



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4655

Introduced 2/1/2012, by Rep. John D. Cavaletto

SYNOPSIS AS INTRODUCED:

705 ILCS 405/3-33.5

Amends the Juvenile Court Act of 1987 relating to truant minors in need of supervision. Adds a legislative intent provision. Provides that a minor found to be a truant minor in need of supervision may be ordered to attend school in a non-disruptive manner until the minor's 17th birthday. Provides that upon a finding of contempt against the minor or guardian, the court may sentence the minor or guardian to a period of incarceration in the county jail in the case of a guardian, or in the nearest juvenile detention facility, in the case of a minor; provided that the court shall contemporaneously enter a purge order which provides that the minor or guardian may be released from custody upon verification that the minor is attending school as certified by the Regional Office of Education. Provides that incarceration of a minor pursuant to this provision shall not be designated as a status offense by any juvenile detention facility. Effective immediately.

LRB097 13412 RLC 57929 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 3-33.5 as follows:

6 (705 ILCS 405/3-33.5)

7 Sec. 3-33.5. Truant minors in need of supervision.

8 (a) Legislative Declaration. The General Assembly finds
9 and declares as follows:

10 (1) The children of this State constitute its most
11 important resource, and in order to enable those children
12 to reach their full potential, the State must provide them
13 the quality public education that the Constitution of the
14 State of Illinois mandates. For those children to reach
15 their full potential, it is essential that they obtain a
16 high school diploma, or in the less favored alternative,
17 its general equivalency.

18 (2) The State cannot provide its children with the
19 education they deserve and require unless those children
20 attend school. Across the State, judges, prosecutors, and
21 educators have expressed continued frustration that the
22 truancy provisions of the Juvenile Court Act of 1987 lack
23 sufficient force regarding those children who refuse to

1 attend school or those children who do not attend because
2 their guardians refuse to take adequate measures to ensure
3 that their children do attend school.

4 (a-0.05) ~~(a)~~ Definition. A minor who is reported by the
5 office of the regional superintendent of schools, or, in cities
6 of over 500,000 inhabitants, by the Office of Chronic Truant
7 Adjudication, as a chronic truant may be subject to a petition
8 for adjudication and adjudged a truant minor in need of
9 supervision, provided that prior to the filing of the petition,
10 the office of the regional superintendent of schools, the
11 Office of Chronic Truant Adjudication, or a community truancy
12 review board certifies that the local school has provided
13 appropriate truancy intervention services to the truant minor
14 and his or her family. For purposes of this Section, "truancy
15 intervention services" means services designed to assist the
16 minor's return to an educational program, and includes but is
17 not limited to: assessments, counseling, mental health
18 services, shelter, optional and alternative education
19 programs, tutoring, and educational advocacy. If, after review
20 by the regional office of education, the Office of Chronic
21 Truant Adjudication, or community truancy review board it is
22 determined the local school did not provide the appropriate
23 interventions, then the minor shall be referred to a
24 comprehensive community based youth service agency for truancy
25 intervention services. If the comprehensive community based
26 youth service agency is incapable to provide intervention

1 services, then this requirement for services is not applicable.
2 The comprehensive community based youth service agency shall
3 submit reports to the office of the regional superintendent of
4 schools, the Office of Chronic Truant Adjudication, or truancy
5 review board within 20, 40, and 80 school days of the initial
6 referral or at any other time requested by the office of the
7 regional superintendent of schools, the Office of Chronic
8 Truant Adjudication, or truancy review board, which reports
9 each shall certify the date of the minor's referral and the
10 extent of the minor's progress and participation in truancy
11 intervention services provided by the comprehensive community
12 based youth service agency. In addition, if, after referral by
13 the office of the regional superintendent of schools, the
14 Office of Chronic Truant Adjudication, or community truancy
15 review board, the minor declines or refuses to fully
16 participate in truancy intervention services provided by the
17 comprehensive community based youth service agency, then the
18 agency shall immediately certify such facts to the office of
19 the regional superintendent of schools, the Office of Chronic
20 Truant Adjudication, or community truancy review board.

21 (a-1) There is a rebuttable presumption that a chronic
22 truant is a truant minor in need of supervision.

23 (a-2) There is a rebuttable presumption that school records
24 of a minor's attendance at school are authentic.

25 (a-3) For purposes of this Section, "chronic truant" means
26 a minor subject to compulsory school attendance and who is

1 absent without valid cause from such attendance for 10% or more
2 of the previous 180 regular attendance days and has the meaning
3 ascribed to it in Section 26-2a of the School Code.

4 (a-4) For purposes of this Section, a "community truancy
5 review board" is a local community based board comprised of but
6 not limited to: representatives from local comprehensive
7 community based youth service agencies, representatives from
8 court service agencies, representatives from local schools,
9 representatives from health service agencies, and
10 representatives from local professional and community
11 organizations as deemed appropriate by the office of the
12 regional superintendent of schools, or, in cities of over
13 500,000 inhabitants, by the Office of Chronic Truant
14 Adjudication. The regional superintendent of schools, or, in
15 cities of over 500,000 inhabitants, the Office of Chronic
16 Truant Adjudication, must approve the establishment and
17 organization of a community truancy review board and the
18 regional superintendent of schools or his or her designee, or,
19 in cities of over 500,000 inhabitants, the general
20 superintendent of schools or his or her designee, shall chair
21 the board.

22 (a-5) Nothing in this Section shall be construed to create
23 a private cause of action or right of recovery against a
24 regional office of education or the Office of Chronic Truant
25 Adjudication, its superintendent, or its staff with respect to
26 truancy intervention services where the determination to

1 provide the services is made in good faith.

2 (b) Kinds of dispositional orders. A minor found to be a
3 truant minor in need of supervision may be:

4 (1) committed to the appropriate regional
5 superintendent of schools for a student assistance team
6 staffing, a service plan, or referral to a comprehensive
7 community based youth service agency;

8 (2) required to comply with a service plan as
9 specifically provided by the appropriate regional
10 superintendent of schools;

11 (3) ordered to obtain counseling or other supportive
12 services;

13 (4) subject to a fine in an amount in excess of \$5, but
14 not exceeding \$100, and each day of absence without valid
15 cause as defined in Section 26-2a of The School Code is a
16 separate offense;

17 (5) required to perform some reasonable public service
18 work such as, but not limited to, the picking up of litter
19 in public parks or along public highways or the maintenance
20 of public facilities; ~~or~~

21 (6) subject to having his or her driver's license or
22 driving privilege suspended for a period of time as
23 determined by the court but only until he or she attains 18
24 years of age; or

25 (7) ordered to attend school in a non-disruptive manner
26 until the minor's 17th birthday.

1 A dispositional order may include a fine, public service,
2 or suspension of a driver's license or privilege only if the
3 court has made an express written finding that a truancy
4 prevention program has been offered by the school, regional
5 superintendent of schools, or a comprehensive community based
6 youth service agency to the truant minor in need of
7 supervision.

8 (c) Orders entered under this Section may be enforced by
9 contempt proceedings. Such proceedings may include a finding of
10 contempt against the minor or guardian if the court finds that
11 the guardian has consented to, or has otherwise assisted,
12 aided, or facilitated, the minor's classification as a chronic
13 truant. Upon a finding of contempt against the minor or
14 guardian, the court may sentence the minor or guardian to a
15 period of incarceration in the county jail in the case of a
16 guardian, or in the nearest juvenile detention facility, in the
17 case of a minor; provided that the court shall
18 contemporaneously enter a purge order which provides that the
19 minor or guardian may be released from custody upon
20 verification that the minor is attending school as certified by
21 the Regional Office of Education. Incarceration of a minor
22 pursuant to this subsection (c) shall not be designated as a
23 status offense by any juvenile detention facility pursuant to
24 subsection (3) of Section 5-401.

25 (Source: P.A. 94-1011, eff. 7-7-06.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.