

# SB1213



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1213

Introduced 1/30/2013, by Sen. Mattie Hunter

#### SYNOPSIS AS INTRODUCED:

5 ILCS 350/1

from Ch. 127, par. 1301

705 ILCS 405/3-28

from Ch. 37, par. 803-28

Amends the State Employee Indemnification Act. Provides that the term "employee" includes an individual or organization which contracts with the Department of Juvenile Justice to provide services. Amends the Juvenile Court Act of 1987 relating to the placement of minors requiring authoritative intervention. Changes references from the Department of Corrections to the Department of Juvenile Justice. Effective immediately.

LRB098 02595 RLC 32600 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning the Department of Juvenile Justice.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Employee Indemnification Act is  
5 amended by changing Section 1 as follows:

6 (5 ILCS 350/1) (from Ch. 127, par. 1301)

7 Sec. 1. Definitions. For the purpose of this Act:

8 (a) The term "State" means the State of Illinois, the  
9 General Assembly, the court, or any State office, department,  
10 division, bureau, board, commission, or committee, the  
11 governing boards of the public institutions of higher education  
12 created by the State, the Illinois National Guard, the  
13 Comprehensive Health Insurance Board, any poison control  
14 center designated under the Poison Control System Act that  
15 receives State funding, or any other agency or instrumentality  
16 of the State. It does not mean any local public entity as that  
17 term is defined in Section 1-206 of the Local Governmental and  
18 Governmental Employees Tort Immunity Act or a pension fund.

19 (b) The term "employee" means any present or former elected  
20 or appointed officer, trustee or employee of the State, or of a  
21 pension fund, any present or former commissioner or employee of  
22 the Executive Ethics Commission or of the Legislative Ethics  
23 Commission, any present or former Executive, Legislative, or

1 Auditor General's Inspector General, any present or former  
2 employee of an Office of an Executive, Legislative, or Auditor  
3 General's Inspector General, any present or former member of  
4 the Illinois National Guard while on active duty, individuals  
5 or organizations who contract with the Department of  
6 Corrections, the Department of Juvenile Justice, the  
7 Comprehensive Health Insurance Board, or the Department of  
8 Veterans' Affairs to provide services, individuals or  
9 organizations who contract with the Department of Human  
10 Services (as successor to the Department of Mental Health and  
11 Developmental Disabilities) to provide services including but  
12 not limited to treatment and other services for sexually  
13 violent persons, individuals or organizations who contract  
14 with the Department of Military Affairs for youth programs,  
15 individuals or organizations who contract to perform carnival  
16 and amusement ride safety inspections for the Department of  
17 Labor, individual representatives of or designated  
18 organizations authorized to represent the Office of State  
19 Long-Term Ombudsman for the Department on Aging, individual  
20 representatives of or organizations designated by the  
21 Department on Aging in the performance of their duties as elder  
22 abuse provider agencies or regional administrative agencies  
23 under the Elder Abuse and Neglect Act, individuals or  
24 organizations who perform volunteer services for the State  
25 where such volunteer relationship is reduced to writing,  
26 individuals who serve on any public entity (whether created by

1 law or administrative action) described in paragraph (a) of  
2 this Section, individuals or not for profit organizations who,  
3 either as volunteers, where such volunteer relationship is  
4 reduced to writing, or pursuant to contract, furnish  
5 professional advice or consultation to any agency or  
6 instrumentality of the State, individuals who serve as foster  
7 parents for the Department of Children and Family Services when  
8 caring for a Department ward, individuals who serve as members  
9 of an independent team of experts under Brian's Law, and  
10 individuals who serve as arbitrators pursuant to Part 10A of  
11 Article II of the Code of Civil Procedure and the rules of the  
12 Supreme Court implementing Part 10A, each as now or hereafter  
13 amended, but does not mean an independent contractor except as  
14 provided in this Section. The term includes an individual  
15 appointed as an inspector by the Director of State Police when  
16 performing duties within the scope of the activities of a  
17 Metropolitan Enforcement Group or a law enforcement  
18 organization established under the Intergovernmental  
19 Cooperation Act. An individual who renders professional advice  
20 and consultation to the State through an organization which  
21 qualifies as an "employee" under the Act is also an employee.  
22 The term includes the estate or personal representative of an  
23 employee.

24 (c) The term "pension fund" means a retirement system or  
25 pension fund created under the Illinois Pension Code.

26 (Source: P.A. 96-1235, eff. 1-1-11.)

1           Section 10. The Juvenile Court Act of 1987 is amended by  
2 changing Section 3-28 as follows:

3           (705 ILCS 405/3-28) (from Ch. 37, par. 803-28)

4           Sec. 3-28. Placement; legal custody or guardianship.

5           (1) If the court finds that the parents, guardian or legal  
6 custodian of a minor adjudged a ward of the court are unfit or  
7 are unable, for some reason other than financial circumstances  
8 alone, to care for, protect, train or discipline the minor or  
9 are unwilling to do so, and that appropriate services aimed at  
10 family preservation and family reunification have been  
11 unsuccessful in rectifying the conditions which have led to  
12 such a finding of unfitness or inability to care for, protect,  
13 train or discipline the minor, and that it is in the best  
14 interest of the minor to take him from the custody of his  
15 parents, guardian or custodian, the court may:

16           (a) place him in the custody of a suitable relative or  
17 other person;

18           (b) place him under the guardianship of a probation  
19 officer;

20           (c) commit him to an agency for care or placement,  
21 except an institution under the authority of the Department  
22 of Juvenile Justice ~~Corrections~~ or of the Department of  
23 Children and Family Services;

24           (d) commit him to some licensed training school or

1 industrial school; or

2 (e) commit him to any appropriate institution having  
3 among its purposes the care of delinquent children,  
4 including a child protective facility maintained by a Child  
5 Protection District serving the county from which  
6 commitment is made, but not including any institution under  
7 the authority of the Department of Juvenile Justice  
8 ~~Corrections~~ or of the Department of Children and Family  
9 Services.

10 (2) When making such placement, the court, wherever  
11 possible, shall select a person holding the same religious  
12 belief as that of the minor or a private agency controlled by  
13 persons of like religious faith of the minor and shall require  
14 the Department of Children and Family Services to otherwise  
15 comply with Section 7 of the Children and Family Services Act  
16 in placing the child. In addition, whenever alternative plans  
17 for placement are available, the court shall ascertain and  
18 consider, to the extent appropriate in the particular case, the  
19 views and preferences of the minor.

20 (3) When a minor is placed with a suitable relative or  
21 other person, the court shall appoint him the legal custodian  
22 or guardian of the person of the minor. When a minor is  
23 committed to any agency, the court shall appoint the proper  
24 officer or representative thereof as legal custodian or  
25 guardian of the person of the minor. Legal custodians and  
26 guardians of the person of the minor have the respective rights

1 and duties set forth in paragraph (9) of Section 1-3 except as  
2 otherwise provided by order of the court; but no guardian of  
3 the person may consent to adoption of the minor unless that  
4 authority is conferred upon him in accordance with Section  
5 3-30. An agency whose representative is appointed guardian of  
6 the person or legal custodian of the minor may place him in any  
7 child care facility, but such facility must be licensed under  
8 the Child Care Act of 1969 or have been approved by the  
9 Department of Children and Family Services as meeting the  
10 standards established for such licensing. No agency may place  
11 such minor in a child care facility unless such placement is in  
12 compliance with the rules and regulations for placement under  
13 this Section promulgated by the Department of Children and  
14 Family Services under Section 5 of "An Act creating the  
15 Department of Children and Family Services, codifying its  
16 powers and duties, and repealing certain Acts and Sections  
17 herein named". Like authority and restrictions shall be  
18 conferred by the court upon any probation officer who has been  
19 appointed guardian of the person of a minor.

20 (4) No placement by any probation officer or agency whose  
21 representative is appointed guardian of the person or legal  
22 custodian of a minor may be made in any out of State child care  
23 facility unless it complies with the Interstate Compact on the  
24 Placement of Children.

25 (5) The clerk of the court shall issue to such legal  
26 custodian or guardian of the person a certified copy of the

1 order of the court, as proof of his authority. No other process  
2 is necessary as authority for the keeping of the minor.

3 (6) Custody or guardianship granted hereunder continues  
4 until the court otherwise directs, but not after the minor  
5 reaches the age of 19 years except as set forth in Section  
6 3-32.

7 (Source: P.A. 89-422.)

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