



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/05/04, by Chapin Rose

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-3

from Ch. 37, par. 802-3

Amends the Juvenile Court Act of 1987. Provides that for the purposes of a petition to have a minor adjudicated an abused or neglected minor, proof that the parent, custodian, or guardian has been involved in the manufacture of methamphetamine in a structure or vehicle where the minor resides, is present, or is otherwise endangered shall constitute prima facie evidence of abuse and neglect.

LRB093 14788 RLC 46822 b

1 AN ACT in relation to minors.

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 who is not
10 receiving the proper or necessary support, education as
11 required by law, or medical or other remedial care
12 recognized under State law as necessary for a minor's
13 well-being, or other care necessary for his or her
14 well-being, including adequate food, clothing and shelter,
15 or who is abandoned by his or her parents or other person
16 responsible for the minor's welfare, except that a minor
17 shall not be considered neglected for the sole reason that
18 the minor's parent or other person responsible for the
19 minor's welfare has left the minor in the care of an adult
20 relative for any period of time; or

21 (b) any minor under 18 years of age whose environment
22 is injurious to his or her welfare; or

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

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

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

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

9 (1) the age of the minor;

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

11 (3) special needs of the minor, including whether the
12 minor is physically or mentally handicapped, or otherwise
13 in need of ongoing prescribed medical treatment such as
14 periodic doses of insulin or other medications;

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

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

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

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

24 (8) the location of the parent or guardian at the time
25 the minor was left without supervision, the physical
26 distance the minor was from the parent or guardian at the
27 time the minor was without supervision;

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

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

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

36 (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 (2) Those who are abused include any minor under 18 years
16 of age whose parent or immediate family member, or any person
17 responsible for the minor's welfare, or any person who is in
18 the same family or household as the minor, or any individual
19 residing in the same home as the minor, or a paramour of the
20 minor's parent:

21 (i) inflicts, causes to be inflicted, or allows to be
22 inflicted upon such minor physical injury, by other than
23 accidental means, which causes death, disfigurement,
24 impairment of physical or emotional health, or loss or
25 impairment of any bodily function;

26 (ii) creates a substantial risk of physical injury to
27 such minor by other than accidental means which would be
28 likely to cause death, disfigurement, impairment of
29 emotional health, or loss or impairment of any bodily
30 function;

31 (iii) commits or allows to be committed any sex offense
32 against such minor, as such sex offenses are defined in the
33 Criminal Code of 1961, as amended, and extending those
34 definitions of sex offenses to include minors under 18
35 years of age;

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

1 of torture upon such minor; or

2 (v) inflicts excessive corporal punishment.

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

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

10 (4) Proof that the parent, custodian, or guardian has been
11 involved in the manufacture of methamphetamine in a structure
12 or vehicle where the minor resides, is present, or is otherwise
13 endangered shall constitute prima facie evidence of abuse and
14 neglect.

15 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)