

AN ACT concerning minors.

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

Section 1. Legislative findings. The General Assembly finds that:

(1) There has been a longstanding misinterpretation of Illinois law regarding when and under what conditions children left home alone may be considered to be neglected pursuant to the Juvenile Court Act of 1987 and regarding the conditions under which parents and guardians may be charged criminally with abandonment.

(2) Illinois law has been widely misinterpreted as stating that children cannot be left home alone, under any circumstances, unless the children are at least 14 years old. This interpretation is inaccurate.

(3) Whether a child is sufficiently mature to be safely left home alone varies based on the circumstances and many factors, including, but not limited to, the age of the child, the child's individual developmental capacity, the length of time the child will be alone, and the safety conditions of the home.

Section 5. The Juvenile Court Act of 1987 is amended by changing Section 2-3 as follows:

(705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

Sec. 2-3. Neglected or abused minor.

(1) Those who are neglected include any minor under 18 years of age or a minor 18 years of age or older for whom the court has made a finding of probable cause to believe that the minor is abused, neglected, or dependent under subsection (1) of Section 2-10 prior to the minor's 18th birthday:

~~(a) any minor under 18 years of age or a minor 18 years of age or older for whom the court has made a finding of probable cause to believe that the minor is abused, neglected, or dependent under subsection (1) of Section 2-10 prior to the minor's 18th birthday~~ who is not receiving the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a minor's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter, or who is abandoned by his or her parent or parents or other person or persons responsible for the minor's welfare, except that a minor shall not be considered neglected for the sole reason that the minor's parent or parents or other person or persons responsible for the minor's welfare have left the minor in the care of an adult relative for any period of time, who the parent or parents or other person responsible for the minor's welfare know

is both a mentally capable adult relative and physically capable adult relative, as defined by this Act; or

(b) ~~any minor under 18 years of age or a minor 18 years of age or older for whom the court has made a finding of probable cause to believe that the minor is abused, neglected, or dependent under subsection (1) of Section 2-10 prior to the minor's 18th birthday~~ whose environment is injurious to his or her welfare; or

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

(d) any minor ~~under the age of 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. Whether the minor was left without regard for the mental or physical health, safety, or welfare of that minor or the period of time was unreasonable shall be determined by considering the following factors, including, but not limited to:

- (1) the age of the minor;
- (2) the number of minors left at the location; ~~or~~
- (3) special needs of the minor, including whether the minor is a person with a physical or mental disability, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications;
- (4) the duration of time in which the minor was left without supervision;
- (5) the condition and location of the place where the minor was left without supervision;
- (6) the time of day or night when the minor was left without supervision;
- (7) the weather conditions, including whether the minor was left in a location with adequate protection from the natural elements such as adequate heat or light;
- (8) the location of the parent or guardian at the time the minor was left without supervision, the physical distance the minor was from the parent or guardian at the time the minor was without supervision;
- (9) whether the minor's movement was restricted, or the minor was otherwise locked within a room or other structure;
- (10) whether the minor was given a phone number of

a person or location to call in the event of an emergency and whether the minor was capable of making an emergency call;

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

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

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

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

(15) any other factor that would endanger the health and safety of that particular minor; or

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

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

~~considering the following factors, including but not limited to:~~

- ~~(1) the age of the minor;~~
- ~~(2) the number of minors left at the location;~~
- ~~(3) special needs of the minor, including whether the minor is a person with a physical or mental disability, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications;~~
- ~~(4) the duration of time in which the minor was left without supervision;~~
- ~~(5) the condition and location of the place where the minor was left without supervision;~~
- ~~(6) the time of day or night when the minor was left without supervision;~~
- ~~(7) the weather conditions, including whether the minor was left in a location with adequate protection from the natural elements such as adequate heat or light;~~
- ~~(8) the location of the parent or guardian at the time the minor was left without supervision, the physical distance the minor was from the parent or guardian at the time the minor was without supervision;~~
- ~~(9) whether the minor's movement was restricted, or the minor was otherwise locked within a room or other structure;~~
- ~~(10) whether the minor was given a phone number of a person or location to call in the event of an emergency and~~

~~whether the minor was capable of making an emergency call;~~

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

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

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

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

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

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

(1.5) A minor shall not be considered neglected for the sole reason that the minor's parent or other person responsible for the minor's welfare permits the minor to engage in independent activities unless the minor was permitted to engage in independent activities under circumstances presenting unreasonable risk of harm to the minor's mental or physical health, safety, or well-being. "Independent activities" includes, but is not limited to:

(a) traveling to and from school including by walking, running, or bicycling;

(b) traveling to and from nearby commercial or recreational facilities;

(c) engaging in outdoor play;

(d) remaining in a vehicle unattended, except as otherwise provided by law;

(e) remaining at home or at a similarly appropriate location unattended; or

(f) engaging in a similar independent activity alone or with other children.

In determining whether an independent activity presented unreasonable risk of harm, the court shall consider:

(1) whether the activity is accepted as suitable for minors of the same age, maturity level, and developmental capacity as the involved minor;

(2) the factors listed in items (1) through (15) of paragraph (d) of subsection (1); and

(3) any other factor the court deems relevant.

(2) Those who are abused include any minor under 18 years of age or a minor 18 years of age or older for whom the court has made a finding of probable cause to believe that the minor is abused, neglected, or dependent under subsection (1) of Section 2-10 prior to the minor's 18th birthday whose parent or immediate family member, or any person responsible for the minor's welfare, or any person who is in the same family or

household as the minor, or any individual residing in the same home as the minor, or a paramour of the minor's parent:

(i) inflicts, causes to be inflicted, or allows to be inflicted upon such minor physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

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

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

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

(v) inflicts excessive corporal punishment;

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

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

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

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

(4) The changes made by this amendatory Act of the 101st General Assembly apply to a case that is pending on or after the effective date of this amendatory Act of the 101st General Assembly.

(Source: P.A. 101-79, eff. 7-12-19.)

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

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

Sec. 12C-10. Child abandonment.

(a) 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 permits a

child to engage in independent activities that were unreasonable under the circumstances or for an unreasonable period of time without regard for the minor's mental or physical health, safety, or well-being. For the purposes of this Section, no specific age shall be determinative of reasonableness. Reasonableness shall be determined by the maturity of each individual child ~~leaves that child who is under the age of 13 without supervision by a responsible person over the age of 14 for a period of 24 hours or more.~~ It is not a violation of this Section for a person to relinquish a child in accordance with the Abandoned Newborn Infant Protection Act.

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

- (1) the age of the child;
- (2) the number of children left at the location;
- (3) special needs of the child, including whether the child is a person with a physical or mental disability, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications;
- (4) the duration of time in which the child was left without supervision;
- (5) the condition and location of the place where the child was left without supervision;

(6) the time of day or night when the child was left without supervision;

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

(8) the location of the parent, guardian, or other person having physical custody or control of the child at the time the child was left without supervision, the physical distance the child was from the parent, guardian, or other person having physical custody or control of the child at the time the child was without supervision;

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

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

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

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

(13) the age and physical and mental capabilities of the person or persons who provided supervision for the

child;

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

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

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

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

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

Public Act 103-0233

SB1834 Enrolled

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Statutes amended in order of appearance

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from Ch. 37, par. 802-3

720 ILCS 5/12C-10

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