



Rep. Joe Sosnowski

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10200HB0151ham001

LRB102 04213 KMF 23531 a

1 AMENDMENT TO HOUSE BILL 151

2 AMENDMENT NO. _____. Amend House Bill 151 by replacing
3 everything after the enacting clause with the following:

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

1 well-being, or other care necessary for his or her
2 well-being, including adequate food, clothing and shelter,
3 or who is abandoned by his or her parent or parents or
4 other person or persons responsible for the minor's
5 welfare, except that a minor shall not be considered
6 neglected for the sole reason that the minor's parent or
7 parents or other person or persons responsible for the
8 minor's welfare have left the minor in the care of an adult
9 relative for any period of time, who the parent or parents
10 or other person responsible for the minor's welfare know
11 is both a mentally capable adult relative and physically
12 capable adult relative, as defined by this Act; or

13 (b) any minor under 18 years of age or a minor 18 years
14 of age or older for whom the court has made a finding of
15 probable cause to believe that the minor is abused,
16 neglected, or dependent under subsection (1) of Section
17 2-10 prior to the minor's 18th birthday whose environment
18 is injurious to his or her welfare; or

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

1 or the newborn infant; or

2 (d) any minor under the age of 12 ~~14~~ years whose parent
3 or other person responsible for the minor's welfare leaves
4 the minor without supervision for an unreasonable period
5 of time without regard for the mental or physical health,
6 safety, or welfare of that minor; or

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

13 Whether the minor was left without regard for the
14 mental or physical health, safety, or welfare of that
15 minor or the period of time was unreasonable shall be
16 determined by considering the following factors, including
17 but not limited to:

18 (1) the age of the minor;

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

20 (3) special needs of the minor, including whether
21 the minor is a person with a physical or mental
22 disability, or otherwise in need of ongoing prescribed
23 medical treatment such as periodic doses of insulin or
24 other medications;

25 (4) the duration of time in which the minor was
26 left without supervision;

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

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

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

9 (8) the location of the parent or guardian at the
10 time the minor was left without supervision, the
11 physical distance the minor was from the parent or
12 guardian at the time the minor was without
13 supervision;

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

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

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

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

1 health and safety of the minor;

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

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

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

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

12 (1.5) Neglect does not include permitting a child, whose
13 basic needs are met and who is of sufficient age and maturity
14 to avoid harm or unreasonable risk of harm, to engage in
15 independent activities, including:

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

18 (b) traveling to and from nearby commercial or
19 recreational activities;

20 (c) engaging in outdoor play;

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

23 (e) remaining at home unattended; or

24 (f) engaging in a similar independent activity.

25 Whether the minor's basic needs are met and the minor is of
26 sufficient age and maturity level to avoid harm and

1 unreasonable risk of harm shall be determined by considering
2 the factors (1) through (15) listed in paragraph (e) of
3 subsection (1) of this Section in addition to any other
4 relevant considerations.

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

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

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

24 (iii) commits or allows to be committed any sex
25 offense against such minor, as such sex offenses are
26 defined in the Criminal Code of 1961 or the Criminal Code

1 of 2012, or in the Wrongs to Children Act, and extending
2 those definitions of sex offenses to include minors under
3 18 years of age;

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

6 (v) inflicts excessive corporal punishment;

7 (vi) commits or allows to be committed the offense of
8 involuntary servitude, involuntary sexual servitude of a
9 minor, or trafficking in persons as defined in Section
10 10-9 of the Criminal Code of 1961 or the Criminal Code of
11 2012, upon such minor; or

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

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

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

23 (4) The changes made by this amendatory Act of the 101st
24 General Assembly apply to a case that is pending on or after
25 July 12, 2019 (the effective date of P.A. 101-79) ~~this~~
26 ~~amendatory Act of the 101st General Assembly.~~

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

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

4 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

5 Sec. 12C-10. Child abandonment.

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

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

19 (1) the age of the child;

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

21 (3) special needs of the child, including whether the
22 child is a person with a physical or mental disability, or
23 otherwise in need of ongoing prescribed medical treatment
24 such as periodic doses of insulin or other medications;

1 (4) the duration of time in which the child was left
2 without supervision;

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

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

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

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

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

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

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

24 (12) whether any of the conduct is attributable to
25 economic hardship or illness and the parent, guardian or
26 other person having physical custody or control of the

1 child made a good faith effort to provide for the health
2 and safety of the child;

3 (13) the age and physical and mental capabilities of
4 the person or persons who provided supervision for the
5 child;

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

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

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

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