents as defined by Department of
19 Children and Family Services rule.

20 (15) "Station adjustment" means the informal handling of an
21 alleged offender by a juvenile police officer.

22 (16) "Ward of the court" means a minor who is so adjudged
23 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
24 requisite jurisdictional facts, and thus is subject to the
25 dispositional powers of the court under this Act.

26 (17) "Juvenile police officer" means a sworn police officer

1 who has completed a Basic Recruit Training Course, has been
2 assigned to the position of juvenile police officer by his or
3 her chief law enforcement officer and has completed the
4 necessary juvenile officers training as prescribed by the
5 Illinois Law Enforcement Training Standards Board, or in the
6 case of a State police officer, juvenile officer training
7 approved by the Director of the Department of State Police.

8 (18) "Secure child care facility" means any child care
9 facility licensed by the Department of Children and Family
10 Services to provide secure living arrangements for children
11 under 18 years of age who are subject to placement in
12 facilities under the Children and Family Services Act and who
13 are not subject to placement in facilities for whom standards
14 are established by the Department of Corrections under Section
15 3-15-2 of the Unified Code of Corrections. "Secure child care
16 facility" also means a facility that is designed and operated
17 to ensure that all entrances and exits from the facility, a
18 building, or a distinct part of the building are under the
19 exclusive control of the staff of the facility, whether or not
20 the child has the freedom of movement within the perimeter of
21 the facility, building, or distinct part of the building.

22 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;
23 100-229, eff. 1-1-18; 100-689, eff. 1-1-19; 100-863, eff.
24 8-14-18; 100-1162, eff. 12-20-18.)

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

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

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

22 (a-5) For a minor arrested or taken into custody for
23 vehicular hijacking or aggravated vehicular hijacking, a
24 previous finding of delinquency for vehicular hijacking or
25 aggravated vehicular hijacking shall be given greater weight in
26 determining whether secured custody of a minor is a matter of

1 immediate and urgent necessity for the protection of the minor
2 or of the person or property of another.

3 (b) The written authorization of the probation officer or
4 detention officer (or other public officer designated by the
5 court in a county having 3,000,000 or more inhabitants)
6 constitutes authority for the superintendent of any juvenile
7 detention home to detain and keep a minor for up to 40 hours,
8 excluding ~~Saturdays, Sundays and~~ court-designated holidays.
9 These records shall be available to the same persons and
10 pursuant to the same conditions as are law enforcement records
11 as provided in Section 5-905.

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

24 On and after July 1, 2021, a detention screening instrument
25 shall be used for referrals to all authorized juvenile
26 detention facilities in this State prior to a judicial hearing.

1 The detention screening instrument shall be developed and
2 validated by the Probation Division of the Administrative
3 Office of the Illinois Courts, as provided in Section 15 of the
4 Probation and Probation Officers Act, and approved by the
5 Supreme Court.

6 (b-5) Subject to the provisions of paragraph ~~subsection~~
7 (b-4), if a probation officer or detention officer (or other
8 public officer designated by the court in a county having
9 3,000,000 or more inhabitants) does not intend to detain a
10 minor for an offense which constitutes one of the following
11 offenses he or she shall consult with the State's Attorney's
12 Office prior to the release of the minor: first degree murder,
13 second degree murder, involuntary manslaughter, criminal
14 sexual assault, aggravated criminal sexual assault, aggravated
15 battery with a firearm as described in Section 12-4.2 or
16 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section
17 12-3.05, aggravated or heinous battery involving permanent
18 disability or disfigurement or great bodily harm, robbery,
19 aggravated robbery, armed robbery, vehicular hijacking,
20 aggravated vehicular hijacking, vehicular invasion, arson,
21 aggravated arson, kidnapping, aggravated kidnapping, home
22 invasion, burglary, or residential burglary.

23 (c) Except as otherwise provided in paragraph (a), (d), or
24 (e), no minor shall be detained in a county jail or municipal
25 lockup for more than 12 hours, unless the offense is a crime of
26 violence in which case the minor may be detained up to 24

1 hours. For the purpose of this paragraph, "crime of violence"
2 has the meaning ascribed to it in Section 1-10 of the
3 Alcoholism and Other Drug Abuse and Dependency Act.

4 (i) The period of detention is deemed to have begun
5 once the minor has been placed in a locked room or cell or
6 handcuffed to a stationary object in a building housing a
7 county jail or municipal lockup. Time spent transporting a
8 minor is not considered to be time in detention or secure
9 custody.

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

13 (iii) Upon placement in secure custody in a jail or
14 lockup, the minor shall be informed of the purpose of the
15 detention, the time it is expected to last and the fact
16 that it cannot exceed the time specified under this Act.

17 (iv) A log shall be kept which shows the offense which
18 is the basis for the detention, the reasons and
19 circumstances for the decision to detain, and the length of
20 time the minor was in detention.

21 (v) Violation of the time limit on detention in a
22 county jail or municipal lockup shall not, in and of
23 itself, render inadmissible evidence obtained as a result
24 of the violation of this time limit. Minors under 18 years
25 of age shall be kept separate from confined adults and may
26 not at any time be kept in the same cell, room, or yard

1 with adults confined pursuant to criminal law. Persons 18
2 years of age and older who have a petition of delinquency
3 filed against them may be confined in an adult detention
4 facility. In making a determination whether to confine a
5 person 18 years of age or older who has a petition of
6 delinquency filed against the person, these factors, among
7 other matters, shall be considered:

8 (A) the ~~The~~ age of the person;

9 (B) any ~~Any~~ previous delinquent or criminal
10 history of the person;

11 (C) any ~~Any~~ previous abuse or neglect history of
12 the person; and

13 (D) any ~~Any~~ mental health or educational history of
14 the person, or both.

15 (d) (i) If a minor 12 years of age or older is confined in a
16 county jail in a county with a population below 3,000,000
17 inhabitants, then the minor's confinement shall be implemented
18 in such a manner that there will be no contact by sight, sound,
19 or otherwise between the minor and adult prisoners. Minors 12
20 years of age or older must be kept separate from confined
21 adults and may not at any time be kept in the same cell, room,
22 or yard with confined adults. This paragraph (d) (i) shall only
23 apply to confinement pending an adjudicatory hearing and shall
24 not exceed 40 hours, excluding ~~Saturdays, Sundays and~~ court
25 designated holidays. To accept or hold minors during this time
26 period, county jails shall comply with all monitoring standards

1 adopted by the Department of Corrections and training standards
2 approved by the Illinois Law Enforcement Training Standards
3 Board.

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

12 (iii) To accept or hold minors 12 years of age or older,
13 after the time period prescribed in paragraphs (d)(i) and
14 (d)(ii) of this subsection (2) of this Section, county jails
15 shall comply with all county juvenile detention standards
16 adopted by the Department of Juvenile Justice.

17 (e) When a minor who is at least 15 years of age is
18 prosecuted under the criminal laws of this State, the court may
19 enter an order directing that the juvenile be confined in the
20 county jail. However, any juvenile confined in the county jail
21 under this provision shall be separated from adults who are
22 confined in the county jail in such a manner that there will be
23 no contact by sight, sound or otherwise between the juvenile
24 and adult prisoners.

25 (f) For purposes of appearing in a physical lineup, the
26 minor may be taken to a county jail or municipal lockup under

1 the direct and constant supervision of a juvenile police
2 officer. During such time as is necessary to conduct a lineup,
3 and while supervised by a juvenile police officer, the sight
4 and sound separation provisions shall not apply.

5 (g) For purposes of processing a minor, the minor may be
6 taken to a county jail ~~County Jail~~ or municipal lockup under
7 the direct and constant supervision of a law enforcement
8 officer or correctional officer. During such time as is
9 necessary to process the minor, and while supervised by a law
10 enforcement officer or correctional officer, the sight and
11 sound separation provisions shall not apply.

12 (3) If the probation officer or State's Attorney (or such
13 other public officer designated by the court in a county having
14 3,000,000 or more inhabitants) determines that the minor may be
15 a delinquent minor as described in subsection (3) of Section
16 5-105, and should be retained in custody but does not require
17 physical restriction, the minor may be placed in non-secure
18 custody for up to 40 hours pending a detention hearing.

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

23 (5) The changes made to this Section by Public Act 98-61
24 apply to a minor who has been arrested or taken into custody on
25 or after January 1, 2014 (the effective date of Public Act
26 98-61).

1 (Source: P.A. 99-254, eff. 1-1-16; 100-745, eff. 8-10-18;
2 revised 10-3-18.)

3 (705 ILCS 405/5-415)

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

6 (1) Unless sooner released, a minor alleged to be a
7 delinquent minor taken into temporary custody must be brought
8 before a judicial officer within 40 hours for a detention or
9 shelter care hearing to determine whether he or she shall be
10 further held in custody. If a minor alleged to be a delinquent
11 minor taken into custody is hospitalized or is receiving
12 treatment for a physical or mental condition, and is unable to
13 be brought before a judicial officer for a detention or shelter
14 care hearing, the 40 hour period will not commence until the
15 minor is released from the hospital or place of treatment. If
16 the minor gives false information to law enforcement officials
17 regarding the minor's identity or age, the 40 hour period will
18 not commence until the court rules that the minor is subject to
19 this Act and not subject to prosecution under the Criminal Code
20 of 1961 or the Criminal Code of 2012. Any other delay
21 attributable to a minor alleged to be a delinquent minor who is
22 taken into temporary custody shall act to toll the 40 hour time
23 period. The 40 hour time period shall be tolled to allow
24 counsel for the minor to prepare for the detention or shelter
25 care hearing, upon a motion filed by such counsel and granted

1 by the court. In all cases, the 40 hour time period is
2 exclusive of ~~Saturdays, Sundays and~~ court-designated holidays.

3 (2) If the State's Attorney or probation officer (or other
4 public officer designated by the court in a county having more
5 than 3,000,000 inhabitants) determines that the minor should be
6 retained in custody, he or she shall cause a petition to be
7 filed as provided in Section 5-520 of this Article, and the
8 clerk of the court shall set the matter for hearing on the
9 detention or shelter care hearing calendar. Immediately upon
10 the filing of a petition in the case of a minor retained in
11 custody, the court shall cause counsel to be appointed to
12 represent the minor. When a parent, legal guardian, custodian,
13 or responsible relative is present and so requests, the
14 detention or shelter care hearing shall be held immediately if
15 the court is in session and the State is ready to proceed,
16 otherwise at the earliest feasible time. In no event shall a
17 detention or shelter care hearing be held until the minor has
18 had adequate opportunity to consult with counsel. The probation
19 officer or such other public officer designated by the court in
20 a county having more than 3,000,000 inhabitants shall notify
21 the minor's parent, legal guardian, custodian, or responsible
22 relative of the time and place of the hearing. The notice may
23 be given orally.

24 (3) The minor must be released from custody at the
25 expiration of the 40 hour period specified by this Section if
26 not brought before a judicial officer within that period.

1 (4) After the initial 40 hour period has lapsed, the court
2 may review the minor's custodial status at any time prior to
3 the trial or sentencing hearing. If during this time period new
4 or additional information becomes available concerning the
5 minor's conduct, the court may conduct a hearing to determine
6 whether the minor should be placed in a detention or shelter
7 care facility. If the court finds that there is probable cause
8 that the minor is a delinquent minor and that it is a matter of
9 immediate and urgent necessity for the protection of the minor
10 or of the person or property of another, or that he or she is
11 likely to flee the jurisdiction of the court, the court may
12 order that the minor be placed in detention or shelter care.

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

14 (705 ILCS 405/5-420 new)

15 Sec. 5-420. Minor's appearance by closed circuit
16 television and video conference.

17 (a) If an appearance under this Act is required of any
18 minor taken and held in a place of custody or confinement
19 operated by the State or any of its political subdivisions,
20 including counties and municipalities, the chief judge of the
21 circuit may permit by rule for the minor's personal appearance
22 to be made by means of two-way audio-visual communication,
23 including closed circuit television and computerized video
24 conference, in the following proceedings:

25 (1) the initial appearance before a judge;

1 (2) a detention or shelter care hearing; or

2 (3) any status hearing.

3 (b) The two-way audio-visual communication facilities must
4 provide two-way audio-visual communication between the court
5 and the place of custody or confinement and must include a
6 secure line over which the minor in custody and his or her
7 counsel may communicate.

8 (c) Nothing in this Section shall be construed to prohibit
9 other court appearances through the use of two-way audio-visual
10 communication, upon waiver of any right the minor in custody or
11 confinement may have to be present physically.

12 (d) Nothing in this Section shall be construed to establish
13 a right of any minor held in custody or confinement to appear
14 in court through two-way audio-visual communication or to
15 require that any governmental entity, or place of custody or
16 confinement, provide two-way audio-visual communication.

17 Section 10. The Probation and Probation Officers Act is
18 amended by changing Section 15 as follows:

19 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

20 Sec. 15. (1) The Supreme Court of Illinois may establish a
21 Division of Probation Services whose purpose shall be the
22 development, establishment, promulgation, and enforcement of
23 uniform standards for probation services in this State, and to
24 otherwise carry out the intent of this Act. The Division may:

1 (a) establish qualifications for chief probation
2 officers and other probation and court services personnel
3 as to hiring, promotion, and training.

4 (b) make available, on a timely basis, lists of those
5 applicants whose qualifications meet the regulations
6 referred to herein, including on said lists all candidates
7 found qualified.

8 (c) establish a means of verifying the conditions for
9 reimbursement under this Act and develop criteria for
10 approved costs for reimbursement.

11 (d) develop standards and approve employee
12 compensation schedules for probation and court services
13 departments.

14 (e) employ sufficient personnel in the Division to
15 carry out the functions of the Division.

16 (f) establish a system of training and establish
17 standards for personnel orientation and training.

18 (g) develop standards for a system of record keeping
19 for cases and programs, gather statistics, establish a
20 system of uniform forms, and develop research for planning
21 of Probation Services.

22 (h) develop standards to assure adequate support
23 personnel, office space, equipment and supplies, travel
24 expenses, and other essential items necessary for
25 Probation and Court Services Departments to carry out their
26 duties.

1 (i) review and approve annual plans submitted by
2 Probation and Court Services Departments.

3 (j) monitor and evaluate all programs operated by
4 Probation and Court Services Departments, and may include
5 in the program evaluation criteria such factors as the
6 percentage of Probation sentences for felons convicted of
7 Probationable offenses.

8 (k) seek the cooperation of local and State government
9 and private agencies to improve the quality of probation
10 and court services.

11 (l) where appropriate, establish programs and
12 corresponding standards designed to generally improve the
13 quality of probation and court services and reduce the rate
14 of adult or juvenile offenders committed to the Department
15 of Corrections.

16 (m) establish such other standards and regulations and
17 do all acts necessary to carry out the intent and purposes
18 of this Act.

19 The Division shall adopt a statewide juvenile detention
20 screening instrument that has been verified through
21 evidence-based and data-based practices that is to be used by
22 all authorized juvenile detention facilities. The scoring for
23 this screening tool may include, but is not limited to, the
24 following determinations or factors:

25 (i) the likelihood that the juvenile will appear in
26 court;

1 (ii) the severity of the charge against the juvenile;

2 (iii) whether the current incident involved violence

3 or a weapon, or the threat of or use of a weapon;

4 (iv) the number of prior interactions the juvenile has
5 with the juvenile justice system;

6 (v) whether prior incidents of the juvenile involved
7 violence or a weapon, or the threat of or use of a weapon;

8 (vi) whether there is a safe environment to return the
9 juvenile to; and

10 (vii) whether the family members of the juvenile would
11 feel safe if the juvenile returns to his or her home
12 environment.

13 This screening tool and its use shall be race and gender
14 neutral and shall include protections from all forms of bias.
15 The Division may recommend and adopt updates to the screening
16 tool and its usage on a regular basis, subject to the approval
17 of the Supreme Court. Beginning no later than 30 days after the
18 initial adoption and publication of this screening tool, no
19 juvenile may be detained in any county detention facility
20 without use of this screening tool.

21 The Division shall develop standards to implement the
22 Domestic Violence Surveillance Program established under
23 Section 5-8A-7 of the Unified Code of Corrections, including
24 (i) procurement of equipment and other services necessary to
25 implement the program and (ii) development of uniform standards
26 for the delivery of the program through county probation

1 departments, and develop standards for collecting data to
2 evaluate the impact and costs of the Domestic Violence
3 Surveillance Program.

4 The Division shall establish a model list of structured
5 intermediate sanctions that may be imposed by a probation
6 agency for violations of terms and conditions of a sentence of
7 probation, conditional discharge, or supervision.

8 The Division shall establish training standards for
9 continuing education of probation officers and supervisors and
10 broaden access to available training programs.

11 The State of Illinois shall provide for the costs of
12 personnel, travel, equipment, telecommunications, postage,
13 commodities, printing, space, contractual services and other
14 related costs necessary to carry out the intent of this Act.

15 (2)(a) The chief judge of each circuit shall provide
16 full-time probation services for all counties within the
17 circuit, in a manner consistent with the annual probation plan,
18 the standards, policies, and regulations established by the
19 Supreme Court. A probation district of two or more counties
20 within a circuit may be created for the purposes of providing
21 full-time probation services. Every county or group of counties
22 within a circuit shall maintain a probation department which
23 shall be under the authority of the Chief Judge of the circuit
24 or some other judge designated by the Chief Judge. The Chief
25 Judge, through the Probation and Court Services Department
26 shall submit annual plans to the Division for probation and

1 related services.

2 (b) The Chief Judge of each circuit shall appoint the Chief
3 Probation Officer and all other probation officers for his or
4 her circuit from lists of qualified applicants supplied by the
5 Supreme Court. Candidates for chief managing officer and other
6 probation officer positions must apply with both the Chief
7 Judge of the circuit and the Supreme Court.

8 (3) A Probation and Court Service Department shall apply to
9 the Supreme Court for funds for basic services, and may apply
10 for funds for new and expanded programs or Individualized
11 Services and Programs. Costs shall be reimbursed monthly based
12 on a plan and budget approved by the Supreme Court. No
13 Department may be reimbursed for costs which exceed or are not
14 provided for in the approved annual plan and budget. After the
15 effective date of this amendatory Act of 1985, each county must
16 provide basic services in accordance with the annual plan and
17 standards created by the division. No department may receive
18 funds for new or expanded programs or individualized services
19 and programs unless they are in compliance with standards as
20 enumerated in paragraph (h) of subsection (1) of this Section,
21 the annual plan, and standards for basic services.

22 (4) The Division shall reimburse the county or counties for
23 probation services as follows:

24 (a) 100% of the salary of all chief managing officers
25 designated as such by the Chief Judge and the division.

26 (b) 100% of the salary for all probation officer and

1 supervisor positions approved for reimbursement by the
2 division after April 1, 1984, to meet workload standards
3 and to implement intensive sanction and probation
4 supervision programs and other basic services as defined in
5 this Act.

6 (c) 100% of the salary for all secure detention
7 personnel and non-secure group home personnel approved for
8 reimbursement after December 1, 1990. For all such
9 positions approved for reimbursement before December 1,
10 1990, the counties shall be reimbursed \$1,250 per month
11 beginning July 1, 1995, and an additional \$250 per month
12 beginning each July 1st thereafter until the positions
13 receive 100% salary reimbursement. Allocation of such
14 positions will be based on comparative need considering
15 capacity, staff/resident ratio, physical plant and
16 program.

17 (d) \$1,000 per month for salaries for the remaining
18 probation officer positions engaged in basic services and
19 new or expanded services. All such positions shall be
20 approved by the division in accordance with this Act and
21 division standards.

22 (e) 100% of the travel expenses in accordance with
23 Division standards for all Probation positions approved
24 under paragraph (b) of subsection 4 of this Section.

25 (f) If the amount of funds reimbursed to the county
26 under paragraphs (a) through (e) of subsection 4 of this

1 Section on an annual basis is less than the amount the
2 county had received during the 12 month period immediately
3 prior to the effective date of this amendatory Act of 1985,
4 then the Division shall reimburse the amount of the
5 difference to the county. The effect of paragraph (b) of
6 subsection 7 of this Section shall be considered in
7 implementing this supplemental reimbursement provision.

8 (5) The Division shall provide funds beginning on April 1,
9 1987 for the counties to provide Individualized Services and
10 Programs as provided in Section 16 of this Act.

11 (6) A Probation and Court Services Department in order to
12 be eligible for the reimbursement must submit to the Supreme
13 Court an application containing such information and in such a
14 form and by such dates as the Supreme Court may require.
15 Departments to be eligible for funding must satisfy the
16 following conditions:

17 (a) The Department shall have on file with the Supreme
18 Court an annual Probation plan for continuing, improved,
19 and new Probation and Court Services Programs approved by
20 the Supreme Court or its designee. This plan shall indicate
21 the manner in which Probation and Court Services will be
22 delivered and improved, consistent with the minimum
23 standards and regulations for Probation and Court
24 Services, as established by the Supreme Court. In counties
25 with more than one Probation and Court Services Department
26 eligible to receive funds, all Departments within that

1 county must submit plans which are approved by the Supreme
2 Court.

3 (b) The annual probation plan shall seek to generally
4 improve the quality of probation services and to reduce the
5 commitment of adult offenders to the Department of
6 Corrections and to reduce the commitment of juvenile
7 offenders to the Department of Juvenile Justice and shall
8 require, when appropriate, coordination with the
9 Department of Corrections, the Department of Juvenile
10 Justice, and the Department of Children and Family Services
11 in the development and use of community resources,
12 information systems, case review and permanency planning
13 systems to avoid the duplication of services.

14 (c) The Department shall be in compliance with
15 standards developed by the Supreme Court for basic, new and
16 expanded services, training, personnel hiring and
17 promotion.

18 (d) The Department shall in its annual plan indicate
19 the manner in which it will support the rights of crime
20 victims and in which manner it will implement Article I,
21 Section 8.1 of the Illinois Constitution and in what manner
22 it will coordinate crime victims' support services with
23 other criminal justice agencies within its jurisdiction,
24 including but not limited to, the State's Attorney, the
25 Sheriff and any municipal police department.

26 (7) No statement shall be verified by the Supreme Court or

1 its designee or vouchered by the Comptroller unless each of the
2 following conditions have been met:

3 (a) The probation officer is a full-time employee
4 appointed by the Chief Judge to provide probation services.

5 (b) The probation officer, in order to be eligible for
6 State reimbursement, is receiving a salary of at least
7 \$17,000 per year.

8 (c) The probation officer is appointed or was
9 reappointed in accordance with minimum qualifications or
10 criteria established by the Supreme Court; however, all
11 probation officers appointed prior to January 1, 1978,
12 shall be exempted from the minimum requirements
13 established by the Supreme Court. Payments shall be made to
14 counties employing these exempted probation officers as
15 long as they are employed in the position held on the
16 effective date of this amendatory Act of 1985. Promotions
17 shall be governed by minimum qualifications established by
18 the Supreme Court.

19 (d) The Department has an established compensation
20 schedule approved by the Supreme Court. The compensation
21 schedule shall include salary ranges with necessary
22 increments to compensate each employee. The increments
23 shall, within the salary ranges, be based on such factors
24 as bona fide occupational qualifications, performance, and
25 length of service. Each position in the Department shall be
26 placed on the compensation schedule according to job duties

1 and responsibilities of such position. The policy and
2 procedures of the compensation schedule shall be made
3 available to each employee.

4 (8) In order to obtain full reimbursement of all approved
5 costs, each Department must continue to employ at least the
6 same number of probation officers and probation managers as
7 were authorized for employment for the fiscal year which
8 includes January 1, 1985. This number shall be designated as
9 the base amount of the Department. No positions approved by the
10 Division under paragraph (b) of subsection 4 will be included
11 in the base amount. In the event that the Department employs
12 fewer Probation officers and Probation managers than the base
13 amount for a period of 90 days, funding received by the
14 Department under subsection 4 of this Section may be reduced on
15 a monthly basis by the amount of the current salaries of any
16 positions below the base amount.

17 (9) Before the 15th day of each month, the treasurer of any
18 county which has a Probation and Court Services Department, or
19 the treasurer of the most populous county, in the case of a
20 Probation or Court Services Department funded by more than one
21 county, shall submit an itemized statement of all approved
22 costs incurred in the delivery of Basic Probation and Court
23 Services under this Act to the Supreme Court. The treasurer may
24 also submit an itemized statement of all approved costs
25 incurred in the delivery of new and expanded Probation and
26 Court Services as well as Individualized Services and Programs.

1 The Supreme Court or its designee shall verify compliance with
2 this Section and shall examine and audit the monthly statement
3 and, upon finding them to be correct, shall forward them to the
4 Comptroller for payment to the county treasurer. In the case of
5 payment to a treasurer of a county which is the most populous
6 of counties sharing the salary and expenses of a Probation and
7 Court Services Department, the treasurer shall divide the money
8 between the counties in a manner that reflects each county's
9 share of the cost incurred by the Department.

10 (10) The county treasurer must certify that funds received
11 under this Section shall be used solely to maintain and improve
12 Probation and Court Services. The county or circuit shall
13 remain in compliance with all standards, policies and
14 regulations established by the Supreme Court. If at any time
15 the Supreme Court determines that a county or circuit is not in
16 compliance, the Supreme Court shall immediately notify the
17 Chief Judge, county board chairman and the Director of Court
18 Services Chief Probation Officer. If after 90 days of written
19 notice the noncompliance still exists, the Supreme Court shall
20 be required to reduce the amount of monthly reimbursement by
21 10%. An additional 10% reduction of monthly reimbursement shall
22 occur for each consecutive month of noncompliance. Except as
23 provided in subsection 5 of Section 15, funding to counties
24 shall commence on April 1, 1986. Funds received under this Act
25 shall be used to provide for Probation Department expenses
26 including those required under Section 13 of this Act. The

1 Mandatory Arbitration Fund may be used to provide for Probation
2 Department expenses, including those required under Section 13
3 of this Act.

4 (11) The respective counties shall be responsible for
5 capital and space costs, fringe benefits, clerical costs,
6 equipment, telecommunications, postage, commodities and
7 printing.

8 (12) For purposes of this Act only, probation officers
9 shall be considered peace officers. In the exercise of their
10 official duties, probation officers, sheriffs, and police
11 officers may, anywhere within the State, arrest any probationer
12 who is in violation of any of the conditions of his or her
13 probation, conditional discharge, or supervision, and it shall
14 be the duty of the officer making the arrest to take the
15 probationer before the Court having jurisdiction over the
16 probationer for further order.

17 (Source: P.A. 100-91, eff. 8-11-17.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law, except that the amendatory changes to Sections
20 5-410 and 5-415 and the addition of Section 5-420 to the
21 Juvenile Court Act of 1987 take effect January 1, 2020."