



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2369

Introduced 2/10/2023, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

20 ILCS 505/17

from Ch. 23, par. 5017

225 ILCS 10/3.6

705 ILCS 405/5-410

Amends the Department of Children and Family Services Act. Provides that the Department of Human Services and the Department of Children and Family Services shall require that all participants in the Comprehensive Community-Based Youth Services Network provide alternatives to detention for all youths age 10 through 12 who have been referred to a juvenile detention center and who cannot be returned to their homes and cannot be placed with an alternative family member except when: (1) the youth has a criminal history with multiple documented incidents of violence or injury to others; or (2) the youth is in a medical crisis and shall instead be transported to an emergency room. Amends the Child Care Act of 1969. Deletes provision that host homes licensed by the Department of Children and Family Services shall not be utilized for a child who is a youth in care as defined in the Children and Family Services Act. Provides that the Department of Children and Family Services and the Department of Human Services shall provide training and funding for the participants in the Comprehensive Community-Based Youth Services program that includes receiving youth ages 10 through 12 referred to them by police departments and juvenile detention facilities. Provides that any representative of a Comprehensive Community-Based Youth Services program who returns a youth to the parent's home without delivery of services as an alternative to detention, and communicates to that parent that the parent will be charged with abuse and neglect unless the parent unconditionally accept the youth's return, shall be subject to the immediate suspension of any license for that representative and the program for which that representative is employed. Amends the Juvenile Court Act of 1987 to make conforming changes.

LRB103 28383 RLC 54763 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 Children and Family Services Act is amended
5 by changing Section 17 as follows:

6 (20 ILCS 505/17) (from Ch. 23, par. 5017)

7 Sec. 17. Youth and Community Services Program. The
8 Department of Human Services shall develop a State program for
9 youth and community services which will assure that youth who
10 come into contact or may come into contact with the child
11 welfare and the juvenile justice systems will have access to
12 needed community, prevention, diversion, emergency and
13 independent living services. The term "youth" means a person
14 under the age of 19 years. The term "homeless youth" means a
15 youth who cannot be reunited with his or her family and is not
16 in a safe and stable living situation. This Section shall not
17 be construed to require the Department of Human Services to
18 provide services under this Section to any homeless youth who
19 is at least 18 years of age but is younger than 19 years of
20 age; however, the Department may, in its discretion, provide
21 services under this Section to any such homeless youth.

22 (a) The goals of the program shall be to:

23 (1) maintain children and youths in their own

1 community;

2 (2) eliminate unnecessary categorical funding of
3 programs by funding more comprehensive and integrated
4 programs;

5 (3) encourage local volunteers and voluntary
6 associations in developing programs aimed at preventing
7 and controlling juvenile delinquency;

8 (4) address voids in services and close service gaps;

9 (5) develop program models aimed at strengthening the
10 relationships between youth and their families and aimed
11 at developing healthy, independent lives for homeless
12 youth;

13 (6) contain costs by redirecting funding to more
14 comprehensive and integrated community-based services; and

15 (7) coordinate education, employment, training and
16 other programs for youths with other State agencies.

17 (b) The duties of the Department under the program shall
18 be to:

19 (1) design models for service delivery by local
20 communities;

21 (2) test alternative systems for delivering youth
22 services;

23 (3) develop standards necessary to achieve and
24 maintain, on a statewide basis, more comprehensive and
25 integrated community-based youth services;

26 (4) monitor and provide technical assistance to local

1 boards and local service systems;

2 (5) assist local organizations in developing programs
3 which address the problems of youths and their families
4 through direct services, advocacy with institutions, and
5 improvement of local conditions; and

6 (6) develop a statewide adoption awareness campaign
7 aimed at pregnant teenagers.

8 (b) The Department of Human Services and the Department of
9 Children and Family Services shall require that all
10 participants in the Comprehensive Community-Based Youth
11 Services Network shall provide alternatives to detention for
12 all youths age 10 through 12 that have been referred to a
13 juvenile detention center, and who cannot be returned to their
14 home, and cannot be placed with an alternative family member,
15 except as follows:

16 (i) the youth has a criminal history with multiple
17 documented incidents of violence or injury to others; or

18 (ii) the youth is in a medical crisis and shall
19 instead be transported to an emergency room.

20 The Comprehensive Community-Based Youth Services Network
21 provider shall keep a record of all requests by police
22 departments and juvenile detention facilities and shall report
23 such requests and the disposition and outcome of such requests
24 to the Department of Children and Family Services on a monthly
25 basis. A copy of this monthly report shall be forwarded to the
26 Department of Human Services, the Illinois Juvenile Justice

1 Commission, and the local probation department.

2 (Source: P.A. 89-507, eff. 7-1-97.)

3 Section 10. The Child Care Act of 1969 is amended by
4 changing Section 3.6 as follows:

5 (225 ILCS 10/3.6)

6 Sec. 3.6. Licenses for host homes.

7 (a) The Department shall develop an appropriate licensing
8 and monitoring system that recognizes the unique population
9 and programming for youth served by the Comprehensive
10 Community-Based Youth Services program. The Department shall
11 maintain licensing staff who are knowledgeable of
12 Comprehensive Community-Based Youth Services program
13 standards, as set forth by the Department of Human Services.
14 The Department of Human Services shall be solely responsible
15 for the development and implementation of a training
16 curriculum for host homes that recognizes the unique
17 population and programming of youth served in Comprehensive
18 Community-Based Youth Services. ~~Host homes licensed by the~~
19 ~~Department shall not be utilized for a child who is a youth in~~
20 ~~care as defined in Section 4d of the Children and Family~~
21 ~~Services Act.~~

22 (b) The Department and the Department of Human Services
23 shall provide training and funding for the participants in the
24 Comprehensive Community-Based Youth Services program that

1 includes receiving youth ages 10 through 12 referred to them
2 by police departments and juvenile detention facilities.

3 (c) Any representative of a Comprehensive Community-Based
4 Youth services program who returns a youth to the parent's
5 home without delivery of services as an alternative to
6 detention, and communicates to that parent that the parent
7 will be charged with abuse and neglect unless the parent
8 unconditionally accept the youth's return, shall be subject to
9 the immediate suspension of any license under this Section for
10 that representative and the program for which that
11 representative is employed.

12 (Source: P.A. 102-688, eff. 7-1-22.)

13 Section 15. The Juvenile Court Act of 1987 is amended by
14 changing Section 5-410 as follows:

15 (705 ILCS 405/5-410)

16 Sec. 5-410. Non-secure custody or detention.

17 (1) Any minor arrested or taken into custody pursuant to
18 this Act who requires care away from his or her home but who
19 does not require physical restriction shall be given temporary
20 care in a foster family home or other shelter facility
21 designated by the court.

22 (2) (a) Any minor 10 years of age or older arrested
23 pursuant to this Act where there is probable cause to believe
24 that the minor is a delinquent minor and that (i) secure

1 custody is a matter of immediate and urgent necessity for the
2 protection of the minor or of the person or property of
3 another, (ii) the minor is likely to flee the jurisdiction of
4 the court, or (iii) the minor was taken into custody under a
5 warrant, may be kept or detained in an authorized detention
6 facility. A minor under 13 years of age shall not be admitted,
7 kept, or detained in a detention facility unless a local youth
8 service provider, including a provider through the
9 Comprehensive Community-Based Youth Services network, has been
10 contacted and has not been able to accept the minor, if the
11 provider has complied with Section 17 of the Department of
12 Children and Family Services Act and Section 3.6 of the Child
13 Care Act of 1969. No minor under 12 years of age shall be
14 detained in a county jail or a municipal lockup for more than 6
15 hours.

16 (a-5) For a minor arrested or taken into custody for
17 vehicular hijacking or aggravated vehicular hijacking, a
18 previous finding of delinquency for vehicular hijacking or
19 aggravated vehicular hijacking shall be given greater weight
20 in determining whether secured custody of a minor is a matter
21 of immediate and urgent necessity for the protection of the
22 minor or of the person or property of another.

23 (b) The written authorization of the probation officer or
24 detention officer (or other public officer designated by the
25 court in a county having 3,000,000 or more inhabitants)
26 constitutes authority for the superintendent of any juvenile

1 detention home to detain and keep a minor for up to 40 hours,
2 excluding Saturdays, Sundays, and court-designated holidays.
3 These records shall be available to the same persons and
4 pursuant to the same conditions as are law enforcement records
5 as provided in Section 5-905.

6 (b-4) The consultation required by paragraph (b-5) shall
7 not be applicable if the probation officer or detention
8 officer (or other public officer designated by the court in a
9 county having 3,000,000 or more inhabitants) utilizes a
10 scorable detention screening instrument, which has been
11 developed with input by the State's Attorney, to determine
12 whether a minor should be detained, however, paragraph (b-5)
13 shall still be applicable where no such screening instrument
14 is used or where the probation officer, detention officer (or
15 other public officer designated by the court in a county
16 having 3,000,000 or more inhabitants) deviates from the
17 screening instrument.

18 (b-5) Subject to the provisions of paragraph (b-4), if a
19 probation officer or detention officer (or other public
20 officer designated by the court in a county having 3,000,000
21 or more inhabitants) does not intend to detain a minor for an
22 offense which constitutes one of the following offenses he or
23 she shall consult with the State's Attorney's Office prior to
24 the release of the minor: first degree murder, second degree
25 murder, involuntary manslaughter, criminal sexual assault,
26 aggravated criminal sexual assault, aggravated battery with a

1 firearm as described in Section 12-4.2 or subdivision (e) (1),
2 (e) (2), (e) (3), or (e) (4) of Section 12-3.05, aggravated or
3 heinous battery involving permanent disability or
4 disfigurement or great bodily harm, robbery, aggravated
5 robbery, armed robbery, vehicular hijacking, aggravated
6 vehicular hijacking, vehicular invasion, arson, aggravated
7 arson, kidnapping, aggravated kidnapping, home invasion,
8 burglary, or residential burglary.

9 (c) Except as otherwise provided in paragraph (a), (d), or
10 (e), no minor shall be detained in a county jail or municipal
11 lockup for more than 12 hours, unless the offense is a crime of
12 violence in which case the minor may be detained up to 24
13 hours. For the purpose of this paragraph, "crime of violence"
14 has the meaning ascribed to it in Section 1-10 of the
15 Alcoholism and Other Drug Abuse and Dependency Act.

16 (i) The period of detention is deemed to have begun
17 once the minor has been placed in a locked room or cell or
18 handcuffed to a stationary object in a building housing a
19 county jail or municipal lockup. Time spent transporting a
20 minor is not considered to be time in detention or secure
21 custody.

22 (ii) Any minor so confined shall be under periodic
23 supervision and shall not be permitted to come into or
24 remain in contact with adults in custody in the building.

25 (iii) Upon placement in secure custody in a jail or
26 lockup, the minor shall be informed of the purpose of the

1 detention, the time it is expected to last and the fact
2 that it cannot exceed the time specified under this Act.

3 (iv) A log shall be kept which shows the offense which
4 is the basis for the detention, the reasons and
5 circumstances for the decision to detain, and the length
6 of time the minor was in detention.

7 (v) Violation of the time limit on detention in a
8 county jail or municipal lockup shall not, in and of
9 itself, render inadmissible evidence obtained as a result
10 of the violation of this time limit. Minors under 18 years
11 of age shall be kept separate from confined adults and may
12 not at any time be kept in the same cell, room, or yard
13 with adults confined pursuant to criminal law. Persons 18
14 years of age and older who have a petition of delinquency
15 filed against them may be confined in an adult detention
16 facility. In making a determination whether to confine a
17 person 18 years of age or older who has a petition of
18 delinquency filed against the person, these factors, among
19 other matters, shall be considered:

20 (A) the age of the person;

21 (B) any previous delinquent or criminal history of
22 the person;

23 (C) any previous abuse or neglect history of the
24 person; and

25 (D) any mental health or educational history of
26 the person, or both.

1 (d) (i) If a minor 12 years of age or older is confined in
2 a county jail in a county with a population below 3,000,000
3 inhabitants, then the minor's confinement shall be implemented
4 in such a manner that there will be no contact by sight, sound,
5 or otherwise between the minor and adult prisoners. Minors 12
6 years of age or older must be kept separate from confined
7 adults and may not at any time be kept in the same cell, room,
8 or yard with confined adults. This paragraph (d) (i) shall only
9 apply to confinement pending an adjudicatory hearing and shall
10 not exceed 40 hours, excluding Saturdays, Sundays, and
11 court-designated holidays. To accept or hold minors during
12 this time period, county jails shall comply with all
13 monitoring standards adopted by the Department of Corrections
14 and training standards approved by the Illinois Law
15 Enforcement Training Standards Board.

16 (ii) To accept or hold minors, 12 years of age or older,
17 after the time period prescribed in paragraph (d) (i) of this
18 subsection (2) of this Section but not exceeding 7 days
19 including Saturdays, Sundays, and holidays pending an
20 adjudicatory hearing, county jails shall comply with all
21 temporary detention standards adopted by the Department of
22 Corrections and training standards approved by the Illinois
23 Law Enforcement Training Standards Board.

24 (iii) To accept or hold minors 12 years of age or older,
25 after the time period prescribed in paragraphs (d) (i) and
26 (d) (ii) of this subsection (2) of this Section, county jails

1 shall comply with all county juvenile detention standards
2 adopted by the Department of Juvenile Justice.

3 (e) When a minor who is at least 15 years of age is
4 prosecuted under the criminal laws of this State, the court
5 may enter an order directing that the juvenile be confined in
6 the county jail. However, any juvenile confined in the county
7 jail under this provision shall be separated from adults who
8 are confined in the county jail in such a manner that there
9 will be no contact by sight, sound or otherwise between the
10 juvenile and adult prisoners.

11 (f) For purposes of appearing in a physical lineup, the
12 minor may be taken to a county jail or municipal lockup under
13 the direct and constant supervision of a juvenile police
14 officer. During such time as is necessary to conduct a lineup,
15 and while supervised by a juvenile police officer, the sight
16 and sound separation provisions shall not apply.

17 (g) For purposes of processing a minor, the minor may be
18 taken to a county jail or municipal lockup under the direct and
19 constant supervision of a law enforcement officer or
20 correctional officer. During such time as is necessary to
21 process the minor, and while supervised by a law enforcement
22 officer or correctional officer, the sight and sound
23 separation provisions shall not apply.

24 (3) If the probation officer or State's Attorney (or such
25 other public officer designated by the court in a county
26 having 3,000,000 or more inhabitants) determines that the

1 minor may be a delinquent minor as described in subsection (3)
2 of Section 5-105, and should be retained in custody but does
3 not require physical restriction, the minor may be placed in
4 non-secure custody for up to 40 hours pending a detention
5 hearing.

6 (4) Any minor taken into temporary custody, not requiring
7 secure detention, may, however, be detained in the home of his
8 or her parent or guardian subject to such conditions as the
9 court may impose.

10 (5) The changes made to this Section by Public Act 98-61
11 apply to a minor who has been arrested or taken into custody on
12 or after January 1, 2014 (the effective date of Public Act
13 98-61).

14 (Source: P.A. 100-745, eff. 8-10-18; 101-81, eff. 7-12-19.)