



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6263

Introduced 2/11/2016, by Rep. John D. Anthony

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-3
720 ILCS 5/12C-10

from Ch. 37, par. 802-3
was 720 ILCS 5/12-21.5

Amends the Juvenile Court Act of 1987. Provides that a neglected minor includes any minor under the age of 10 (rather than 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. Amends the Criminal Code of 2012. Provides 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 leaves that child who is under the age of 10 (rather than 13) without supervision by a responsible person over the age of 14 for a period of 24 hours or more.

LRB099 16787 SLF 41133 b

1 AN ACT concerning courts.

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 parent or parents or
16 other person or persons responsible for the minor's
17 welfare, except that a minor shall not be considered
18 neglected for the sole reason that the minor's parent or
19 parents or other person or persons responsible for the
20 minor's welfare have left the minor in the care of an adult
21 relative for any period of time, who the parent or parents
22 or other person responsible for the minor's welfare know is
23 both a mentally capable adult relative and physically

1 capable adult relative, as defined by this Act; or

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

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

13 (d) any minor under the age of 10 ~~14~~ years whose parent
14 or other person responsible for the minor's welfare leaves
15 the minor without supervision for an unreasonable period of
16 time without regard for the mental or physical health,
17 safety, or welfare of that minor; or

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

24 Whether the minor was left without regard for the mental or
25 physical health, safety, or welfare of that minor or the period
26 of time was unreasonable shall be determined by considering the

1 following factors, including but not limited to:

2 (1) the age of the minor;

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

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

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

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

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

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

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

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

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

1 (11) whether there was food and other provision left
2 for the minor;

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

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

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

13 (15) any other factor that would endanger the health
14 and safety of that particular minor.

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

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

24 (i) inflicts, causes to be inflicted, or allows to be
25 inflicted upon such minor physical injury, by other than
26 accidental means, which causes death, disfigurement,

1 impairment of physical or emotional health, or loss or
2 impairment of any bodily function;

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

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

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

15 (v) inflicts excessive corporal punishment;

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

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

25 A minor shall not be considered abused for the sole reason
26 that the minor has been relinquished in accordance with the

1 Abandoned Newborn Infant Protection Act.

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

6 (Source: P.A. 99-143, eff. 7-27-15.)

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

9 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

10 Sec. 12C-10. Child abandonment.

11 (a) A person commits child abandonment when he or she, as a
12 parent, guardian, or other person having physical custody or
13 control of a child, without regard for the mental or physical
14 health, safety, or welfare of that child, knowingly leaves that
15 child who is under the age of 10 ~~13~~ without supervision by a
16 responsible person over the age of 14 for a period of 24 hours
17 or more. It is not a violation of this Section for a person to
18 relinquish a child in accordance with the Abandoned Newborn
19 Infant Protection Act.

20 (b) For the purposes of determining whether the child was
21 left without regard for the mental or physical health, safety,
22 or welfare of that child, the trier of fact shall consider the
23 following factors:

24 (1) the age of the child;

- 1 (2) the number of children left at the location;
- 2 (3) special needs of the child, including whether the
3 child is a person with a physical or mental disability, or
4 otherwise in need of ongoing prescribed medical treatment
5 such as periodic doses of insulin or other medications;
- 6 (4) the duration of time in which the child was left
7 without supervision;
- 8 (5) the condition and location of the place where the
9 child was left without supervision;
- 10 (6) the time of day or night when the child was left
11 without supervision;
- 12 (7) the weather conditions, including whether the
13 child was left in a location with adequate protection from
14 the natural elements such as adequate heat or light;
- 15 (8) the location of the parent, guardian, or other
16 person having physical custody or control of the child at
17 the time the child was left without supervision, the
18 physical distance the child was from the parent, guardian,
19 or other person having physical custody or control of the
20 child at the time the child was without supervision;
- 21 (9) whether the child's movement was restricted, or the
22 child was otherwise locked within a room or other
23 structure;
- 24 (10) whether the child was given a phone number of a
25 person or location to call in the event of an emergency and
26 whether the child was capable of making an emergency call;

1 (11) whether there was food and other provision left
2 for the child;

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

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

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

13 (15) whether the child was left under the supervision
14 of another person.

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

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