

1 AN ACT in relation to criminal law.

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 6-1 as follows:

6 (705 ILCS 405/6-1) (from Ch. 37, par. 806-1)

7 Sec. 6-1. Probation departments; functions and duties.

8 (1) The chief judge of each circuit shall make provision  
9 for probation services for each county in his or her circuit.  
10 The appointment of officers to probation or court services  
11 departments and the administration of such departments shall  
12 be governed by the provisions of the Probation and Probation  
13 Officers Act.

14 (2) Every county or every group of counties constituting  
15 a probation district shall maintain a court services or  
16 probation department subject to the provisions of the  
17 Probation and Probation Officers Act. For the purposes of  
18 this Act, such a court services or probation department has,  
19 but is not limited to, the following powers and duties:

20 (a) When authorized or directed by the court, to  
21 receive, investigate and evaluate complaints indicating  
22 dependency, requirement of authoritative intervention,  
23 addiction or delinquency within the meaning of Sections  
24 2-3, 2-4, 3-3, 4-3 or 5-105, respectively; to determine  
25 or assist the complainant in determining whether a  
26 petition should be filed under Sections 2-13, 3-15, 4-12  
27 or 5-520 or whether referral should be made to an agency,  
28 association or other person or whether some other action  
29 is advisable; and to see that the indicating filing,  
30 referral or other action is accomplished. However, no  
31 such investigation, evaluation or supervision by such

1 court services or probation department is to occur with  
2 regard to complaints indicating only that a minor may be  
3 a chronic or habitual truant.

4 (b) When a petition is filed under Section 2-13,  
5 3-15, 4-15 or 5-520, to make pre-hearing investigations  
6 and formulate recommendations to the court when the court  
7 has authorized or directed the department to do so.

8 (c) To counsel and, by order of the court, to  
9 supervise minors referred to the court; to conduct  
10 indicated programs of casework, including referrals for  
11 medical and mental health service, organized recreation  
12 and job placement for wards of the court and, when  
13 appropriate, for members of the family of a ward; to act  
14 as liaison officer between the court and agencies or  
15 associations to which minors are referred or through  
16 which they are placed; when so appointed, to serve as  
17 guardian of the person of a ward of the court; to provide  
18 probation supervision and protective supervision ordered  
19 by the court; and to provide like services to wards and  
20 probationers of courts in other counties or jurisdictions  
21 who have lawfully become local residents.

22 (d) To arrange for placements pursuant to court  
23 order.

24 (e) To assume administrative responsibility for  
25 such detention, shelter care and other institutions for  
26 minors as the court may operate.

27 (f) To maintain an adequate system of case records,  
28 statistical records, and financial records related to  
29 juvenile detention and shelter care and to make reports  
30 to the court and other authorized persons, and to the  
31 Supreme Court pursuant to the Probation and Probation  
32 Officers Act.

33 (g) To perform such other services as may be  
34 appropriate to effectuate the purposes of this Act or as

1           may be directed by any order of court made under this  
2           Act.

3           (3) The court services or probation department in any  
4 probation district or county having less than 1,000,000  
5 inhabitants, or any personnel of the department, may be  
6 required by the circuit court to render services to the court  
7 in other matters as well as proceedings under this Act.

8           (4) In any county or probation district, a probation  
9 department may be established as a separate division of a  
10 more inclusive department of court services, with any  
11 appropriate divisional designation. The organization of any  
12 such department of court services and the appointment of  
13 officers and other personnel must comply with the Probation  
14 and Probations Officers Act.

15           (5) Probation officers appointed to probation or court  
16 services departments shall be considered peace officers. In  
17 the exercise of their official duties, probation officers,  
18 sheriffs, and police officers may, anywhere within the State,  
19 arrest any minor who is in violation of any of the conditions  
20 of his or her probation, continuance under supervision, or  
21 informal supervision, and it shall be the duty of the officer  
22 making the arrest to take the minor before the court having  
23 jurisdiction over the minor for further action.

24           (Source: P.A. 90-590, eff. 1-1-99; 91-357, eff. 7-29-99.)

25           Section 10. The Probation and Probation Officers Act is  
26 amended by changing Section 15 as follows:

27           (730 ILCS 110/15) (from Ch. 38, par. 204-7)

28           Sec. 15. (1) The Supreme Court of Illinois may establish  
29 a Division of Probation Services whose purpose shall be the  
30 development, establishment, promulgation, and enforcement of  
31 uniform standards for probation services in this State, and  
32 to otherwise carry out the intent of this Act. The Division

1 may:

2 (a) establish qualifications for chief probation  
3 officers and other probation and court services personnel  
4 as to hiring, promotion, and training.

5 (b) make available, on a timely basis, lists of  
6 those applicants whose qualifications meet the  
7 regulations referred to herein, including on said lists  
8 all candidates found qualified.

9 (c) establish a means of verifying the conditions  
10 for reimbursement under this Act and develop criteria for  
11 approved costs for reimbursement.

12 (d) develop standards and approve employee  
13 compensation schedules for probation and court services  
14 departments.

15 (e) employ sufficient personnel in the Division to  
16 carry out the functions of the Division.

17 (f) establish a system of training and establish  
18 standards for personnel orientation and training.

19 (g) develop standards for a system of record  
20 keeping for cases and programs, gather statistics,  
21 establish a system of uniform forms, and develop research  
22 for planning of Probation Services.

23 (h) develop standards to assure adequate support  
24 personnel, office space, equipment and supplies, travel  
25 expenses, and other essential items necessary for  
26 Probation and Court Services Departments to carry out  
27 their duties.

28 (i) review and approve annual plans submitted by  
29 Probation and Court Services Departments.

30 (j) monitor and evaluate all programs operated by  
31 Probation and Court Services Departments, and may include  
32 in the program evaluation criteria such factors as the  
33 percentage of Probation sentences for felons convicted of  
34 Probationable offenses.

1           (k) seek the cooperation of local and State  
2 government and private agencies to improve the quality of  
3 probation and court services.

4           (l) where appropriate, establish programs and  
5 corresponding standards designed to generally improve the  
6 quality of probation and court services and reduce the  
7 rate of adult or juvenile offenders committed to the  
8 Department of Corrections.

9           (m) establish such other standards and regulations  
10 and do all acts necessary to carry out the intent and  
11 purposes of this Act.

12           The Division shall establish a model list of structured  
13 intermediate sanctions that may be imposed by a probation  
14 agency for violations of terms and conditions of a sentence  
15 of probation, conditional discharge, or supervision.

16           The State of Illinois shall provide for the costs of  
17 personnel, travel, equipment, telecommunications, postage,  
18 commodities, printing, space, contractual services and other  
19 related costs necessary to carry out the intent of this Act.

20           (2) (a) The chief judge of each circuit shall provide  
21 full-time probation services for all counties within the  
22 circuit, in a manner consistent with the annual probation  
23 plan, the standards, policies, and regulations established by  
24 the Supreme Court. A probation district of two or more  
25 counties within a circuit may be created for the purposes of  
26 providing full-time probation services. Every county or group  
27 of counties within a circuit shall maintain a probation  
28 department which shall be under the authority of the Chief  
29 Judge of the circuit or some other judge designated by the  
30 Chief Judge. The Chief Judge, through the Probation and Court  
31 Services Department shall submit annual plans to the Division  
32 for probation and related services.

33           (b) The Chief Judge of each circuit shall appoint the  
34 Chief Probation Officer and all other probation officers for

1 his or her circuit from lists of qualified applicants  
2 supplied by the Supreme Court. Candidates for chief managing  
3 officer and other probation officer positions must apply with  
4 both the Chief Judge of the circuit and the Supreme Court.

5 (3) A Probation and Court Service Department shall apply  
6 to the Supreme Court for funds for basic services, and may  
7 apply for funds for new and expanded programs or  
8 Individualized Services and Programs. Costs shall be  
9 reimbursed monthly based on a plan and budget approved by the  
10 Supreme Court. No Department may be reimbursed for costs  
11 which exceed or are not provided for in the approved annual  
12 plan and budget. After the effective date of this amendatory  
13 Act of 1985, each county must provide basic services in  
14 accordance with the annual plan and standards created by the  
15 division. No department may receive funds for new or expanded  
16 programs or individualized services and programs unless they  
17 are in compliance with standards as enumerated in paragraph  
18 (h) of subsection (1) of this Section, the annual plan, and  
19 standards for basic services.

20 (4) The Division shall reimburse the county or counties  
21 for probation services as follows:

22 (a) 100% of the salary of all chief managing  
23 officers designated as such by the Chief Judge and the  
24 division.

25 (b) 100% of the salary for all probation officer  
26 and supervisor positions approved for reimbursement by  
27 the division after April 1, 1984, to meet workload  
28 standards and to implement intensive sanction and  
29 probation supervision programs and other basic services  
30 as defined in this Act.

31 (c) 100% of the salary for all secure detention  
32 personnel and non-secure group home personnel approved  
33 for reimbursement after December 1, 1990. For all such  
34 positions approved for reimbursement before December 1,

1 1990, the counties shall be reimbursed \$1,250 per month  
2 beginning July 1, 1995, and an additional \$250 per month  
3 beginning each July 1st thereafter until the positions  
4 receive 100% salary reimbursement. Allocation of such  
5 positions will be based on comparative need considering  
6 capacity, staff/resident ratio, physical plant and  
7 program.

8 (d) \$1,000 per month for salaries for the remaining  
9 probation officer positions engaged in basic services and  
10 new or expanded services. All such positions shall be  
11 approved by the division in accordance with this Act and  
12 division standards.

13 (e) 100% of the travel expenses in accordance with  
14 Division standards for all Probation positions approved  
15 under paragraph (b) of subsection 4 of this Section.

16 (f) If the amount of funds reimbursed to the county  
17 under paragraphs (a) through (e) of subsection 4 of this  
18 Section on an annual basis is less than the amount the  
19 county had received during the 12 month period  
20 immediately prior to the effective date of this  
21 amendatory Act of 1985, then the Division shall reimburse  
22 the amount of the difference to the county. The effect of  
23 paragraph (b) of subsection 7 of this Section shall be  
24 considered in implementing this supplemental  
25 reimbursement provision.

26 (5) The Division shall provide funds beginning on April  
27 1, 1987 for the counties to provide Individualized Services  
28 and Programs as provided in Section 16 of this Act.

29 (6) A Probation and Court Services Department in order  
30 to be eligible for the reimbursement must submit to the  
31 Supreme Court an application containing such information and  
32 in such a form and by such dates as the Supreme Court may  
33 require. Departments to be eligible for funding must satisfy  
34 the following conditions:

1           (a) The Department shall have on file with the  
2 Supreme Court an annual Probation plan for continuing,  
3 improved, and new Probation and Court Services Programs  
4 approved by the Supreme Court or its designee. This plan  
5 shall indicate the manner in which Probation and Court  
6 Services will be delivered and improved, consistent with  
7 the minimum standards and regulations for Probation and  
8 Court Services, as established by the Supreme Court. In  
9 counties with more than one Probation and Court Services  
10 Department eligible to receive funds, all Departments  
11 within that county must submit plans which are approved  
12 by the Supreme Court.

13           (b) The annual probation plan shall seek to  
14 generally improve the quality of probation services and  
15 to reduce the commitment of adult and juvenile offenders  
16 to the Department of Corrections and shall require, when  
17 appropriate, coordination with the Department of  
18 Corrections and the Department of Children and Family  
19 Services in the development and use of community  
20 resources, information systems, case review and  
21 permanency planning systems to avoid the duplication of  
22 services.

23           (c) The Department shall be in compliance with  
24 standards developed by the Supreme Court for basic, new  
25 and expanded services, training, personnel hiring and  
26 promotion.

27           (d) The Department shall in its annual plan  
28 indicate the manner in which it will support the rights  
29 of crime victims and in which manner it will implement  
30 Article I, Section 8.1 of the Illinois Constitution and  
31 in what manner it will coordinate crime victims' support  
32 services with other criminal justice agencies within its  
33 jurisdiction, including but not limited to, the State's  
34 Attorney, the Sheriff and any municipal police



1 department.

2 (7) No statement shall be verified by the Supreme Court  
3 or its designee or vouchered by the Comptroller unless each  
4 of the following conditions have been met:

5 (a) The probation officer is a full-time employee  
6 appointed by the Chief Judge to provide probation  
7 services.

8 (b) The probation officer, in order to be eligible  
9 for State reimbursement, is receiving a salary of at  
10 least \$17,000 per year.

11 (c) The probation officer is appointed or was  
12 reappointed in accordance with minimum qualifications or  
13 criteria established by the Supreme Court; however, all  
14 probation officers appointed prior to January 1, 1978,  
15 shall be exempted from the minimum requirements  
16 established by the Supreme Court. Payments shall be made  
17 to counties employing these exempted probation officers  
18 as long as they are employed in the position held on the  
19 effective date of this amendatory Act of 1985.  
20 Promotions shall be governed by minimum qualifications  
21 established by the Supreme Court.

22 (d) The Department has an established compensation  
23 schedule approved by the Supreme Court. The compensation  
24 schedule shall include salary ranges with necessary  
25 increments to compensate each employee. The increments  
26 shall, within the salary ranges, be based on such factors  
27 as bona fide occupational qualifications, performance,  
28 and length of service. Each position in the Department  
29 shall be placed on the compensation schedule according to  
30 job duties and responsibilities of such position. The  
31 policy and procedures of the compensation schedule shall  
32 be made available to each employee.

33 (8) In order to obtain full reimbursement of all  
34 approved costs, each Department must continue to employ at

1 least the same number of probation officers and probation  
2 managers as were authorized for employment for the fiscal  
3 year which includes January 1, 1985. This number shall be  
4 designated as the base amount of the Department. No positions  
5 approved by the Division under paragraph (b) of subsection 4  
6 will be included in the base amount. In the event that the  
7 Department employs fewer Probation officers and Probation  
8 managers than the base amount for a period of 90 days,  
9 funding received by the Department under subsection 4 of this  
10 Section may be reduced on a monthly basis by the amount of  
11 the current salaries of any positions below the base amount.

12 (9) Before the 15th day of each month, the treasurer of  
13 any county which has a Probation and Court Services  
14 Department, or the treasurer of the most populous county, in  
15 the case of a Probation or Court Services Department funded  
16 by more than one county, shall submit an itemized statement  
17 of all approved costs incurred in the delivery of Basic  
18 Probation and Court Services under this Act to the Supreme  
19 Court. The treasurer may also submit an itemized statement of  
20 all approved costs incurred in the delivery of new and  
21 expanded Probation and Court Services as well as  
22 Individualized Services and Programs. The Supreme Court or  
23 its designee shall verify compliance with this Section and  
24 shall examine and audit the monthly statement and, upon  
25 finding them to be correct, shall forward them to the  
26 Comptroller for payment to the county treasurer. In the case  
27 of payment to a treasurer of a county which is the most  
28 populous of counties sharing the salary and expenses of a  
29 Probation and Court Services Department, the treasurer shall  
30 divide the money between the counties in a manner that  
31 reflects each county's share of the cost incurred by the  
32 Department.

33 (10) The county treasurer must certify that funds  
34 received under this Section shall be used solely to maintain

1 and improve Probation and Court Services. The county or  
2 circuit shall remain in compliance with all standards,  
3 policies and regulations established by the Supreme Court. If  
4 at any time the Supreme Court determines that a county or  
5 circuit is not in compliance, the Supreme Court shall  
6 immediately notify the Chief Judge, county board chairman and  
7 the Director of Court Services Chief Probation Officer. If  
8 after 90 days of written notice the noncompliance still  
9 exists, the Supreme Court shall be required to reduce the  
10 amount of monthly reimbursement by 10%. An additional 10%  
11 reduction of monthly reimbursement shall occur for each  
12 consecutive month of noncompliance. Except as provided in  
13 subsection 5 of Section 15, funding to counties shall  
14 commence on April 1, 1986. Funds received under this Act  
15 shall be used to provide for Probation Department expenses  
16 including those required under Section 13 of this Act.

17 (11) The respective counties shall be responsible for  
18 capital and space costs, fringe benefits, clerical costs,  
19 equipment, telecommunications, postage, commodities and  
20 printing.

21 (12) Probation officers shall be considered peace  
22 officers. In the exercise of their official duties, ~~and~~  
23 probation officers, sheriffs, ~~and~~ and police officers may,  
24 anywhere within the State, arrest any probationer who is in  
25 violation of any of the conditions of his or her probation,  
26 conditional discharge, or supervision, and it shall be the  
27 duty of the officer making the arrest to take the said  
28 probationer before the Court having jurisdiction over the  
29 probationer ~~him~~ for further order.

30 (Source: P.A. 89-198, eff. 7-21-95; 89-390, eff. 8-20-95;  
31 89-626, eff. 8-9-96.)