



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4964

Introduced 1/27/2022, by Rep. Dave Vella

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-3

from Ch. 37, par. 802-3

Amends the Abused, Neglected or Dependent Minors Article of the Juvenile Court Act of 1987. Restricts a court from making a finding of probable cause to believe that a minor is abused or neglected based only on a parent disclosing that the parent is the victim of domestic violence and the parent is seeking or accessing services for domestic violence.

LRB102 25433 LNS 34719 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 Section 2-3 as follows:

6 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

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

8 (1) Those who are neglected include:

9 (a) any minor under 18 years of age or a minor 18 years
10 of age or older for whom the court has made a finding of
11 probable cause to believe that the minor is abused,
12 neglected, or dependent under subsection (1) of Section
13 2-10 prior to the minor's 18th birthday who is not
14 receiving the proper or necessary support, education as
15 required by law, or medical or other remedial care
16 recognized under State law as necessary for a minor's
17 well-being, or other care necessary for his or her
18 well-being, including adequate food, clothing and shelter,
19 or who is abandoned by his or her parent or parents or
20 other person or persons responsible for the minor's
21 welfare, except that a minor shall not be considered
22 neglected for the sole reason that the minor's parent or
23 parents or other person or persons responsible for the

1 minor's welfare have left the minor in the care of an adult
2 relative for any period of time, who the parent or parents
3 or other person responsible for the minor's welfare know
4 is both a mentally capable adult relative and physically
5 capable adult relative, as defined by this Act; or

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

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

21 (d) any minor under the age of 14 years whose parent or
22 other person responsible for the minor's welfare leaves
23 the minor without supervision for an unreasonable period
24 of time without regard for the mental or physical health,
25 safety, or welfare of that minor; or

26 (e) any minor who has been provided with interim

1 crisis intervention services under Section 3-5 of this Act
2 and whose parent, guardian, or custodian refuses to permit
3 the minor to return home unless the minor is an immediate
4 physical danger to himself, herself, or others living in
5 the home.

6 Whether the minor was left without regard for the mental
7 or physical health, safety, or welfare of that minor or the
8 period of time was unreasonable shall be determined by
9 considering the following factors, including but not limited
10 to:

11 (1) the age of the minor;

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

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

17 (4) the duration of time in which the minor was left
18 without supervision;

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

21 (6) the time of day or night when the minor was left
22 without supervision;

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

26 (8) the location of the parent or guardian at the time

1 the minor was left without supervision, the physical
2 distance the minor was from the parent or guardian at the
3 time the minor was without supervision;

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

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

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

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

17 (13) the age and physical and mental capabilities of
18 the person or persons who provided supervision for the
19 minor;

20 (14) whether the minor was left under the supervision
21 of another person;

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

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

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

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

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

20 (iii) commits or allows to be committed any sex
21 offense against such minor, as such sex offenses are
22 defined in the Criminal Code of 1961 or the Criminal Code
23 of 2012, or in the Wrongs to Children Act, and extending
24 those definitions of sex offenses to include minors under
25 18 years of age;

26 (iv) commits or allows to be committed an act or acts

1 of torture upon such minor;

2 (v) inflicts excessive corporal punishment;

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

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

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

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

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

23 (5) A court shall not make a finding of probable cause to
24 believe that a minor is abused or neglected under this Section
25 based only on a parent disclosing that the parent is the victim
26 of domestic violence, as defined by the Illinois Domestic

1 Violence Act of 1986, and the parent is seeking or accessing
2 services for domestic violence.

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