

1 AN ACT concerning minors.

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

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

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

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

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

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

1 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

2 Sec. 2-3. Neglected or abused minor.

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

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

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

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

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

18 (d) any minor ~~under the age of 14 years~~ whose parent or
19 other person responsible for the minor's welfare leaves
20 the minor without supervision for an unreasonable period
21 of time without regard for the mental or physical health,
22 safety, or welfare of that minor. Whether the minor was
23 left without regard for the mental or physical health,
24 safety, or welfare of that minor or the period of time was
25 unreasonable shall be determined by considering the
26 following factors, including, but not limited to:

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

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

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

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

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

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

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

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

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

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

3 ~~(1) the age of the minor;~~

4 ~~(2) the number of minors left at the location;~~

5 ~~(3) special needs of the minor, including whether the~~
6 ~~minor is a person with a physical or mental disability, or~~
7 ~~otherwise in need of ongoing prescribed medical treatment~~
8 ~~such as periodic doses of insulin or other medications;~~

9 ~~(4) the duration of time in which the minor was left~~
10 ~~without supervision;~~

11 ~~(5) the condition and location of the place where the~~
12 ~~minor was left without supervision;~~

13 ~~(6) the time of day or night when the minor was left~~
14 ~~without supervision;~~

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

18 ~~(8) the location of the parent or guardian at the time~~
19 ~~the minor was left without supervision, the physical~~
20 ~~distance the minor was from the parent or guardian at the~~
21 ~~time the minor was without supervision;~~

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

25 ~~(10) whether the minor was given a phone number of a~~
26 ~~person or location to call in the event of an emergency and~~

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

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

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

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

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

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

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

19 (1.5) A minor shall not be considered neglected for the
20 sole reason that the minor's parent or other person
21 responsible for the minor's welfare permits the minor to
22 engage in independent activities unless the minor was
23 permitted to engage in independent activities under
24 circumstances presenting unreasonable risk of harm to the
25 minor's mental or physical health, safety, or well-being.
26 "Independent activities" includes, but is not limited to:

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 facilities;

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 or at a similarly appropriate
9 location unattended; or

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

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

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

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

19 (3) any other factor the court deems relevant.

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

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

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

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

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

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

21 (v) inflicts excessive corporal punishment;

22 (vi) commits or allows to be committed the offense of
23 involuntary servitude, involuntary sexual servitude of a
24 minor, or trafficking in persons as defined in Section
25 10-9 of the Criminal Code of 1961 or the Criminal Code of
26 2012, upon such minor; or

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

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

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

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

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

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

19 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

20 Sec. 12C-10. Child abandonment.

21 (a) A person commits child abandonment when he or she, as a
22 parent, guardian, or other person having physical custody or
23 control of a child, without regard for the mental or physical
24 health, safety, or welfare of that child, knowingly permits a

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

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

17 (1) the age of the child;

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

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

23 (4) the duration of time in which the child was left
24 without supervision;

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

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

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

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

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

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

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

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

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

1 child;

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

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

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

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

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

1 INDEX

2 Statutes amended in order of appearance

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

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