



Rep. Justin Slaughter

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10200SB2370ham002

LRB102 14304 KMF 26104 a

1 AMENDMENT TO SENATE BILL 2370

2 AMENDMENT NO. _____. Amend Senate Bill 2370 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. Findings.

5 The General Assembly finds that an adequate continuum of
6 care is necessary to better address the needs of juveniles
7 within the court system.

8 The General Assembly finds that the unique partnership of
9 State and local services is needed to provide the right
10 placements, and the right services for justice-involved
11 juveniles.

12 The General Assembly finds that providing juveniles that
13 are youth in care of the State and in the care or recently in
14 the care of the Department of Children and Family Services,
15 should be receiving a continuum of care and services, even
16 when the juvenile unfortunately becomes involved with the
17 juvenile justice system.

1 Therefore, the General Assembly recommends that juveniles
2 that are youth in care of the State and in the care or recently
3 in the care of the Department of Children and Family Services
4 shall not have their services interrupted or be left
5 unnecessarily in juvenile detention centers.

6 Section 10. The Juvenile Court Act of 1987 is amended by
7 changing Section 5-501 as follows:

8 (705 ILCS 405/5-501)

9 Sec. 5-501. Detention or shelter care hearing. At the
10 appearance of the minor before the court at the detention or
11 shelter care hearing, the court shall receive all relevant
12 information and evidence, including affidavits concerning the
13 allegations made in the petition. Evidence used by the court
14 in its findings or stated in or offered in connection with this
15 Section may be by way of proffer based on reliable information
16 offered by the State or minor. All evidence shall be
17 admissible if it is relevant and reliable regardless of
18 whether it would be admissible under the rules of evidence
19 applicable at a trial. No hearing may be held unless the minor
20 is represented by counsel and no hearing shall be held until
21 the minor has had adequate opportunity to consult with
22 counsel.

23 (1) If the court finds that there is not probable cause to
24 believe that the minor is a delinquent minor it shall release

1 the minor and dismiss the petition.

2 (2) If the court finds that there is probable cause to
3 believe that the minor is a delinquent minor, the minor, his or
4 her parent, guardian, custodian and other persons able to give
5 relevant testimony may be examined before the court. The court
6 may also consider any evidence by way of proffer based upon
7 reliable information offered by the State or the minor. All
8 evidence, including affidavits, shall be admissible if it is
9 relevant and reliable regardless of whether it would be
10 admissible under the rules of evidence applicable at trial.
11 After such evidence is presented, the court may enter an order
12 that the minor shall be released upon the request of a parent,
13 guardian or legal custodian if the parent, guardian or
14 custodian appears to take custody.

15 If the court finds that it is a matter of immediate and
16 urgent necessity for the protection of the minor or of the
17 person or property of another that the minor be detained or
18 placed in a shelter care facility or that he or she is likely
19 to flee the jurisdiction of the court, the court may prescribe
20 detention or shelter care and order that the minor be kept in a
21 suitable place designated by the court or in a shelter care
22 facility designated by the Department of Children and Family
23 Services or a licensed child welfare agency; otherwise it
24 shall release the minor from custody. If the court prescribes
25 shelter care, then in placing the minor, the Department or
26 other agency shall, to the extent compatible with the court's

1 order, comply with Section 7 of the Children and Family
2 Services Act. In making the determination of the existence of
3 immediate and urgent necessity, the court shall consider among
4 other matters: (a) the nature and seriousness of the alleged
5 offense; (b) the minor's record of delinquency offenses,
6 including whether the minor has delinquency cases pending; (c)
7 the minor's record of willful failure to appear following the
8 issuance of a summons or warrant; (d) the availability of
9 non-custodial alternatives, including the presence of a
10 parent, guardian or other responsible relative able and
11 willing to provide supervision and care for the minor and to
12 assure his or her compliance with a summons. If the minor is
13 ordered placed in a shelter care facility of a licensed child
14 welfare agency, the court shall, upon request of the agency,
15 appoint the appropriate agency executive temporary custodian
16 of the minor and the court may enter such other orders related
17 to the temporary custody of the minor as it deems fit and
18 proper.

19 If the Court prescribes detention, and the minor is a
20 youth in care of the Department of Children and Family
21 Services, a hearing shall be held every 14 days to determine
22 whether there is an urgent and immediate necessity to detain
23 the minor for the protection of the person or property of
24 another. If urgent and immediate necessity is not found on the
25 basis of the protection of the person or property of another,
26 the minor shall be released to the custody of the Department of

1 Children and Family Services. If the Court prescribes
2 detention based on the minor being likely to flee the
3 jurisdiction, and the minor is a youth in care of the
4 Department of Children and Family Services, a hearing shall be
5 held every 7 days for status on the location of shelter care
6 placement by the Department of Children and Family Services.
7 Detention shall not be used as a shelter care placement for
8 minors in the custody or guardianship of the Department of
9 Children and Family Services.

10 The order together with the court's findings of fact in
11 support of the order shall be entered of record in the court.

12 Once the court finds that it is a matter of immediate and
13 urgent necessity for the protection of the minor that the
14 minor be placed in a shelter care facility, the minor shall not
15 be returned to the parent, custodian or guardian until the
16 court finds that the placement is no longer necessary for the
17 protection of the minor.

18 (3) Only when there is reasonable cause to believe that
19 the minor taken into custody is a delinquent minor may the
20 minor be kept or detained in a facility authorized for
21 juvenile detention. This Section shall in no way be construed
22 to limit subsection (4).

23 (4) Minors 12 years of age or older must be kept separate
24 from confined adults and may not at any time be kept in the
25 same cell, room or yard with confined adults. This paragraph
26 (4):

1 (a) shall only apply to confinement pending an
2 adjudicatory hearing and shall not exceed 40 hours,
3 excluding Saturdays, Sundays, and court designated
4 holidays. To accept or hold minors during this time
5 period, county jails shall comply with all monitoring
6 standards adopted by the Department of Corrections and
7 training standards approved by the Illinois Law
8 Enforcement Training Standards Board.

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

17 (c) To accept or hold minors 12 years of age or older,
18 after the time period prescribed in clause (a) and (b), of
19 this subsection county jails shall comply with all county
20 juvenile detention standards adopted by the Department of
21 Juvenile Justice.

22 (5) If the minor is not brought before a judicial officer
23 within the time period as specified in Section 5-415 the minor
24 must immediately be released from custody.

25 (6) If neither the parent, guardian or legal custodian
26 appears within 24 hours to take custody of a minor released

1 from detention or shelter care, then the clerk of the court
2 shall set the matter for rehearing not later than 7 days after
3 the original order and shall issue a summons directed to the
4 parent, guardian or legal custodian to appear. At the same
5 time the probation department shall prepare a report on the
6 minor. If a parent, guardian or legal custodian does not
7 appear at such rehearing, the judge may enter an order
8 prescribing that the minor be kept in a suitable place
9 designated by the Department of Human Services or a licensed
10 child welfare agency. The time during which a minor is in
11 custody after being released upon the request of a parent,
12 guardian or legal custodian shall be considered as time spent
13 in detention for purposes of scheduling the trial.

14 (7) Any party, including the State, the temporary
15 custodian, an agency providing services to the minor or family
16 under a service plan pursuant to Section 8.2 of the Abused and
17 Neglected Child Reporting Act, foster parent, or any of their
18 representatives, may file a motion to modify or vacate a
19 temporary custody order or vacate a detention or shelter care
20 order on any of the following grounds:

21 (a) It is no longer a matter of immediate and urgent
22 necessity that the minor remain in detention or shelter
23 care; or

24 (b) There is a material change in the circumstances of
25 the natural family from which the minor was removed; or

26 (c) A person, including a parent, relative or legal

1 guardian, is capable of assuming temporary custody of the
2 minor; or

3 (d) Services provided by the Department of Children
4 and Family Services or a child welfare agency or other
5 service provider have been successful in eliminating the
6 need for temporary custody.

7 The clerk shall set the matter for hearing not later than
8 14 days after such motion is filed. In the event that the court
9 modifies or vacates a temporary order but does not vacate its
10 finding of probable cause, the court may order that
11 appropriate services be continued or initiated in behalf of
12 the minor and his or her family.

13 (8) Whenever a petition has been filed under Section 5-520
14 the court can, at any time prior to trial or sentencing, order
15 that the minor be placed in detention or a shelter care
16 facility after the court conducts a hearing and finds that the
17 conduct and behavior of the minor may endanger the health,
18 person, welfare, or property of himself or others or that the
19 circumstances of his or her home environment may endanger his
20 or her health, person, welfare or property.

21 (Source: P.A. 98-685, eff. 1-1-15.)

22 Section 99. Effective date. This Act takes effect January
23 1, 2023."