

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 adding Section 2-10.3 as follows:

6 (705 ILCS 405/2-10.3 new)

7 Sec. 2-10.3. Access to news media.

8 (a) All youth in the custody or guardianship of the
9 Department of Children and Family Services are entitled to the
10 freedom of speech guaranteed by the First Amendment to the
11 Constitution of the United States and Section 4 of Article I of
12 the Illinois Constitution. The Department of Children and
13 Family Services and its assigns shall not interfere with the
14 right of any youth in its custody or guardianship to
15 communicate with the news media if the youth chooses to do so.

16 (b) Any time the news media requests to speak with a minor
17 under 18 years of age, the Department of Children and Family
18 Services shall provide notice to the minor, the minor's
19 attorney, and guardian ad litem within one business day of the
20 request. The notice shall include at a minimum the minor's
21 name, the news media name, the date of the inquiry from the
22 news media, and whether the minor wants to communicate with
23 the news media. If the minor is under 18 years of age and the

1 Department has determined that the minor does not have
2 sufficient maturity to make the decision to communicate with
3 the news media and that contact with the news media will, more
4 likely than not, cause serious physical, emotional, or mental
5 harm the notice shall also include the basis, with
6 specificity, for the Department's determination.

7 (c) If a minor 18 years of age or older chooses to speak to
8 the news media, the Department shall not take any action to
9 interfere with the minor's contact with the news media. If a
10 minor under the age of 18 wishes to speak to the news media,
11 but the Department seeks to prevent the minor's contact with
12 the news media, the Department shall file a motion for court
13 review of its determination within one day of its
14 determination and in no event more than 48 hours from the news
15 media's request.

16 (d) Any minor may file a motion seeking to enforce rights
17 under this Section.

18 (e) For proceedings on a motion pursuant to subsection (c)
19 or (d), all of the following requirements shall be met:

20 (1) if the minor does not have an attorney, the court
21 shall appoint one for purposes of the motion;

22 (2) the Department shall facilitate the minor's
23 presence in court for hearings regarding the motion if the
24 minor wants to be present;

25 (3) the Department shall provide prior notice of the
26 hearing to the involved news media;

1 (4) if the minor whose speech is at issue is 18 years
2 of age or older, and it is established that the minor
3 wishes to speak to the news media, the Court shall reject
4 and overrule any and all speech restrictions sought by the
5 Department and further shall enjoin the Department's
6 further interference in the minor's contacts with the news
7 media;

8 (5) if the minor is under 18 years of age, the
9 Department shall have the burden to establish by clear and
10 convincing evidence that the minor does not have
11 sufficient maturity to make his or her own decision to
12 communicate with the news media and that contact with the
13 news media will, more likely than not, cause the minor
14 serious physical, emotional or mental harm. The Department
15 further shall bear the burden of showing by clear and
16 convincing evidence that less restrictive means are
17 insufficient to address a minor's lack of maturity or the
18 threat of serious physical, emotional, or mental harm;

19 (6) if the court finds by clear and convincing
20 evidence that a minor under 18 years of age lacks
21 sufficient maturity to make his or her own decision to
22 communicate with the news media and that contact with the
23 news media will, more likely than not, cause the minor
24 serious physical, emotional, or mental harm, the court may
25 issue an order identifying the specific limits that the
26 Department may impose on the minor's communication with

1 the news media. The order shall not permit the Department
2 to prevent the minor from communicating with the news
3 media unless it determines that no less restrictive means
4 are available to address the likelihood of harm to the
5 minor;

6 (7) the court may not impose any limitations on the
7 speech of a minor based on viewpoints the minor may
8 express or information the minor may divulge, unless it is
9 confidential information regarding third parties; and

10 (8) all orders resolving a motion brought pursuant to
11 subsection (c) or (d) shall contain written findings in
12 support of the court's ruling.

13 (f) As used in this Section, "interfere" includes, but is
14 not limited to: withholding information from a minor about a
15 news media outlet's request to speak with the minor, including
16 any contact information necessary to respond to the request;
17 preventing a minor from communicating with the news media;
18 threatening or coercing the minor in any manner; or punishing
19 or taking adverse action because of a minor's contact with the
20 news media. "Interfere" does not include:

21 (1) providing information and advice about
22 communicating with news media that is consistent with the
23 minor's age, developmental capacity and circumstances,
24 including information about the minor's right to refuse
25 particular questions, the right to condition the
26 participation upon a promise of anonymity or other privacy

1 measures, the right to refuse to speak to the news media,
2 and similar advice designed to enhance the minor's right
3 to autonomy in communicating with the news media; and

4 (2) with respect to a minor under 18 years of age,
5 conducting an inquiry into whether (i) the minor under 18
6 years of age is sufficiently mature to decide whether to
7 communicate with the news media and (ii) whether
8 communicating with the news media will more likely than
9 not cause serious physical, emotional, or mental harm to
10 the minor under 18 years of age. The inquiry in this
11 subsection must be concluded within 24 hours of the
12 request from the news media.

13 (g) As used in this Section, "less restrictive means" are
14 conditions on the minor's ability to communicate with the news
15 media that mitigate the likelihood that physical, emotional,
16 or mental harm will result, and include but are not limited to:

17 (1) the news media outlet's willingness to take steps
18 to protect the minor's privacy, such as using a pseudonym
19 or limiting the use of the voice or image of the minor;

20 (2) the presence of the minor's guardian ad litem or
21 attorney or another adult of the minor's choosing, during
22 the communication with the news media; and

23 (3) providing the minor with age-appropriate media
24 literacy materials or other relevant educational material.