

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.