



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB1253

Introduced 1/31/2023, by Rep. Joe C. Sosnowski and Travis Weaver

#### 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. Provides that whether the minor's basic needs are met and the minor is of sufficient age and maturity level to avoid harm and unreasonable risk of harm shall be determined by considering specified factors in addition to any other relevant considerations. 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.

LRB103 05211 RJT 50227 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 12 ~~14~~ years whose parent  
22 or 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  
7 mental or physical health, safety, or welfare of that  
8 minor or the period of time was unreasonable shall be  
9 determined by considering the following factors, including  
10 but not limited 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  
14 the minor is a person with a physical or mental  
15 disability, or otherwise in need of ongoing prescribed  
16 medical treatment such as periodic doses of insulin or  
17 other medications;

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

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

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

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

1 light;

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

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

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

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

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

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

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

26 (15) any other factor that would endanger the

1 health and safety of that particular minor.

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

5 (1.5) Neglect does not include permitting a child, whose  
6 basic needs are met and who is of sufficient age and maturity  
7 to avoid harm or unreasonable risk of harm, to engage in  
8 independent activities, including:

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

11 (b) traveling to and from nearby commercial or  
12 recreational activities;

13 (c) engaging in outdoor play;

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

16 (e) remaining at home unattended; or

17 (f) engaging in a similar independent activity.

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

24 (2) Those who are abused include any minor under 18 years  
25 of age or a minor 18 years of age or older for whom the court  
26 has made a finding of probable cause to believe that the minor

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

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

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

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

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

25 (v) inflicts excessive corporal punishment;

26 (vi) commits or allows to be committed the offense of

1 involuntary servitude, involuntary sexual servitude of a  
2 minor, or trafficking in persons as defined in Section  
3 10-9 of the Criminal Code of 1961 or the Criminal Code of  
4 2012, upon such minor; or

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

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

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

16 (4) The changes made by Public Act 101-79 ~~this amendatory~~  
17 ~~Act of the 101st General Assembly~~ apply to a case that is  
18 pending on or after July 12, 2019 (the effective date of Public  
19 Act 101-79) ~~this amendatory Act of the 101st General Assembly.~~

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

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

23 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

24 Sec. 12C-10. Child abandonment.



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

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

14 (1) the age of the child;

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

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

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

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

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

26 (7) the weather conditions, including whether the

1 child was left in a location with adequate protection from  
2 the natural elements such as adequate heat or light;

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

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

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

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

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 child;

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

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

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

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

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