



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4127

Introduced 1/22/2020, by Rep. Joe Sosnowski

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 12 (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. Provides that neglect does not include permitting a child, whose basic needs are met and who is of sufficient age and maturity to avoid harm or unreasonable risk of harm, to engage in independent activities, including: (1) traveling to and from school, including by walking, running, or bicycling; (2) traveling to and from nearby commercial or recreational activities; (3) engaging in outdoor play; (4) remaining in a vehicle unattended, except as otherwise provided by law; (5) remaining at home unattended; or (6) engaging in a similar independent activity. 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 12 (rather than 13) without supervision by a responsible person over the age of 14 for a period of 24 hours or more.

LRB101 16251 RLC 65624 b

1 AN ACT concerning children.

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 or a minor 18 years
10 of age or older for whom the court has made a finding of
11 probable cause to believe that the minor is abused,
12 neglected, or dependent under subsection (1) of Section
13 2-10 prior to the minor's 18th birthday who is not
14 receiving the proper or necessary support, education as
15 required by law, or medical or other remedial care
16 recognized under State law as necessary for a minor's
17 well-being, or other care necessary for his or her
18 well-being, including adequate food, clothing and shelter,
19 or who is abandoned by his or her parent or parents or
20 other person or persons responsible for the minor's
21 welfare, except that a minor shall not be considered
22 neglected for the sole reason that the minor's parent or
23 parents or other person or persons responsible for the

1 minor's welfare have left the minor in the care of an adult
2 relative for any period of time, who the parent or parents
3 or other person responsible for the minor's welfare know is
4 both a mentally capable adult relative and physically
5 capable adult relative, as defined by this Act; or

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

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

21 (d) any minor under the age of 12 ~~14~~ years whose parent
22 or other person responsible for the minor's welfare leaves
23 the minor without supervision for an unreasonable period of
24 time without regard for the mental or physical health,
25 safety, or welfare of that minor; or

26 (e) any minor who has been provided with interim crisis

1 intervention services under Section 3-5 of this Act and
2 whose parent, guardian, or custodian refuses to permit the
3 minor to return home unless the minor is an immediate
4 physical danger to himself, herself, or others living in
5 the home.

6 Whether the minor was left without regard for the mental or
7 physical health, safety, or welfare of that minor or the period
8 of time was unreasonable shall be determined by considering the
9 following factors, including but not limited to:

10 (1) the age of the minor;

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

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

16 (4) the duration of time in which the minor was left
17 without supervision;

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

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

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

25 (8) the location of the parent or guardian at the time
26 the minor was left without supervision, the physical

1 distance the minor was from the parent or guardian at the
2 time the minor was without supervision;

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

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

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

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

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

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

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

23 (1.5) Neglect does not include permitting a child, whose
24 basic needs are met and who is of sufficient age and maturity
25 to avoid harm or unreasonable risk of harm, to engage in
26 independent activities, including:

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

3 (b) traveling to and from nearby commercial or
4 recreational activities;

5 (c) engaging in outdoor play;

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

8 (e) remaining at home unattended; or

9 (f) engaging in a similar independent activity.

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

13 (2) Those who are abused include any minor under 18 years
14 of age or a minor 18 years of age or older for whom the court
15 has made a finding of probable cause to believe that the minor
16 is abused, neglected, or dependent under subsection (1) of
17 Section 2-10 prior to the minor's 18th birthday whose parent or
18 immediate family member, or any person responsible for the
19 minor's welfare, or any person who is in the same family or
20 household as the minor, or any individual residing in the same
21 home as the minor, or a paramour of the minor's parent:

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

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

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

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

13 (v) inflicts excessive corporal punishment;

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

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

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

26 (3) This Section does not apply to a minor who would be

1 included herein solely for the purpose of qualifying for
2 financial assistance for himself, his parents, guardian or
3 custodian.

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

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

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

11 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

12 Sec. 12C-10. Child abandonment.

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

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

1 following factors:

2 (1) the age of the child;

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

4 (3) special needs of the child, including whether the
5 child 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 child was left
9 without supervision;

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

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

14 (7) the weather conditions, including whether the
15 child 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, guardian, or other
18 person having physical custody or control of the child at
19 the time the child was left without supervision, the
20 physical distance the child was from the parent, guardian,
21 or other person having physical custody or control of the
22 child at the time the child was without supervision;

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

26 (10) whether the child was given a phone number of a

1 person or location to call in the event of an emergency and
2 whether the child was capable of making an emergency call;

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

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

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

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

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

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

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