

AN ACT concerning courts.

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

Section 5. The Juvenile Court Act of 1987 is amended by adding Section 2-10.3 as follows:

(705 ILCS 405/2-10.3 new)

Sec. 2-10.3. Access to news media.

(a) All youth in the custody or guardianship of the Department of Children and Family Services are entitled to the freedom of speech guaranteed by the First Amendment to the Constitution of the United States and Section 4 of Article I of the Illinois Constitution. The Department of Children and Family Services and its agents and assigns shall not interfere with the right of any youth in its custody or guardianship to communicate with the news media if the youth chooses to do so.

(b) Provisions related to minors under 18. Any time the news media requests to speak with a specific, identified minor under 18 years of age, the Department of Children and Family Services shall immediately provide notice of the news media's request to the minor's attorney and guardian ad litem. The notice shall include at a minimum the minor's name, the news media name, and the date of the inquiry from the news media. Within one business day of the news media's request, the

Department shall determine whether the minor wants to speak with the news media, whether the minor has sufficient maturity to make his or her own decision to communicate with the news media and whether contact with the news media will more likely than not cause the minor serious physical, emotional, or mental harm. The Department shall provide notice of its determination to the minor's attorney and guardian ad litem within one business day of its determination.

(c) Provisions related to minors over 18. The Department shall not take any action to interfere with the right of a minor over 18 to speak with the news media.

(d) Court Review.

(1) Any party may file a motion seeking to enforce rights under this Section.

(2) If the minor does not have an attorney, the court shall appoint one for purposes of the motion.

(3) The Department shall facilitate the minor's presence in court for hearings on the motion if the minor wants to be present.

(4) The party filing the motion shall provide prior notice of the hearing to the involved news media.

(5) Minors over 18. If the court finds that the Department has interfered with the minor's right to communicate with the media, the court shall enjoin any further interference by the Department with the minor's contacts with the news media.

(6) Minors under 18. The Department shall have the burden of establishing by clear and convincing evidence: (i) that the minor does not have sufficient maturity to make his or her own decision to communicate with the news media and that contact with the news media will, more likely than not, cause the minor serious physical, emotional, or mental harm; and (ii) that less restrictive means are insufficient to address the minor's lack of maturity or the risk of serious physical, emotional, or mental harm. If the court finds by clear and convincing evidence that a minor under 18 years of age lacks sufficient maturity to make his or her own decision to communicate with the media and that the contact with the news media will, more likely than not, cause the minor serious physical, emotional, or mental harm, the court may issue an order identifying the specific limits that the Department may impose on the minor's communication with the news media. The order shall not permit the Department to prevent the minor from communicating with the news media unless it determines that no less restrictive means are available to address the likelihood of harm to the minor.

(7) The court shall not impose any limitations on the speech of a minor based on viewpoints the minor may express or information the minor may divulge, unless it is confidential information regarding third parties.

(8) All orders resolving motions brought under this subsection shall contain written findings in support of the court's ruling.

(e) As used in this Section, "interfere" includes, but is not limited to: withholding information from a minor about a news media outlet's request to speak with the minor, including any contact information necessary to respond to the request; preventing a minor from communicating with the news media; threatening or coercing the minor in any manner; or punishing or taking adverse action because of a minor's contact with the news media. "Interfere" does not include:

(1) providing information and advice about communicating with news media that is consistent with the minor's age, developmental capacity and circumstances, including information about the minor's right to refuse particular questions, the right to condition the participation upon a promise of anonymity or other privacy measures, the right to refuse to speak to the news media, and similar advice designed to enhance the minor's right to autonomy in communicating with the news media; and

(2) conducting an inquiry into (i) whether a minor under 18 is sufficiently mature to decide for themselves whether to communicate with the news media and (ii) whether communicating with the news media will more likely than not cause serious physical, emotional, or mental harm to the minor under 18. The inquiry in this subsection must

be concluded within one business day of the request from the news media.

(f) As used in this Section, "less restrictive means" are conditions on the minor's ability to communicate with the news media that mitigate the likelihood that physical, emotional, or mental harm will result, and include, but are not limited to:

(1) the news media outlet's willingness to take steps to protect the minor's privacy, such as using a pseudonym or limiting the use of the voice or image of a minor;

(2) the presence of the minor's guardian ad litem or attorney or another adult of the minor's choosing, during the communication with the news media; and

(3) providing the minor with age-appropriate media literacy materials or other relevant educational material.

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