



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1834

Introduced 2/9/2023, by Sen. Elgie R. Sims, Jr.

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Juvenile Court Act of 1987. Provides that a neglected minor includes any minor (rather than a minor under 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 a minor shall not be considered neglected for the sole reason that the minor was engaged in independent activities, except if the person responsible for the minor's health, safety, or welfare willfully disregards danger that the independent activity poses to the physical or mental health of the minor under circumstances when the danger is sufficiently obvious that no reasonable person would cause or permit the minor to be unsupervised in such a situation given the minor's level of maturity, physical condition, or mental abilities. Provides factors that must be considered in determining if a minor's needs can be sufficiently met during an independent activity. Amends the Criminal Code of 2012 to change the child abandonment statute. Deletes language providing that a person commits child abandonment by leaving a child who is under the age of 13 without supervision by a responsible person over the age of 14 for a period of 24 hours or more. Provides instead 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 permits a child to engage in independent activities that were unreasonable under the circumstances or for an unreasonable period of time without regard for the minor's mental or physical health, safety or well-being. Provides that no specific age shall be determinative of reasonableness, and that reasonableness shall be determined by the maturity of each individual child. Effective immediately.

LRB103 06072 RLC 51103 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. 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  
18 factors, including, but not limited to, the age of the child,  
19 the child's individual developmental capacity, the length of  
20 time the child will be alone, and the safety conditions of the  
21 home.

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

1 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

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

3 (1) Those who are neglected include:

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

24 (b) any minor under 18 years of age or a minor 18 years  
25 of age or older for whom the court has made a finding of

1 probable cause to believe that the minor is abused,  
2 neglected, or dependent under subsection (1) of Section  
3 2-10 prior to the minor's 18th birthday whose environment  
4 is injurious to his or her welfare; or

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

14 (d) any minor ~~under the age of 14 years~~ whose parent or  
15 other person responsible for the minor's welfare leaves  
16 the minor without supervision for an unreasonable period  
17 of time without regard for the mental or physical health,  
18 safety, or welfare of that minor. Whether the minor was  
19 left without regard for the mental or physical health,  
20 safety, or welfare of that minor or the period of time was  
21 unreasonable shall be determined by considering the  
22 following factors, including, but not limited to:

23 (1) the age of the minor;

24 (2) the number of minors left at the location; ~~or~~

25 (3) special needs of the minor, including whether  
26 the minor is a person with a physical or mental

1 disability, or otherwise in need of ongoing prescribed  
2 medical treatment such as periodic doses of insulin or  
3 other medications;

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

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

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

10 (7) the weather conditions, including whether the  
11 minor was left in a location with adequate protection  
12 from the natural elements such as adequate heat or  
13 light;

14 (8) the location of the parent or guardian at the  
15 time the minor was left without supervision, the  
16 physical distance the minor was from the parent or  
17 guardian at the time the minor was without  
18 supervision;

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

22 (10) whether the minor was given a phone number of  
23 a person or location to call in the event of an  
24 emergency and whether the minor was capable of making  
25 an emergency call;

26 (11) whether there was food and other provision

1 left for the minor;

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

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

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

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

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

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

25 ~~(1) the age of the minor;~~

26 ~~(2) the number of minors left at the location;~~

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

5           ~~(4) the duration of time in which the minor was left~~  
6           ~~without supervision;~~

7           ~~(5) the condition and location of the place where the~~  
8           ~~minor was left without supervision;~~

9           ~~(6) the time of day or night when the minor was left~~  
10           ~~without supervision;~~

11           ~~(7) the weather conditions, including whether the~~  
12           ~~minor was left in a location with adequate protection from~~  
13           ~~the natural elements such as adequate heat or light;~~

14           ~~(8) the location of the parent or guardian at the time~~  
15           ~~the minor was left without supervision, the physical~~  
16           ~~distance the minor was from the parent or guardian at the~~  
17           ~~time the minor was without supervision;~~

18           ~~(9) whether the minor's movement was restricted, or~~  
19           ~~the minor was otherwise locked within a room or other~~  
20           ~~structure;~~

21           ~~(10) whether the minor was given a phone number of a~~  
22           ~~person or location to call in the event of an emergency and~~  
23           ~~whether the minor was capable of making an emergency call;~~

24           ~~(11) whether there was food and other provision left~~  
25           ~~for the minor;~~

26           ~~(12) whether any of the conduct is attributable to~~

1 ~~economic hardship or illness and the parent, guardian or~~  
2 ~~other person having physical custody or control of the~~  
3 ~~child made a good faith effort to provide for the health~~  
4 ~~and safety of the minor;~~

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

8 ~~(14) whether the minor was left under the supervision~~  
9 ~~of another person;~~

10 ~~(15) any other factor that would endanger the health~~  
11 ~~and safety of that particular minor.~~

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

15 (1.5) A minor shall not be considered neglected for the  
16 sole reason that the minor's parent or other person  
17 responsible for the minor's welfare permits the minor to  
18 engage in independent activities unless the minor was  
19 permitted to engage in independent activities under  
20 circumstances presenting unreasonable risk of harm to the  
21 minor's mental or physical health, safety, or well-being.

22 "Independent activities" includes, but is not limited to:

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

25 (b) traveling to and from nearby commercial or  
26 recreational facilities;



1           (c) engaging in outdoor play;

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

4           (e) remaining at home or at a similarly appropriate  
5           location unattended; or

6           (f) engaging in a similar independent activity alone  
7           or with other children.

8           In determining whether an independent activity presented  
9           unreasonable risk of harm, the court shall consider:

10           (1) whether the activity is accepted as suitable for  
11           minors of the same age, maturity level, and developmental  
12           capacity as the involved minor;

13           (2) the factors listed in items (1) through (15) of  
14           paragraph (d) of subsection (1); and

15           (3) any other factor the court deems relevant.

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

25           (i) inflicts, causes to be inflicted, or allows to be  
26           inflicted upon such minor physical injury, by other than

1 accidental means, which causes death, disfigurement,  
2 impairment of physical or emotional health, or loss or  
3 impairment of any bodily function;

4 (ii) creates a substantial risk of physical injury to  
5 such minor by other than accidental means which would be  
6 likely to cause death, disfigurement, impairment of  
7 emotional health, or loss or impairment of any bodily  
8 function;

9 (iii) commits or allows to be committed any sex  
10 offense against such minor, as such sex offenses are  
11 defined in the Criminal Code of 1961 or the Criminal Code  
12 of 2012, or in the Wrongs to Children Act, and extending  
13 those definitions of sex offenses to include minors under  
14 18 years of age;

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

17 (v) inflicts excessive corporal punishment;

18 (vi) commits or allows to be committed the offense of  
19 involuntary servitude, involuntary sexual servitude of a  
20 minor, or trafficking in persons as defined in Section  
21 10-9 of the Criminal Code of 1961 or the Criminal Code of  
22 2012, upon such minor; or

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

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

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

8           (4) The changes made by this amendatory Act of the 101st  
9 General Assembly apply to a case that is pending on or after  
10 the effective date of this amendatory Act of the 101st General  
11 Assembly.

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

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

15           (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

16           Sec. 12C-10. Child abandonment.

17           (a) A person commits child abandonment when he or she, as a  
18 parent, guardian, or other person having physical custody or  
19 control of a child, without regard for the mental or physical  
20 health, safety, or welfare of that child, knowingly permits a  
21 child to engage in independent activities that were  
22 unreasonable under the circumstances or for an unreasonable  
23 period of time without regard for the minor's mental or  
24 physical health, safety, or well-being. For the purposes of

1 this Section, no specific age shall be determinative of  
2 reasonableness. Reasonableness shall be determined by the  
3 maturity of each individual child ~~leaves that child who is~~  
4 ~~under the age of 13 without supervision by a responsible~~  
5 ~~person over the age of 14 for a period of 24 hours or more.~~ It  
6 is not a violation of this Section for a person to relinquish a  
7 child in accordance with the Abandoned Newborn Infant  
8 Protection Act.

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

13 (1) the age of the child;

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

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

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

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

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

25 (7) the weather conditions, including whether the  
26 child was left in a location with adequate protection from

1 the natural elements such as adequate heat or light;

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

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

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

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

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

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

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

26 (15) whether the child was left under the supervision

1 of another person.

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

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

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.

1 INDEX

2 Statutes amended in order of appearance

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

4 720 ILCS 5/12C-10 was 720 ILCS 5/12-21.5