



Rep. Sue Scherer

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10200HB4305ham001

LRB102 22342 LNS 35938 a

1 AMENDMENT TO HOUSE BILL 4305

2 AMENDMENT NO. _____. Amend House Bill 4305 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Legislative findings. The General Assembly
5 finds that:

6 (1) There has been a longstanding misinterpretation of
7 Illinois law regarding when and under what conditions children
8 left home alone may be considered to be neglected pursuant to
9 the Juvenile Court Act of 1987 and regarding the conditions
10 under which parents and guardians may be charged criminally
11 with abandonment.

12 (2) Illinois law has been widely misinterpreted as stating
13 that children cannot be left home alone, under any
14 circumstances, unless the children are at least 14 years old.
15 This interpretation is inaccurate.

16 (3) Whether a child is sufficiently mature to be safely
17 left home alone varies based on the circumstances and many

1 factors, including, but not limited to, the age of the child,
2 the child's individual developmental capacity, the length of
3 time the child will be alone, and the safety conditions of the
4 home.

5 (4) It is the intent of the General Assembly to clarify the
6 law and to direct the Department of Children and Family
7 Services and the Office of the Attorney General to issue
8 written guidance to Illinois families regarding (i) the
9 provisions of the Abused and Neglected Child Reporting Act and
10 Juvenile Court Act of 1987 regarding determinations of neglect
11 based on a lack of proper supervision, (ii) the provisions of
12 the Criminal Code of 2012 regarding child abandonment, and
13 (iii) how to determine whether a particular child is ready to
14 be left home alone in specific circumstances.

15 Section 5. The Children and Family Services Act is
16 amended by adding Section 45 as follows:

17 (20 ILCS 505/45 new)

18 Sec. 45. Guidance on leaving children home alone.

19 (a) No later than July 1, 2023, the Department and the
20 Office of the Attorney General shall issue written guidance to
21 State families on:

22 (1) the provisions of the Abused and Neglected Child
23 Reporting Act and Juvenile Court Act of 1987 regarding
24 determinations of neglect based on a lack of proper

1 supervision;

2 (2) the provisions of the Criminal Code of 2012
3 regarding child abandonment; and

4 (3) how to determine whether a particular child is
5 ready to be left home alone in specific circumstances.

6 (b) The Department and the Office of the Attorney General
7 shall ensure that the guidance is publicly available,
8 including, but not limited to, by posting the guidance on the
9 websites of the Department and Attorney General.

10 Section 10. The Juvenile Court Act of 1987 is amended by
11 changing Section 2-3 as follows:

12 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

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

14 (1) Those who are neglected include:

15 (a) any minor under 18 years of age or a minor 18 years
16 of age or older for whom the court has made a finding of
17 probable cause to believe that the minor is abused,
18 neglected, or dependent under subsection (1) of Section
19 2-10 prior to the minor's 18th birthday who is not
20 receiving the proper or necessary support, education as
21 required by law, or medical or other remedial care
22 recognized under State law as necessary for a minor's
23 well-being, or other care necessary for his or her
24 well-being, including adequate food, clothing and shelter,

1 or who is abandoned by his or her parent or parents or
2 other person or persons responsible for the minor's
3 welfare, except that a minor shall not be considered
4 neglected for the sole reason that the minor's parent or
5 parents or other person or persons responsible for the
6 minor's welfare have left the minor in the care of an adult
7 relative for any period of time, who the parent or parents
8 or other person responsible for the minor's welfare know
9 is both a mentally capable adult relative and physically
10 capable adult relative, as defined by this Act; or

11 (b) any minor under 18 years of age or a minor 18 years
12 of age or older for whom the court has made a finding of
13 probable cause to believe that the minor is abused,
14 neglected, or dependent under subsection (1) of Section
15 2-10 prior to the minor's 18th birthday whose environment
16 is injurious to his or her welfare; or

17 (c) any newborn infant whose blood, urine, or meconium
18 contains any amount of a controlled substance as defined
19 in subsection (f) of Section 102 of the Illinois
20 Controlled Substances Act, as now or hereafter amended, or
21 a metabolite of a controlled substance, with the exception
22 of controlled substances or metabolites of such
23 substances, the presence of which in the newborn infant is
24 the result of medical treatment administered to the mother
25 or the newborn infant; or

26 (d) any minor ~~under the age of 14 years~~ whose parent or

1 other person responsible for the minor's welfare leaves
2 the minor without supervision for an unreasonable period
3 of time without regard for the mental or physical health,
4 safety, or welfare of that minor; or

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

11 Whether the minor was left without regard for the mental
12 or physical health, safety, or welfare of that minor or the
13 period of time was unreasonable shall be determined by
14 considering the following factors, including but not limited
15 to:

16 (1) the age of the minor;

17 (2) the number of minors left at the location;

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

22 (4) the duration of time in which the minor was left
23 without supervision;

24 (5) the condition and location of the place where the
25 minor was left without supervision;

26 (6) the time of day or night when the minor was left

1 without supervision;

2 (7) the weather conditions, including whether the
3 minor was left in a location with adequate protection from
4 the natural elements such as adequate heat or light;

5 (8) the location of the parent or guardian at the time
6 the minor was left without supervision, the physical
7 distance the minor was from the parent or guardian at the
8 time the minor was without supervision;

9 (9) whether the minor's movement was restricted, or
10 the minor was otherwise locked within a room or other
11 structure;

12 (10) whether the minor was given a phone number of a
13 person or location to call in the event of an emergency and
14 whether the minor was capable of making an emergency call;

15 (11) whether there was food and other provision left
16 for the minor;

17 (12) whether any of the conduct is attributable to
18 economic hardship or illness and the parent, guardian or
19 other person having physical custody or control of the
20 child made a good faith effort to provide for the health
21 and safety of the minor;

22 (13) the age and physical and mental capabilities of
23 the person or persons who provided supervision for the
24 minor;

25 (14) whether the minor was left under the supervision
26 of another person;

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

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

6 (1.5) A minor whose basic needs are met and who is of
7 sufficient age and maturity to avoid harm or unreasonable risk
8 of harm shall not be considered neglected on the sole basis
9 that the minor has been permitted to engage in independent
10 activities, including:

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

13 (b) traveling to and from nearby commercial or
14 recreational activities;

15 (c) engaging in outdoor play;

16 (d) remaining in a vehicle unattended, except as
17 otherwise provided by law;

18 (e) remaining at home unattended; or

19 (f) engaging in a similar independent activity.

20 Whether the minor's basic needs are met and the minor is of
21 sufficient age and maturity level to avoid harm and
22 unreasonable risk of harm shall be determined by considering
23 the factors listed in items (1) through (15) of subsection (1)
24 in addition to any other relevant considerations.

25 (2) Those who are abused include any minor under 18 years
26 of age or a minor 18 years of age or older for whom the court

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

8 (i) inflicts, causes to be inflicted, or allows to be
9 inflicted upon such minor physical injury, by other than
10 accidental means, which causes death, disfigurement,
11 impairment of physical or emotional health, or loss or
12 impairment of any bodily function;

13 (ii) creates a substantial risk of physical injury to
14 such minor by other than accidental means which would be
15 likely to cause death, disfigurement, impairment of
16 emotional health, or loss or impairment of any bodily
17 function;

18 (iii) commits or allows to be committed any sex
19 offense against such minor, as such sex offenses are
20 defined in the Criminal Code of 1961 or the Criminal Code
21 of 2012, or in the Wrongs to Children Act, and extending
22 those definitions of sex offenses to include minors under
23 18 years of age;

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

26 (v) inflicts excessive corporal punishment;

1 (vi) commits or allows to be committed the offense of
2 involuntary servitude, involuntary sexual servitude of a
3 minor, or trafficking in persons as defined in Section
4 10-9 of the Criminal Code of 1961 or the Criminal Code of
5 2012, upon such minor; or

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

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

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

17 (4) The changes made by this amendatory Act of the 101st
18 General Assembly apply to a case that is pending on or after
19 the effective date of this amendatory Act of the 101st General
20 Assembly.

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

22 Section 15. The Criminal Code of 2012 is amended by
23 changing Section 12C-10 as follows:

24 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

1 Sec. 12C-10. Child abandonment.

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

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

15 (1) the age of the child;

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

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

21 (4) the duration of time in which the child was left
22 without supervision;

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

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

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

4 (8) the location of the parent, guardian, or other
5 person having physical custody or control of the child at
6 the time the child was left without supervision, the
7 physical distance the child was from the parent, guardian,
8 or other person having physical custody or control of the
9 child at the time the child was without supervision;

10 (9) whether the child's movement was restricted, or
11 the child was otherwise locked within a room or other
12 structure;

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

16 (11) whether there was food and other provision left
17 for the child;

18 (12) whether any of the conduct is attributable to
19 economic hardship or illness and the parent, guardian or
20 other person having physical custody or control of the
21 child made a good faith effort to provide for the health
22 and safety of the child;

23 (13) the age and physical and mental capabilities of
24 the person or persons who provided supervision for the
25 child;

26 (14) any other factor that would endanger the health

1 or safety of that particular child;

2 (15) whether the child was left under the supervision
3 of another person.

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

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