



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5273

Introduced 1/31/2022, by Rep. Edgar Gonzalez, Jr.

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2.7-1
730 ILCS 5/3-2.7-5
730 ILCS 5/3-2.7-10
730 ILCS 5/3-2.7-20
730 ILCS 5/3-2.7-25
730 ILCS 5/3-2.7-30
730 ILCS 5/3-2.7-35
730 ILCS 5/3-2.7-40
730 ILCS 5/3-2.7-50
730 ILCS 5/3-2.7-55

Amends the Unified Code of Corrections. Provides that the Department of Juvenile Justice Office of Independent Juvenile Ombudsman shall be ombudsman for the Department of Juvenile Justice and county-operated juvenile detention centers. Provides that the Office of Independent Juvenile Ombudsman shall secure the rights of youth committed to the Department of Juvenile justice and county-operated juvenile detention centers. Provides that with respect to county-operated juvenile detention centers, the Independent Juvenile Ombudsman shall provide data responsive to: (1) the work of the Ombudsman; (2) the status of any review or investigation undertaken by the Ombudsman; and (3) any recommendations that the Independent Juvenile Ombudsman has relating to a systemic issue in the Department of Juvenile Justice's or a county-operated juvenile detention center's provision of services and any other matters for consideration by the General Assembly and the Governor to a commission established by ordinance of the county board of the applicable county in which the county-operated juvenile detention center is located. The commission shall at a minimum be comprised of the chief judge, the State's Attorney, the Public Defender, a correctional administrator, and an advocate for justice system impacted families and individuals. Provides that to the extent that any county-operated juvenile detention center provides services to counties beyond the one in which it is located, the Independent Juvenile Ombudsman shall also provide a copy of the data to the county boards of the counties where the center is not located.

LRB102 25794 RLC 35128 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 5. The Unified Code of Corrections is amended by
5 changing Sections 3-2.7-1, 3-2.7-5, 3-2.7-10, 3-2.7-20,
6 3-2.7-25, 3-2.7-30, 3-2.7-35, 3-2.7-40, 3-2.7-50, and 3-2.7-55
7 as follows:

8 (730 ILCS 5/3-2.7-1)

9 Sec. 3-2.7-1. Short title. This Article may be cited as
10 the Department of Juvenile Justice and County Juvenile
11 Detention Centers Independent Juvenile Ombudsman Law.

12 (Source: P.A. 98-1032, eff. 8-25-14.)

13 (730 ILCS 5/3-2.7-5)

14 Sec. 3-2.7-5. Purpose. The purpose of this Article is to
15 create within the Department of Juvenile Justice and
16 county-operated juvenile detention centers the Office of
17 Independent Juvenile Ombudsman for the purpose of securing the
18 rights of youth committed to the Department of Juvenile
19 Justice or a county-operated juvenile detention center,
20 including youth released on aftercare before final discharge.

21 (Source: P.A. 98-1032, eff. 8-25-14.)

1 (730 ILCS 5/3-2.7-10)

2 Sec. 3-2.7-10. Definitions. In this Article, unless the
3 context requires otherwise:

4 "County-operated juvenile detention center" means any
5 facility as defined in subsection (12.3) of Section 1-3 of the
6 Juvenile Court Act of 1987 as a residential treatment center
7 or any other facility that detains youth in the juvenile
8 justice system.

9 "Department" means the Department of Juvenile Justice.

10 "Immediate family or household member" means the spouse,
11 child, parent, brother, sister, grandparent, or grandchild,
12 whether of the whole blood or half blood or by adoption, or a
13 person who shares a common dwelling.

14 "Juvenile justice system" means all activities by public
15 or private agencies or persons pertaining to youth involved in
16 or having contact with the police, courts, or corrections.

17 "Office" means the Office of the Independent Juvenile
18 Ombudsman.

19 "Ombudsman" means the Department of Juvenile Justice and
20 county-operated juvenile detention centers Independent
21 Juvenile Ombudsman.

22 "Youth" means any person committed by court order to the
23 custody of the Department of Juvenile Justice or a
24 county-operated juvenile detention center, including youth
25 released on aftercare before final discharge.

26 (Source: P.A. 98-1032, eff. 8-25-14.)

1 (730 ILCS 5/3-2.7-20)

2 Sec. 3-2.7-20. Conflicts of interest. A person may not
3 serve as Ombudsman or as a deputy if the person or the person's
4 immediate family or household member:

5 (1) is or has been employed by the Department of
6 Juvenile Justice, ~~or~~ Department of Corrections, or
7 county-operated juvenile detention centers within one year
8 prior to appointment, other than as Ombudsman or Deputy
9 Ombudsman;

10 (2) participates in the management of a business
11 entity or other organization receiving funds from the
12 Department of Juvenile Justice or county-operated juvenile
13 detention centers;

14 (3) owns or controls, directly or indirectly, any
15 interest in a business entity or other organization
16 receiving funds from the Department of Juvenile Justice or
17 county-operated juvenile detention centers;

18 (4) uses or receives any amount of tangible goods,
19 services, or funds from the Department of Juvenile Justice
20 or county-operated juvenile detention centers, other than
21 as Ombudsman or Deputy Ombudsman; or

22 (5) is required to register as a lobbyist for an
23 organization that interacts with the juvenile justice
24 system.

25 (Source: P.A. 98-1032, eff. 8-25-14.)

1 (730 ILCS 5/3-2.7-25)

2 Sec. 3-2.7-25. Duties and powers.

3 (a) The Independent Juvenile Ombudsman shall function
4 independently within the Department of Juvenile Justice or
5 county-operated juvenile detention centers with respect to the
6 operations of the Office in performance of his or her duties
7 under this Article and shall report to the Governor. The
8 Ombudsman shall adopt rules and standards as may be necessary
9 or desirable to carry out his or her duties. Funding for the
10 Office shall be designated separately within Department funds
11 and shall include funds for operations at the county-operated
12 juvenile detention centers. The Department shall provide
13 necessary administrative services and facilities to the Office
14 of the Independent Juvenile Ombudsman and at county-operated
15 juvenile detention centers. County-operated juvenile detention
16 centers shall provide necessary administrative services and
17 facilities to the Office of the Independent Juvenile
18 Ombudsman.

19 (b) The Office of Independent Juvenile Ombudsman shall
20 have the following duties:

21 (1) review and monitor the implementation of the rules
22 and standards established by the Department of Juvenile
23 Justice or county-operated juvenile detention centers and
24 evaluate the delivery of services to youth to ensure that
25 the rights of youth are fully observed;

1 (2) provide assistance to a youth or family whom the
2 Ombudsman determines is in need of assistance, including
3 advocating with an agency, provider, or other person in
4 the best interests of the youth;

5 (3) investigate and attempt to resolve complaints made
6 by or on behalf of youth, other than complaints alleging
7 criminal behavior or violations of the State Officials and
8 Employees Ethics Act, if the Office determines that the
9 investigation and resolution would further the purpose of
10 the Office, and:

11 (A) a youth committed to the Department of
12 Juvenile Justice or a county-operated juvenile
13 detention center or the youth's family is in need of
14 assistance from the Office; or

15 (B) a systemic issue in the Department of Juvenile
16 Justice's or county-operated juvenile detention
17 center's provision of services is raised by a
18 complaint;

19 (4) review or inspect periodically the facilities and
20 procedures of any facility in which a youth has been
21 placed by the Department of Juvenile Justice or a
22 county-operated juvenile detention center to ensure that
23 the rights of youth are fully observed; and

24 (5) be accessible to and meet confidentially and
25 regularly with youth committed to the Department and
26 county-operated juvenile detention centers and serve as a

1 resource by informing them of pertinent laws, rules, and
2 policies, and their rights thereunder.

3 (c) The following cases shall be reported immediately to
4 the Director of Juvenile Justice and the Governor:

5 (1) cases of severe abuse or injury of a youth;

6 (2) serious misconduct, misfeasance, malfeasance, or
7 serious violations of policies and procedures concerning
8 the administration of a Department of Juvenile Justice or
9 county-operated juvenile detention centers program or
10 operation;

11 (3) serious problems concerning the delivery of
12 services in a facility operated by or under contract with
13 the Department of Juvenile Justice or county-operated
14 juvenile detention centers;

15 (4) interference by the Department of Juvenile Justice
16 or county-operated juvenile detention centers with an
17 investigation conducted by the Office; and

18 (5) other cases as deemed necessary by the Ombudsman.

19 (d) Notwithstanding any other provision of law, the
20 Ombudsman may not investigate alleged criminal behavior or
21 violations of the State Officials and Employees Ethics Act. If
22 the Ombudsman determines that a possible criminal act has been
23 committed, or that special expertise is required in the
24 investigation, he or she shall immediately notify the Illinois
25 State Police. If the Ombudsman determines that a possible
26 violation of the State Officials and Employees Ethics Act has

1 occurred, he or she shall immediately refer the incident to
2 the Office of the Governor's Executive Inspector General for
3 investigation. If the Ombudsman receives a complaint from a
4 youth or third party regarding suspected abuse or neglect of a
5 child, the Ombudsman shall refer the incident to the Child
6 Abuse and Neglect Hotline or to the Illinois State Police as
7 mandated by the Abused and Neglected Child Reporting Act. Any
8 investigation conducted by the Ombudsman shall not be
9 duplicative and shall be separate from any investigation
10 mandated by the Abused and Neglected Child Reporting Act. All
11 investigations conducted by the Ombudsman shall be conducted
12 in a manner designed to ensure the preservation of evidence
13 for possible use in a criminal prosecution.

14 (e) In performance of his or her duties, the Ombudsman
15 may:

- 16 (1) review court files of youth;
- 17 (2) recommend policies, rules, and legislation
18 designed to protect youth;
- 19 (3) make appropriate referrals under any of the duties
20 and powers listed in this Section;
- 21 (4) attend internal administrative and disciplinary
22 hearings to ensure the rights of youth are fully observed
23 and advocate for the best interest of youth when deemed
24 necessary; and
- 25 (5) perform other acts, otherwise permitted or
26 required by law, in furtherance of the purpose of the

1 Office.

2 (f) To assess if a youth's rights have been violated, the
3 Ombudsman may, in any matter that does not involve alleged
4 criminal behavior, contact or consult with an administrator,
5 employee, youth, parent, expert, or any other individual in
6 the course of his or her investigation or to secure
7 information as necessary to fulfill his or her duties.

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 (730 ILCS 5/3-2.7-30)

10 Sec. 3-2.7-30. Duties of the Department of Juvenile
11 Justice or county-operated juvenile detention centers.

12 (a) The Department of Juvenile Justice or county-operated
13 juvenile detention centers shall allow any youth to
14 communicate with the Ombudsman or a deputy at any time. The
15 communication:

16 (1) may be in person, by phone, by mail, or by any
17 other means deemed appropriate in light of security
18 concerns; and

19 (2) is confidential and privileged.

20 (b) The Department and county-operated juvenile detention
21 centers shall allow the Ombudsman and deputies full and
22 unannounced access to youth and Department facilities and
23 county-operated juvenile detention centers at any time. The
24 Department and county-operated juvenile detention centers
25 shall furnish the Ombudsman and deputies with appropriate

1 meeting space in each facility in order to preserve
2 confidentiality.

3 (c) The Department and county-operated juvenile detention
4 centers shall allow the Ombudsman and deputies to participate
5 in professional development opportunities provided by the
6 Department of Juvenile Justice and county-operated juvenile
7 detention centers as practical and to attend appropriate
8 professional training when requested by the Ombudsman.

9 (d) The Department and county-operated juvenile detention
10 centers shall provide the Ombudsman copies of critical
11 incident reports involving a youth residing in a facility
12 operated by the Department and county-operated juvenile
13 detention centers. Critical incidents include, but are not
14 limited to, severe injuries that result in hospitalization,
15 suicide attempts that require medical intervention, sexual
16 abuse, and escapes.

17 (e) The Department and county-operated juvenile detention
18 centers shall provide the Ombudsman with reasonable advance
19 notice of all internal administrative and disciplinary
20 hearings regarding a youth residing in a facility operated by
21 the Department and county-operated juvenile detention centers.

22 (f) The Department of Juvenile Justice and county-operated
23 juvenile detention centers may not discharge, demote,
24 discipline, or in any manner discriminate or retaliate against
25 a youth or an employee who in good faith makes a complaint to
26 the Office of the Independent Juvenile Ombudsman or cooperates

1 with the Office.

2 (Source: P.A. 98-1032, eff. 8-25-14.)

3 (730 ILCS 5/3-2.7-35)

4 Sec. 3-2.7-35. Reports. The Independent Juvenile Ombudsman
5 shall provide to the General Assembly and the Governor, no
6 later than January 1 of each year, a summary of activities done
7 in furtherance of the purpose of the Office for the prior
8 fiscal year. The summaries shall contain data both aggregated
9 and disaggregated by individual facility and describe:

10 (1) the work of the Ombudsman;

11 (2) the status of any review or investigation
12 undertaken by the Ombudsman, but may not contain any
13 confidential or identifying information concerning the
14 subjects of the reports and investigations; and

15 (3) any recommendations that the Independent Juvenile
16 Ombudsman has relating to a systemic issue in the
17 Department of Juvenile Justice's or a county-operated
18 juvenile detention center's provision of services and any
19 other matters for consideration by the General Assembly
20 and the Governor.

21 With respect to county-operated juvenile detention
22 centers, the Independent Juvenile Ombudsman shall provide data
23 responsive to paragraphs (1) through (3) to a commission
24 established by ordinance of the county board of the applicable
25 county in which the county-operated juvenile detention center

1 is located. The commission shall at a minimum be comprised of
2 the chief judge, the State's Attorney, the Public Defender, a
3 correctional administrator, and an advocate for justice system
4 impacted families and individuals. To the extent that any
5 county-operated juvenile detention center provides services to
6 counties beyond the one in which it is located, the
7 Independent Juvenile Ombudsman shall also provide a copy of
8 the data described in paragraphs (1) through (3) to the county
9 boards of the counties where the center is not located.

10 (Source: P.A. 98-1032, eff. 8-25-14.)

11 (730 ILCS 5/3-2.7-40)

12 Sec. 3-2.7-40. Complaints. The Office of Independent
13 Juvenile Ombudsman shall promptly and efficiently act on
14 complaints made by or on behalf of youth filed with the Office
15 that relate to the operations or staff of the Department of
16 Juvenile Justice or county-operated juvenile detention
17 centers. The Office shall maintain information about parties
18 to the complaint, the subject matter of the complaint, a
19 summary of the results of the review or investigation of the
20 complaint, including any resolution of or recommendations made
21 as a result of the complaint. The Office shall make
22 information available describing its procedures for complaint
23 investigation and resolution. When applicable, the Office
24 shall notify the complaining youth that an investigation and
25 resolution may result in or will require disclosure of the

1 complaining youth's identity. The Office shall periodically
2 notify the complaint parties of the status of the complaint
3 until final disposition.

4 (Source: P.A. 98-1032, eff. 8-25-14.)

5 (730 ILCS 5/3-2.7-50)

6 Sec. 3-2.7-50. Promotion and awareness of Office. The
7 Independent Juvenile Ombudsman shall promote awareness among
8 the public and youth of:

9 (1) the rights of youth committed to the Department
10 and county-operated juvenile detention centers;

11 (2) the purpose of the Office;

12 (3) how the Office may be contacted;

13 (4) the confidential nature of communications; and

14 (5) the services the Office provides.

15 (Source: P.A. 98-1032, eff. 8-25-14; 99-78, eff. 7-20-15.)

16 (730 ILCS 5/3-2.7-55)

17 Sec. 3-2.7-55. Access to information of governmental
18 entities. The Department of Juvenile Justice and
19 county-operated juvenile detention centers shall provide the
20 Independent Juvenile Ombudsman unrestricted access to all
21 master record files of youth under Section 3-5-1 of this Code.
22 Access to educational, social, psychological, mental health,
23 substance abuse, and medical records shall not be disclosed
24 except as provided in Section 5-910 of the Juvenile Court Act

1 of 1987, the Mental Health and Developmental Disabilities
2 Confidentiality Act, the School Code, and any applicable
3 federal laws that govern access to those records.

4 (Source: P.A. 98-1032, eff. 8-25-14.)