



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4793

Introduced 2/18/2020, by Rep. Delia C. Ramirez

SYNOPSIS AS INTRODUCED:

725 ILCS 5/Art. 106G heading new
725 ILCS 5/106G-5 new
725 ILCS 5/106G-10 new

Amends the Code of Criminal Procedure of 1963. Creates a bill of rights for children of incarcerated parents. Provides that the Department of Corrections, the county sheriff, or county correctional department shall develop and implement policies and practices that adhere to the bill of rights for decisions that impact incarcerated individuals with children. Effective immediately.

LRB101 19163 RLC 68626 b

1 AN ACT concerning criminal law.

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

4 Section 1. Short title. This Act may be cited as the Bill
5 of Rights for Children of Incarcerated Parents Act.

6 Section 3. Purpose. The purpose of this Act is to ensure
7 the fair and compassionate treatment for children of
8 incarcerated parents by affording certain basic rights and
9 considerations to these children.

10 Section 5. The Code of Criminal Procedure of 1963 is
11 amended by adding Article 106G as follows:

12 (725 ILCS 5/Art. 106G heading new)

13 ARTICLE 106G. BILL OF RIGHTS FOR CHILDREN OF INCARCERATED
14 PARENTS

15 (725 ILCS 5/106G-5 new)

16 Sec. 106G-5. Policies and procedures. The Department of
17 Corrections, county sheriff, or county correctional department
18 shall develop and implement policies and practices that adhere
19 to the guiding principles in Section 106G-10 for decisions that
20 impact incarcerated individuals with children.

1 (725 ILCS 5/106G-10 new)

2 Sec. 106G-10. Bill of rights for children of incarcerated
3 parents. The bill of rights for children of incarcerated
4 parents described in this Section must recognize that each
5 child of an incarcerated parent has certain essential rights,
6 including, but not limited to, the following:

7 (1) To be protected from additional trauma at the time of
8 parental arrest and sentencing.

9 (2) To be informed of the arrest and any sentence in an
10 age-appropriate manner.

11 (3) To be heard and respected by decision makers when
12 decisions are made about the child.

13 (4) To be considered when decisions are made about the
14 child's parent.

15 (5) To be cared for in the absence of the child's parent in
16 a way that prioritizes the child's physical, mental, and
17 emotional needs.

18 (6) To be supported during the parent's incarceration.

19 (7) To speak with, see, and touch the incarcerated parent.

20 (8) To be informed about local services and programs that
21 can provide support to the child as the child deals with the
22 parent's incarceration.

23 (9) To not be judged, labeled, or blamed for the parent's
24 incarceration.

25 (10) To have a lifelong relationship with the incarcerated

1 parent.

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