



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4305

Introduced 1/5/2022, by Rep. Sue Scherer

#### 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.

LRB102 22342 RLC 31479 b

1 AN ACT concerning minors.

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

4 Section 1. Legislative findings.

5 (a) The General Assembly finds that:

6 (1) The number of latchkey kids is growing  
7 significantly due to 2 income parents and single parents  
8 and guardians.

9 (2) Of the states with laws governing the minimum age  
10 at which a child may be left alone, Illinois' age of 14 is  
11 higher than other states.

12 (3) Some states permit children as young as 10 years  
13 of age to be left unsupervised.

14 (b) It is the intent of the General Assembly to lower from  
15 14 years of age to 12 years of age the minimum age at which a  
16 child may be left unsupervised without the parent being liable  
17 for child neglect and from 13 years of age to 12 years of age  
18 without the parents being liable for child abandonment.

19 Section 5. The Juvenile Court Act of 1987 is amended by  
20 changing Section 2-3 as follows:

21 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

22 Sec. 2-3. Neglected or abused minor.

1 (1) Those who are neglected include:

2 (a) any minor under 18 years of age or a minor 18 years  
3 of age or older for whom the court has made a finding of  
4 probable cause to believe that the minor is abused,  
5 neglected, or dependent under subsection (1) of Section  
6 2-10 prior to the minor's 18th birthday who is not  
7 receiving the proper or necessary support, education as  
8 required by law, or medical or other remedial care  
9 recognized under State law as necessary for a minor's  
10 well-being, or other care necessary for his or her  
11 well-being, including adequate food, clothing and shelter,  
12 or who is abandoned by his or her parent or parents or  
13 other person or persons responsible for the minor's  
14 welfare, except that a minor shall not be considered  
15 neglected for the sole reason that the minor's parent or  
16 parents or other person or persons responsible for the  
17 minor's welfare have left the minor in the care of an adult  
18 relative for any period of time, who the parent or parents  
19 or other person responsible for the minor's welfare know  
20 is both a mentally capable adult relative and physically  
21 capable adult relative, as defined by this Act; or

22 (b) any minor under 18 years of age or a minor 18 years  
23 of age or older for whom the court has made a finding of  
24 probable cause to believe that the minor is abused,  
25 neglected, or dependent under subsection (1) of Section  
26 2-10 prior to the minor's 18th birthday whose environment

1 is injurious to his or her welfare; or

2 (c) any newborn infant whose blood, urine, or meconium  
3 contains any amount of a controlled substance as defined  
4 in subsection (f) of Section 102 of the Illinois  
5 Controlled Substances Act, as now or hereafter amended, or  
6 a metabolite of a controlled substance, with the exception  
7 of controlled substances or metabolites of such  
8 substances, the presence of which in the newborn infant is  
9 the result of medical treatment administered to the mother  
10 or the newborn infant; or

11 (d) any minor under the age of 12 ~~14~~ years whose parent  
12 or other person responsible for the minor's welfare leaves  
13 the minor without supervision for an unreasonable period  
14 of time without regard for the mental or physical health,  
15 safety, or welfare of that minor; or

16 (e) any minor who has been provided with interim  
17 crisis intervention services under Section 3-5 of this Act  
18 and whose parent, guardian, or custodian refuses to permit  
19 the minor to return home unless the minor is an immediate  
20 physical danger to himself, herself, or others living in  
21 the home.

22 Whether the minor was left without regard for the mental  
23 or physical health, safety, or welfare of that minor or the  
24 period of time was unreasonable shall be determined by  
25 considering the following factors, including but not limited  
26 to:

- 1 (1) the age of the minor;
- 2 (2) the number of minors left at the location;
- 3 (3) special needs of the minor, including whether the  
4 minor is a person with a physical or mental disability, or  
5 otherwise in need of ongoing prescribed medical treatment  
6 such as periodic doses of insulin or other medications;
- 7 (4) the duration of time in which the minor was left  
8 without supervision;
- 9 (5) the condition and location of the place where the  
10 minor was left without supervision;
- 11 (6) the time of day or night when the minor was left  
12 without supervision;
- 13 (7) the weather conditions, including whether the  
14 minor was left in a location with adequate protection from  
15 the natural elements such as adequate heat or light;
- 16 (8) the location of the parent or guardian at the time  
17 the minor was left without supervision, the physical  
18 distance the minor was from the parent or guardian at the  
19 time the minor was without supervision;
- 20 (9) whether the minor's movement was restricted, or  
21 the minor was otherwise locked within a room or other  
22 structure;
- 23 (10) whether the minor was given a phone number of a  
24 person or location to call in the event of an emergency and  
25 whether the minor was capable of making an emergency call;
- 26 (11) whether there was food and other provision left

1 for the minor;

2 (12) whether any of the conduct is attributable to  
3 economic hardship or illness and the parent, guardian or  
4 other person having physical custody or control of the  
5 child made a good faith effort to provide for the health  
6 and safety of the minor;

7 (13) the age and physical and mental capabilities of  
8 the person or persons who provided supervision for the  
9 minor;

10 (14) whether the minor was left under the supervision  
11 of another person;

12 (15) any other factor that would endanger the health  
13 and safety of that particular minor.

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

17 (1.5) Neglect does not include permitting a child, whose  
18 basic needs are met and who is of sufficient age and maturity  
19 to avoid harm or unreasonable risk of harm, to engage in  
20 independent activities, including:

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

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

25 (c) engaging in outdoor play;

26 (d) remaining in a vehicle unattended, except as

- 1           otherwise provided by law;  
2           (e) remaining at home unattended; or  
3           (f) engaging in a similar independent activity.

4           (2) Those who are abused include any minor under 18 years  
5 of age or a minor 18 years of age or older for whom the court  
6 has made a finding of probable cause to believe that the minor  
7 is abused, neglected, or dependent under subsection (1) of  
8 Section 2-10 prior to the minor's 18th birthday whose parent  
9 or immediate family member, or any person responsible for the  
10 minor's welfare, or any person who is in the same family or  
11 household as the minor, or any individual residing in the same  
12 home as the minor, or a paramour of the minor's parent:

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

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

23           (iii) commits or allows to be committed any sex  
24 offense against such minor, as such sex offenses are  
25 defined in the Criminal Code of 1961 or the Criminal Code  
26 of 2012, or in the Wrongs to Children Act, and extending

1 those definitions of sex offenses to include minors under  
2 18 years of age;

3 (iv) commits or allows to be committed an act or acts  
4 of torture upon such minor;

5 (v) inflicts excessive corporal punishment;

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

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

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

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

22 (4) The changes made by this amendatory Act of the 101st  
23 General Assembly apply to a case that is pending on or after  
24 the effective date of this amendatory Act of the 101st General  
25 Assembly.

26 (Source: P.A. 101-79, eff. 7-12-19.)



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

3           (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

4           Sec. 12C-10. Child abandonment.

5           (a) A person commits child abandonment when he or she, as a  
6 parent, guardian, or other person having physical custody or  
7 control of a child, without regard for the mental or physical  
8 health, safety, or welfare of that child, knowingly leaves  
9 that child who is under the age of 12 ~~13~~ without supervision by  
10 a responsible person over the age of 14 for a period of 24  
11 hours or more. It is not a violation of this Section for a  
12 person to relinquish a child in accordance with the Abandoned  
13 Newborn Infant Protection Act.

14           (b) For the purposes of determining whether the child was  
15 left without regard for the mental or physical health, safety,  
16 or welfare of that child, the trier of fact shall consider the  
17 following factors:

18                 (1) the age of the child;

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

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

24                 (4) the duration of time in which the child was left

1 without supervision;

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

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

6 (7) the weather conditions, including whether the  
7 child was left in a location with adequate protection from  
8 the natural elements such as adequate heat or light;

9 (8) the location of the parent, guardian, or other  
10 person having physical custody or control of the child at  
11 the time the child was left without supervision, the  
12 physical distance the child was from the parent, guardian,  
13 or other person having physical custody or control of the  
14 child at the time the child was without supervision;

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

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

21 (11) whether there was food and other provision left  
22 for the child;

23 (12) whether any of the conduct is attributable to  
24 economic hardship or illness and the parent, guardian or  
25 other person having physical custody or control of the  
26 child made a good faith effort to provide for the health

1 and safety of the child;

2 (13) the age and physical and mental capabilities of  
3 the person or persons who provided supervision for the  
4 child;

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

7 (15) whether the child was left under the supervision  
8 of another person.

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

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