

**104TH GENERAL ASSEMBLY****State of Illinois****2025 and 2026****SB3526**

Introduced 2/5/2026, by Sen. Lakesia Collins

**SYNOPSIS AS INTRODUCED:**

See Index

Amends the Delinquent Minors Article of the Juvenile Court Act of 1987. Adds a Part concerning Fitness to Stand Trial. Specifies the unfitness standard for a minor. Sets forth procedures to raise the issue of the unfitness of a minor. Specifies the burden of proof and a presumption. Provides requirements for a fitness evaluation and hearing to determine the fitness of a minor. Provides the requirements for the services to attain fitness, the period to obtain fitness, initial and subsequent progress reports, periodic hearings, and in-court assistance to render a minor fit. Specifies time credit and sentencing guidelines for a minor who attains fitness. Provides for the legal disposition of a minor if fitness cannot be attained. Creates the Juvenile Discharge Hearing Task Force to examine the juvenile discharge hearing process, compare Illinois' process with those of other states with juvenile fitness standards, and recommend reforms to the process that ensures minors receive meaningful treatment for existing mental health needs. Provides that the recommendations shall include statutory language to update the juvenile hearing discharge process and whether the juvenile discharge hearing should take place on the same timeframe as discharge hearings for adult offenders. Provides that the Task Force may meet in person or virtually and shall issue a written report of its findings and recommendations to the General Assembly on or before July 1, 2027. Repeals task force provisions on January 1, 2028. Contains other provisions. Contains a severability provision. Effective July 1, 2026.

LRB104 19295 RLC 32741 b

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 adding Part 5A to Article V as follows:

6 (705 ILCS 405/Art. V Pt. 5A heading new)

7 PART 5A. FITNESS TO STAND TRIAL

8 (705 ILCS 405/5-5A-101 new)

9 Sec. 5-5A-101. Purpose. This Part recognizes that minors  
10 are substantially different from adults and therefore creates  
11 procedures to establish fitness to stand trial that  
12 accommodate these differences. Currently in Illinois, minors  
13 of any age can be arrested, charged, and prosecuted. This  
14 approach is inconsistent with developmental science, which  
15 overwhelmingly finds that minors are limited in their ability  
16 to understand the consequences of their actions, manage  
17 impulses and peer influence, and to plan for the future.  
18 Modern neuroscience explains both limitations on culpability  
19 for minors, defined as an individual's blameworthiness or  
20 responsibility for a criminal action, as well as limitations  
21 on the ability to assist with and make critical decisions  
22 regarding one's own legal defense. Accordingly, prosecutors,

1 defense counsel, and courts must carefully consider  
2 chronological immaturity, relative immaturity, and the impact  
3 of trauma, as well as other relevant factors, in considering  
4 the fitness of a minor to be tried, adjudicated or convicted,  
5 and sentenced. These factors should be given significant  
6 weight when determining the fitness of a minor under the age of  
7 14.

8 This Part is intended to support minors through practices  
9 that are trauma-informed and that protect a minor's rights and  
10 dignity; questions of interpretation shall be resolved in line  
11 with these practices. This Part recognizes that the ability to  
12 understand charges and to participate meaningfully in one's  
13 own defense evolve gradually throughout childhood and early  
14 adulthood and that each minor shall receive developmentally  
15 appropriate responses that reflect the best understanding of  
16 the minor's current abilities.

17 (705 ILCS 405/5-5A-105 new)

18 Sec. 5-5A-105. Definitions. As used in this Part:

19 "Child traumatic stress" means exposure to one or more  
20 traumatic events over the course of a minor's life that  
21 results in that minor developing reactions that persist and  
22 that interfere with the minor's functional, social, adaptive,  
23 or intellectual ability.

24 "Chronological immaturity" means a lack of functional,  
25 social, adaptive, or intellectual ability due to chronological

1 age.

2 "Developmental disability" means a disability that is  
3 attributable to an intellectual disability, cerebral palsy,  
4 epilepsy, autism, a learning disability, or any other  
5 condition that results in impaired functional, social,  
6 adaptive, or intellectual ability.

7 "Mental illness" means a mental or emotional disorder that  
8 substantially impairs a person's thought, perception of  
9 reality, emotional process, judgment, behavior, or ability to  
10 cope with the ordinary demands of life.

11 "Minor" means a person under the age of 21 who was under 18  
12 years of age at the time of the alleged offense initiating the  
13 petition or charge. "Relative immaturity" means a lack of  
14 functional, social, adaptive, or intellectual ability when a  
15 minor is compared to other minors of the same chronological  
16 age. "Substance use disorder" has the meaning given to that  
17 term in Section 1-10 of the Substance Use Disorder Act.

18 (705 ILCS 405/5-5A-110 new)

19 Sec. 5-5A-110. Unfitness standard.

20 (a) A minor is unfit when the minor:

21 (1) lacks sufficient present ability to consult with  
22 the minor's attorney with a reasonable degree of rational  
23 understanding, as evidenced by deficits in the ability to  
24 disclose to the attorney facts pertinent to the  
25 proceedings at issue and to assist in the minor's defense;

1 or

2 (2) has deficits in the ability to understand the  
3 proceedings against the minor, as demonstrated by, but not  
4 limited to, one or more of the following:

5 (A) deficits in the ability to identify who the  
6 participants are and understand their roles, including  
7 the judge, minor's attorney, State's Attorney, or  
8 qualified expert;

9 (B) deficits in the ability to appreciate the  
10 range of possible dispositions that may be imposed in  
11 the proceedings and how those dispositions will affect  
12 the minor; or

13 (C) deficits in the ability to use the factual  
14 understandings and factors in (A) and (B) of this  
15 paragraph to make rational decisions and display  
16 appropriate courtroom behavior.

17 (b) The presence of any condition or confluence of  
18 conditions, including, but not limited to, physical condition,  
19 mental illness, substance use disorder, developmental  
20 disability, chronological immaturity, relative immaturity, or  
21 child traumatic stress may be considered in determining  
22 whether the minor meets the unfitness standard.

23 (c) A diagnosis is not required for a finding of  
24 unfitness.

25 (705 ILCS 405/5-5A-115 new)

1       Sec. 5-5A-115. Raising the issue of unfitness.

2       (a) The issue of the minor's fitness to stand trial, to  
3 plead, or to be sentenced may be raised by the minor's  
4 attorney, the State, or the court at any time before a plea is  
5 entered or before, during, or after trial. If the issue of  
6 fitness is raised by the State, the State has the burden of  
7 proving a bona fide doubt of the minor's fitness has been  
8 raised. If the issue of fitness is raised by the minor's  
9 attorney, that attorney has the burden of proving a bona fide  
10 doubt of the minor's fitness has been raised. When a bona fide  
11 doubt of the minor's fitness is raised, the court shall order a  
12 determination of the issue of fitness before proceeding  
13 further.

14       (b) Upon request of the minor's attorney that a qualified  
15 expert be appointed to examine the minor to determine prior to  
16 trial or adjudicatory hearing if a bona fide doubt as to a  
17 minor's fitness to stand trial or plead may be raised, the  
18 court shall order an appropriate examination. However, no  
19 order entered pursuant to this subsection shall prevent  
20 further proceedings in the case. An expert so appointed shall  
21 examine the minor and make a report as provided in Section  
22 5-5A-125. Such report shall only be tendered to the minor's  
23 attorney. If the minor's attorney raises the issue of fitness  
24 based on the report, that report shall be provided to the court  
25 and the State. If the court finds a bona fide doubt of fitness  
26 has been raised pursuant to this subsection, the matter shall

1 proceed to a hearing pursuant to Section 5-5A-160 before  
2 proceeding further. Upon the filing with the court of a  
3 verified statement of services rendered, the court shall order  
4 the county board to pay such expert a reasonable fee stated in  
5 the order.

6 (c) Nothing in this Section operates to extinguish any  
7 rights of a minor established by attorney-client privilege.

8 (d) In all proceedings under this Act, the juvenile court  
9 shall apply the fitness standards as set forth in this Part.  
10 When a minor is being prosecuted under the criminal laws of  
11 this State, the criminal court shall apply the fitness  
12 standards in this Part.

13 (705 ILCS 405/5-5A-120 new)

14 Sec. 5-5A-120. Burdens and presumptions. In making  
15 determinations concerning a minor's fitness, the following  
16 burdens of proof and presumptions shall apply:

17 (1) for the purposes of this Section, a minor is  
18 presumed to be fit to stand trial or to plead and be  
19 sentenced. A minor is unfit based on the unfitness  
20 standard set forth in Section 5-5A-110;

21 (2) except as set forth in subparagraph (3), when the  
22 court finds a bona fide doubt as to the fitness of a minor  
23 under Section 5-5A-115, the State bears the burden of  
24 proving that the minor is fit by a preponderance of the  
25 evidence;

1           (3) when the court finds a bona fide doubt as to the  
2           fitness of a minor under the age of 14 under Section  
3           5-5A-115, the State bears the burden of proving that the  
4           minor is fit by clear and convincing evidence; and

5           (4) a minor who is receiving medication shall not be  
6           presumed to be fit or unfit to stand trial solely by virtue  
7           of the receipt of that medication.

8           (705 ILCS 405/5-5A-125 new)

9           Sec. 5-5A-125. Fitness evaluation. When the court orders a  
10          fitness evaluation under subsection (b) of Section 5-5A-115 or  
11          a bona fide doubt of fitness is raised, the court must appoint  
12          one or more qualified experts under Section 5-5A-135. Each  
13          expert shall evaluate whether the minor is fit and submit a  
14          report of the expert's findings to the court under Section  
15          5-5A-155. No expert employed or contracted by the Department  
16          of Human Services shall be ordered to perform, in the expert's  
17          official capacity, an initial fitness examination under this  
18          Section. Upon request of the minor's attorney, the court may  
19          permit the minor's attorney to be present at the evaluation.

20          (705 ILCS 405/5-5A-130 new)

21          Sec. 5-5A-130. Location of evaluation. A fitness  
22          evaluation must be conducted in the least restrictive  
23          environment for the minor. The evaluation must be conducted in  
24          person whenever possible. Video technology for a remote

1 evaluation may be used only as a last resort. If video  
2 technology is used, it must be a secure platform. No facility  
3 of the Department of Human Services shall be utilized for this  
4 purpose.

5 (705 ILCS 405/5-5A-135 new)

6 Sec. 5-5A-135. Qualification of experts. An expert  
7 evaluating the minor under Section 5-5A-125 or Section  
8 5-5A-220 must either be a licensed clinical psychologist or  
9 psychiatrist with training and experience in forensics, child  
10 development, and child trauma.

11 (705 ILCS 405/5-5A-140 new)

12 Sec. 5-5A-140. Timeline for evaluation. The fitness  
13 evaluation and report written under Section 5-5A-155 must be  
14 completed within 30 days of a court order entered pursuant to  
15 subsection (b) of Section 5-5A-115 or a bona fide doubt is  
16 raised under subsection (a) of 5-5A-115. The time for  
17 completion of the fitness evaluation may be extended an  
18 additional 30 days for good cause shown.

19 (705 ILCS 405/5-5A-145 new)

20 Sec. 5-5A-145. Statements made during evaluation. No  
21 statement made by the minor during the evaluation conducted  
22 under Section 5-5A-125 shall be used against the minor in the  
23 current court proceedings or in any future proceedings unless

1 the minor raises the defense of insanity or the defense of  
2 intoxicated or drugged condition. No statement made by the  
3 minor relating to the alleged offense or other offenses shall  
4 be included in the report required under Section 5-5A-155. The  
5 court must advise the minor before the evaluation takes place  
6 that no statement made during the evaluation shall be used  
7 against the minor.

8 (705 ILCS 405/5-5A-150 new)

9 Sec. 5-5A-150. Recordings of evaluations and privacy.

10 (a) An evaluation of the minor conducted under Section  
11 5-5A-125 shall be video recorded.

12 (b) Subject to subsection (b) of Section 5-5A-115, the  
13 video recording of a fitness evaluation is confidential and  
14 may be viewed only by the court, the expert conducting the  
15 evaluation defined in Section 5-5A-125, the minor's attorney,  
16 the State, and any other expert in the proceedings deemed  
17 necessary by the court and under Section 5-910.

18 (705 ILCS 405/5-5A-155 new)

19 Sec. 5-5A-155. Contents of evaluation report.

20 (a) Subject to subsection (b) of Section 5-5A-115, when an  
21 evaluation is conducted under Section 5-5A-125, the appointed  
22 expert must submit a written report of the findings to the  
23 court. The evaluation report must detail the methods and tools  
24 used during the evaluation and be made in writing.

1       (b) The evaluation report shall address the minor's  
2 capacity and ability to:

3           (1) Appreciate the allegations of the petition;

4           (2) Appreciate the nature of the adversarial process,  
5 including:

6                   (A) Having a factual understanding of the  
7 participants in the minor's proceeding including the  
8 judge, defense counsel, prosecutor, witnesses, and  
9 mental health expert; and

10                   (B) Having a rational understanding of the role of  
11 each participant in the proceeding.

12           (3) Appreciate the range of possible dispositions that  
13 may be imposed in the proceedings and how these will  
14 affect the minor;

15           (4) Disclose to counsel facts pertinent to the  
16 proceedings at issue including:

17                   (A) Ability to articulate thoughts;

18                   (B) Ability to articulate emotions;

19                   (C) Ability to accurately and reliably relate to a  
20 sequence of events;

21                   (D) Display logical and autonomous decision  
22 making;

23                   (E) Display appropriate courtroom behavior;

24                   (F) Testify relevantly at proceedings; and

25                   (G) Demonstrate any other capacity or ability  
26 either separately identified by the court or

1 determined by the examiner to be relevant to the  
2 court's determination.

3 (c) In assessing the minor's fitness, the expert shall  
4 compare the minor being examined to juvenile norms that are  
5 broadly defined as those skills typically possessed by a minor  
6 of average intelligence and maturity.

7 (d) The expert shall determine and report if the minor  
8 suffers from mental illness, substance use disorder,  
9 developmental disability, chronological immaturity, or  
10 relative immaturity.

11 (e) If the minor suffers from mental illness,  
12 developmental disability, chronological immaturity, or  
13 relative immaturity, the expert shall report the severity of  
14 the impairment and its potential effect on the minor's fitness  
15 to proceed.

16 (f) If the expert determines that the minor suffers from  
17 chronological immaturity or relative immaturity, the expert  
18 shall report a comparison of the minor to a minor of average  
19 intelligence and maturity.

20 (g) If the expert determines that the minor suffers from a  
21 mental illness, the expert shall provide the following  
22 information:

23 (1) the prognosis of the mental illness; and

24 (2) whether the minor is taking any medication and, if  
25 so, what medication.

26 (h) The report shall include:

1           (1) whether the expert, based on the evaluation and in  
2 the expert's professional judgment believes the minor is  
3 fit;

4           (2) if the expert believes the minor is unfit, whether  
5 there is a substantial probability that the minor will  
6 attain fitness within the statutory period to attain  
7 fitness;

8           (3) if the expert believes the minor is unfit, the  
9 report shall include an assessment of the minor's risk and  
10 mediating supportive factors to guide placement and  
11 recommendations for treatment. Recommendations for  
12 treatment shall include:

13                 (A) services that would help the minor attain  
14 fitness;

15                 (B) the most appropriate placement for treatment  
16 considering the results of the risk assessment,  
17 mediating supportive factors, and the least  
18 restrictive alternative for placement, either on an  
19 inpatient or outpatient basis; and

20                 (C) if the evaluator recommends treatment on an  
21 inpatient basis, the qualified expert must provide a  
22 clearly articulated basis for such, including but not  
23 limited to: severity of psychiatric symptoms, risk of  
24 harm to self or others related to the severity of  
25 psychiatric symptoms, need for structured,  
26 trauma-informed care to stabilize symptoms, prior lack

1 of compliance with treatment on an outpatient basis,  
2 lack of stable supportive parent or guardian in the  
3 community, or other relevant data that would support  
4 why fitness restoration could not be conducted safely.

5 (4) opinions on:

6 (A) the likelihood of the success of services  
7 recommended; and

8 (B) the length of time anticipated to attain  
9 fitness.

10 (i) If the report indicates that the minor is not fit to  
11 stand trial or plead because of a disability, the report shall  
12 include an opinion as to the likelihood of the minor attaining  
13 fitness within a period of time from the date of the finding of  
14 unfitness if provided with a course of treatment.

15 (705 ILCS 405/5-5A-160 new)

16 Sec. 5-5A-160. Hearing to determine fitness.

17 (a) After a bona fide doubt of fitness has been raised and  
18 an evaluation conducted, the court shall conduct a hearing to  
19 determine the issue of the minor's fitness within 30 days of  
20 receipt of the evaluation report described in Section  
21 5-5A-155, unless the timeline is waived by the minor's  
22 attorney or good cause is shown.

23 (b) The minor has the right to be present at every hearing  
24 on the issue of the minor's fitness.

25 (c) On the basis of the evidence before it, the court must

1 determine whether the minor is unfit to stand trial pursuant  
2 to Section 5-5A-110. If the court finds that the minor is  
3 unfit, the court shall determine:

4 (1) whether in-court assistance under Section 5-5A-190  
5 would render the minor fit; and

6 (2) whether there is a substantial probability that  
7 the minor, if provided with services to attain fitness  
8 under Section 5-5A-165, will attain fitness within the  
9 period to attain fitness set forth in Section 5-5A-175.

10 (d) If the court finds that the minor is unfit and there is  
11 not a substantial probability the minor will attain fitness  
12 within the statutory period as set forth in Section 5-5A-175,  
13 the court shall proceed under subsection (d) of Section  
14 5-5A-175.

15 (e) If the court finds the minor is unfit but that there is  
16 a substantial probability that the minor will become fit  
17 within the period to attain fitness set forth in Section  
18 5-5A-175, or if the court is unable to determine whether a  
19 substantial probability exists, the court shall order the  
20 minor to receive services to attain fitness on either an  
21 inpatient or outpatient basis. If the court is unable to  
22 determine whether a substantial probability exists and orders  
23 the minor to receive services to attain fitness, the court  
24 shall conduct a hearing as soon as possible following the  
25 receipt of the report filed under Section 5-5A-180 to  
26 determine whether there is a substantial probability that the

1 minor will attain fitness within the statutory period.

2 (f) If the court finds that the minor is unfit to stand  
3 trial, it shall proceed under this Act. If the court finds that  
4 the minor could be rendered fit with in-court assistance, the  
5 court shall order in-court assistance pursuant to Section  
6 5-5A-190.

7 (g) An order finding the minor unfit to stand trial is a  
8 final order for purposes of appeal by the State or the minor.

9 (705 ILCS 405/5-5A-165 new)

10 Sec. 5-5A-165. Services to attain fitness.

11 (a) When the court orders services to attain fitness under  
12 Section 5-5A-160, the court shall determine if the minor will  
13 receive services on an inpatient or outpatient basis. If  
14 inpatient, the minor shall be placed at a facility approved by  
15 the Department of Human Services to provide residential,  
16 restoration care and treatment. If the court orders the minor  
17 to receive services on an outpatient basis, such services  
18 shall be rendered in the community at a program approved by the  
19 Department of Human Services. Court-ordered services and  
20 placements shall be consistent with the recommendations in the  
21 evaluation report. All services shall be trauma-informed,  
22 developmentally appropriate, and provided in the least  
23 restrictive environment considering the needs and best  
24 interests of the minor. A placement may be ordered on an  
25 inpatient basis only when the minor exhibits clinical needs

1 warranting a hospital level of care.

2 (b) Within 5 days of a court order for services to attain  
3 fitness entered under Section 5-5A-160, the clerk of the  
4 circuit court shall transmit to the Department of Human  
5 Services, and any other agency or institution providing  
6 services to attain fitness to the minor, the following:

7 (1) a certified copy of the order to receive services  
8 and the complete copy of any report on the minor's fitness  
9 prepared under this Part;

10 (2) the county and municipality in which the alleged  
11 offense occurred;

12 (3) the county and municipality in which the arrest  
13 took place;

14 (4) a copy of the arrest report, charges, and arrest  
15 record; and

16 (5) all additional matters that the court directs the  
17 clerk to transmit.

18 (705 ILCS 405/5-5A-170 new)

19 Sec. 5-5A-170. Pretrial motions. Following a finding of  
20 unfitness, the court may hear and rule on any pretrial motion  
21 or motions if the minor's presence is not essential to a fair  
22 determination of the issues. A motion may be reheard upon a  
23 showing that evidence is available which was not available,  
24 due to the minor's unfitness, when the motion was first  
25 decided.

1 (705 ILCS 405/5-5A-175 new)

2 Sec. 5-5A-175. Period to attain fitness.

3 (a) For a minor charged with a felony, the maximum total  
4 time a court may order a minor to receive services to attain  
5 fitness shall be one year.

6 (b) For a minor charged with a misdemeanor, the maximum  
7 total period a court may order a minor to receive services to  
8 attain fitness shall be no longer than the length of the  
9 sentence that could be imposed if the minor were adjudicated  
10 delinquent or found guilty of the misdemeanor offense for  
11 which the minor was charged, or one year whichever is shorter.

12 (c) The period to attain fitness shall begin with the  
13 court's first finding of unfitness during a fitness hearing  
14 under Section 5-5A-160.

15 (d) If the minor cannot attain fitness to stand trial and  
16 the court determines that the minor cannot be rendered fit  
17 with in-court assistance pursuant to Section 5-5A-190, then  
18 the case shall proceed in the following manner:

19 (1) Upon the determination that there is not a  
20 substantial probability that the minor will attain fitness  
21 within the time period set forth in this Section, the  
22 court shall hold a juvenile discharge hearing within 60  
23 days, unless good cause is shown for the delay.

24 (2) If at any time the court determines that there is  
25 not a substantial probability that the minor will become

1 fit to stand trial or to plead within the time period set  
2 forth in this Section, or if at the end of the time period  
3 set forth in this Section the court finds the minor still  
4 unfit and cannot be rendered fit with in-court assistance  
5 pursuant to Section 5-5A-190, the State shall request the  
6 court:

7 (A) To set the matter for hearing pursuant to  
8 Section 5-5A-210 unless a hearing has already been  
9 held pursuant to subparagraph (1) of this Section; or

10 (B) To release the minor from custody and to  
11 dismiss with prejudice the charges against the minor;  
12 or

13 (C) To remand the minor to the custody of the  
14 Department of Human Services and order a hearing to be  
15 conducted pursuant to the provisions of the Mental  
16 Health and Developmental Disabilities Code. The  
17 Department of Human Services shall have 7 days from  
18 the date it receives the minor to prepare and file the  
19 necessary petition and certificates that are required  
20 for commitment under the Mental Health and  
21 Developmental Disabilities Code. If the minor is  
22 committed to the Department of Human Services pursuant  
23 to such hearing, the court having jurisdiction over  
24 the criminal matter shall dismiss the charges against  
25 the minor, with the leave to reinstate. In such cases  
26 the Department of Human Services shall notify the

1 court, the State's Attorney and the minor's attorney  
2 upon the discharge of the minor. A former minor so  
3 committed shall be treated in the same manner as any  
4 other civilly committed patient for all purposes  
5 including admission, selection of the place of  
6 treatment and the treatment modalities, entitlement to  
7 rights and privileges, transfer, and discharge. A  
8 minor who is not committed shall be remanded to the  
9 court having jurisdiction of the criminal matter for  
10 disposition pursuant to subparagraph (A) or (B) of  
11 paragraph (2) of this Section.

12 (3) If the minor is restored to fitness and the  
13 original charges against the minor are reinstated, the  
14 speedy trial provisions of Section 5-601 shall commence to  
15 run.

16 (705 ILCS 405/5-5A-180 new)

17 Sec. 5-5A-180. Initial and subsequent progress reports.

18 (a) Within 30 days of entry of an order to receive services  
19 to attain fitness under Sections 5-5A-165 and 5-5A-175, the  
20 person in charge of supervising the minor's services shall  
21 file with the court an initial report assessing the program's  
22 capacity to provide appropriate services for the minor and  
23 indicating the person's opinion as to the probability of the  
24 minor attaining fitness within the period to attain fitness  
25 provided in Section 5-5A-175. If the initial report indicates

1 that there is a substantial probability that the minor will  
2 attain fitness within the allowed statutory period, the  
3 supervisor shall also file a services plan which shall  
4 include: (1) a description of the goals of services with  
5 respect to rendering the minor fit, a specification of the  
6 proposed modalities of services, and an estimated timetable  
7 for attainment of the goals; and (2) an identification of the  
8 person in charge of supervising the minor's services.

9 (b) The supervisor shall submit a subsequent written  
10 progress report to the court at least 7 days prior to the date  
11 of any hearing on the issue of the minor's fitness.

12 (c) If the supervisor determines that any of the following  
13 circumstances are met, the supervisor shall notify the court  
14 in writing as soon as possible but no later than 7 days after  
15 the determination is made:

16 (1) if the supervisor believes that the minor has  
17 attained fitness;

18 (2) if the supervisor believes that there is not a  
19 substantial probability that the minor will attain  
20 fitness, with services, within the period to attain  
21 fitness under Section 5-5A-175; or

22 (3) if the supervisor believes a change in services or  
23 placement is necessary.

24 (d) The initial and subsequent progress reports shall  
25 contain:

26 (1) the clinical findings of the supervisor and the

1 facts upon which the findings are based;

2 (2) the opinion of the supervisor as to whether the  
3 minor has attained fitness and as to whether the minor is  
4 making progress, with services, toward attaining fitness  
5 within the period set in Section 5-5A-175;

6 (3) whether the current services to attain fitness and  
7 placement continue to be in the least restrictive  
8 environment necessary, whether a different level of care  
9 is needed, and the basis for that recommendation; and

10 (4) any other changes in recommendations of services  
11 to attain fitness.

12 (e) If the supervisor of the minor's services determines,  
13 under paragraph (3) of subsection (d) of this Section, that  
14 the minor is not in the least restrictive environment  
15 necessary to attain fitness, upon receipt of the progress  
16 report, the court shall ensure that the minor is immediately  
17 moved to the least restrictive environment necessary.

18 (705 ILCS 405/5-5A-185 new)

19 Sec. 5-5A-185. Periodic hearings. Upon entry or  
20 continuation of any order to receive services to attain  
21 fitness, the court shall set a date for hearing to reexamine  
22 the issue of the minor's fitness not more than 90 days  
23 thereafter. In addition, whenever the court receives a report  
24 from the supervisor of the minor's services under subsection  
25 (c) of Section 5-5A-180, the court shall set the matter for a

1 hearing within 14 days unless good cause is demonstrated why  
2 the hearing cannot be held. On the date set, the court shall  
3 conduct a hearing to redetermine the minor's fitness under  
4 Section 5-5A-160.

5 (705 ILCS 405/5-5A-190 new)

6 Sec. 5-5A-190. In-court assistance to render a minor fit.

7 (a) If the court determines that the minor could be  
8 rendered fit with in-court assistance under Section 5-5A-160,  
9 the court shall order in-court assistance under subsection  
10 (b). A minor found unfit because of chronological immaturity  
11 cannot be rendered fit with in-court assistance. A minor found  
12 unfit because of relative immaturity or child traumatic stress  
13 cannot be rendered fit solely with in-court assistance.

14 (b) In-court assistance may include, but is not limited  
15 to:

16 (1) appointment of a qualified translator who shall  
17 simultaneously translate all court proceedings into a  
18 language understood by the minor; and

19 (2) appointment of an expert qualified to assist a  
20 minor who, because of a disability, is unable to  
21 communicate with the minor's attorney.

22 (c) If in-court assistance is provided, the case may  
23 proceed to trial only if the court determines that in-court  
24 assistance renders the minor fit. In such cases, the court  
25 shall state for the record the following:

1           (1) the qualifications and experience of the experts  
2           or other persons appointed to provide in-court assistance  
3           to the minor;

4           (2) the court's reasons for selecting or appointing  
5           the particular experts or other persons to provide the  
6           in-court assistance to the minor;

7           (3) how the appointment of the particular expert or  
8           other persons will serve the goal of rendering the minor  
9           fit, based on the appointee's qualifications and  
10           experience, and the lack of functional, social, adaptive,  
11           or intellectual abilities of the minor; and

12           (4) any other factors considered by the court in  
13           appointing the experts or other persons.

14           (d) A minor adjudicated delinquent or found guilty  
15           following a trial conducted with in-court assistance provided  
16           under this Section shall not be sentenced before a written  
17           report of social investigation is presented to and considered  
18           by the court. The written report of social investigation shall  
19           be prepared under Section 5-701 or the presentence report  
20           prepared pursuant to Section 5-3-2 of the Unified Code of  
21           Corrections and shall include a physical and mental  
22           examination unless the court finds that the reports of prior  
23           physical and mental examinations conducted under this Part are  
24           adequate and recent enough to render additional examinations  
25           unnecessary.

1 (705 ILCS 405/5-5A-195 new)

2 Sec. 5-5A-195. Time credit. A sentence imposed on the  
3 minor in the pending case or in any other case arising out of  
4 the same conduct shall be reduced by time spent:

5 (1) in custody under orders issued under Section  
6 5-5A-165 or under a commitment to the Department of Human  
7 Services following a finding of unfitness under this Part;

8 (2) in any court-ordered out-of-home placement;  
9 including, but not limited to, a detention facility,  
10 rehabilitation center, or inpatient hospital; or

11 (3) home detention or electronic monitoring pursuant  
12 to Section 5-7A-110.

13 (705 ILCS 405/5-5A-200 new)

14 Sec. 5-5A-200. Court organization of records. Any report  
15 filed with the court concerning diagnosis, evaluation,  
16 progress, or services made under this Part shall not be placed  
17 in the minor's court record but shall be maintained separately  
18 by the clerk of the court and shall be available only to the  
19 court or an appellate court, the State, the minor, the minor's  
20 attorney, the minor's parent or guardian, or a facility or  
21 program that provides services to the minor under an order of  
22 the court. These records of the minor shall be privileged and  
23 shall not be disclosed except under the conditions set forth  
24 in Section 5-910. Nothing in this Section operates to  
25 extinguish any rights of a minor established by law,

1 including, but not limited to: attorney-client,  
2 physician-patient, psychologist-client, or social  
3 worker-client privileges, except as otherwise provided by law.

4 (705 ILCS 405/5-5A-205 new)

5 Sec. 5-5A-205. Sentencing guidelines for a minor who  
6 attains fitness. The court shall not impose a commitment to  
7 the Department of Juvenile Justice or the Department of  
8 Corrections upon the minor if the court believes that, because  
9 of the minor's condition, such a sentence would not be in the  
10 interests of society and the minor or would subject the minor  
11 to excessive hardship. In addition to any other conditions of  
12 a sentence of conditional discharge or probation, the court  
13 may require that the minor receive additional services for the  
14 minor's condition.

15 (705 ILCS 405/5-5A-210 new)

16 Sec. 5-5A-210. Juvenile discharge hearing.

17 (a) As provided for in paragraph (1) of subsection (d) of  
18 Section 5-5A-175 and subparagraph (A) of paragraph (2) of  
19 subsection (d) of Section 5-5A-175 a hearing to determine the  
20 sufficiency of the evidence shall be held. Such hearing shall  
21 be conducted by the court without a jury. The State and the  
22 minor's attorney may introduce evidence relevant to the  
23 question of the minor's guilt of the crime charged.

24 The court may admit hearsay or affidavit evidence on

1 secondary matters such as testimony to establish the chain of  
2 possession of physical evidence, laboratory reports,  
3 authentication of transcripts taken by official reporters,  
4 court and business records, and public documents.

5 (b) If the evidence does not prove the minor guilty beyond  
6 a reasonable doubt, the court shall enter a judgment of  
7 acquittal; however nothing herein shall prevent the State from  
8 requesting the court to commit the minor to the Department of  
9 Human Services under the provisions of the Mental Health and  
10 Developmental Disabilities Code.

11 (c) If the minor is found not guilty by reason of insanity,  
12 the court shall enter a judgment of acquittal and the  
13 proceedings after acquittal by reason of insanity under  
14 Section 5-2-4 of the Unified Code of Corrections shall apply.

15 (d) If the juvenile discharge hearing does not result in  
16 an acquittal of the charge, the minor may be remanded for  
17 further treatment and the one year time limit set forth in  
18 Section 5-5A-175 shall be extended as follows:

19 (1) If the most serious charge upon which the State  
20 sustained its burden of proof was a Class 1 or Class X  
21 felony, the treatment period may be extended up to a  
22 maximum treatment period of 2 years; if a Class 2, 3, or 4  
23 felony, the treatment period may be extended up to a  
24 maximum of 15 months;

25 (2) If the State sustained its burden of proof on a  
26 charge of first degree murder, the treatment period may be

1 extended up to a maximum treatment period of 5 years.

2 (e) Transcripts of testimony taken at a juvenile discharge  
3 hearing may be admitted in evidence at a subsequent trial of  
4 the case, subject to the rules of evidence, if the witness who  
5 gave such testimony is legally unavailable at the time of  
6 subsequent trial.

7 (f) If the court fails to enter an order of acquittal the  
8 minor's attorney may appeal from such judgment in the same  
9 manner provided for an appeal from a conviction in a criminal  
10 case or final judgments in delinquent minor proceedings  
11 arising under this Act.

12 (g) At the expiration of an extended period of treatment  
13 ordered pursuant to this Section:

14 (1) Upon a finding that the minor is fit or can be  
15 rendered fit consistent with Section 5-5A-190, the court  
16 may proceed with trial.

17 (2) If the minor continues to be unfit to stand trial,  
18 the court shall determine whether the minor is subject to  
19 involuntary admission under the Mental Health and  
20 Developmental Disabilities Code or constitutes a serious  
21 threat to the public safety. If so found, the minor shall  
22 be remanded to the Department of Human Services for  
23 further treatment and shall be treated in the same manner  
24 as a civilly committed patient for all purposes, except  
25 that the original court having jurisdiction over the minor  
26 shall be required to approve any conditional release or

1 discharge of the minor, for the period of commitment equal  
2 to the maximum sentence to which the minor would have been  
3 subject had the minor been convicted in a criminal  
4 proceeding or the maximum sentence available for those  
5 subject to the exclusive jurisdiction of the Juvenile  
6 Court Act of 1987. During this period of commitment, the  
7 original court having jurisdiction over the minor shall  
8 hold hearings under clause (i) of this subsection (2).  
9 However, if the minor is remanded to the Department of  
10 Human Services, the minor shall be placed in a secure  
11 setting unless the court determines that there are  
12 compelling reasons why such a placement is not necessary.

13 If the minor does not have a current treatment plan,  
14 then within 3 days of admission under this subdivision  
15 (g) (2), a treatment plan shall be prepared for each minor  
16 and entered into the minor's record. The plan shall  
17 include (i) an assessment of the minor's treatment needs,  
18 (ii) a description of the services recommended for  
19 treatment, (iii) the goals of each type of element of  
20 service, (iv) an anticipated timetable for the  
21 accomplishment of the goals, and (v) a designation of the  
22 qualified professional responsible for the implementation  
23 of the plan. The plan shall be reviewed and updated as the  
24 clinical condition warrants, but not less than every 30  
25 days.

26 Every 90 days after the initial admission under this

1 subdivision (g)(2), the facility director shall file a  
2 typed treatment plan report with the original court having  
3 jurisdiction over the minor. The report shall include an  
4 opinion as to whether the minor is fit to stand trial and  
5 whether the minor is currently subject to involuntary  
6 admission, in need of mental health services on an  
7 inpatient basis, or in need of mental health services on  
8 an outpatient basis. The report shall also summarize the  
9 basis for those findings and provide a current summary of  
10 the 5 items required in a treatment plan. A copy of the  
11 report shall be forwarded to the clerk of the court, the  
12 State's Attorney, and the minor's attorney.

13 The court on its own motion may order a hearing to  
14 review the treatment plan. The minor, the minor's  
15 attorney, or the State's Attorney may request a treatment  
16 plan review every 90 days and the court shall review the  
17 current treatment plan to determine whether the plan  
18 complies with the requirements of this Section. The court  
19 may order an independent examination on its own initiative  
20 and shall order such an evaluation if either the recipient  
21 or the State's Attorney so requests and has demonstrated  
22 to the court that the plan cannot be effectively reviewed  
23 by the court without such an examination. Under no  
24 circumstances shall the court be required to order an  
25 independent examination pursuant to this Section more than  
26 once each year. The examination shall be conducted by an

1 expert as defined in Section 5-5A-135 who is not in the  
2 employ of the Department of Human Services.

3 If, during the period within which the minor is  
4 confined in a secure setting, the court enters an order  
5 that requires the minor to appear, the court shall timely  
6 transmit a copy of the order or writ to the director of the  
7 particular Department of Human Services facility where the  
8 minor resides authorizing the transportation of the minor  
9 to the court for the purpose of the hearing.

10 (A) 180 days after a minor is remanded to the  
11 Department of Human Services, under paragraph (2), and  
12 every 180 days thereafter for so long as the minor is  
13 confined under the order entered thereunder, the court  
14 shall set a hearing and shall direct that notice of the  
15 time and place of the hearing be served upon the minor,  
16 the facility director, the State's Attorney, and the  
17 minor's attorney. If requested by either the State,  
18 the minor, or the minor's attorney or if the court  
19 determines that it is appropriate, an impartial  
20 examination of the minor by an expert as defined in  
21 Section 5-5A-135 who is not in the employ of the  
22 Department of Human Services shall be ordered, and the  
23 report considered at the time of the hearing. If the  
24 minor is not currently represented by an attorney, the  
25 court shall appoint the public defender to represent  
26 the minor at the hearing. The court shall make a

1 finding as to whether the minor is:

2 (i) subject to involuntary admission; or

3 (ii) in need of mental health services in the  
4 form of inpatient care; or

5 (iii) in need of mental health services but  
6 not subject to involuntary admission nor inpatient  
7 care. The findings of the court shall be  
8 established by clear and convincing evidence and  
9 the burden of proof and the burden of going  
10 forward with the evidence shall rest with the  
11 State's Attorney. Upon finding by the court, the  
12 court shall enter its findings and an appropriate  
13 order.

14 (B) The terms "subject to involuntary admission",  
15 "in need of mental health services in the form of  
16 inpatient care" and "in need of mental health services  
17 but not subject to involuntary admission nor inpatient  
18 care" shall have the meanings ascribed to them in  
19 clause (d) of Section 5-2-4 of the Unified Code of  
20 Corrections.

21 (3) If the minor is not committed pursuant to this  
22 Section, the minor shall be released.

23 (4) In no event may the treatment period be extended  
24 to exceed the maximum sentence to which a minor would have  
25 been subject had the minor been convicted in a criminal  
26 proceeding or the maximum sentence available for those

1 subject to the exclusive jurisdiction of the Juvenile  
2 Court Act.

3 (705 ILCS 405/5-5A-215 new)

4 Sec. 5-5A-215. Juvenile Discharge Hearing Task Force.

5 (a) The Juvenile Discharge Hearing Task Force is created  
6 to examine the juvenile discharge hearing process, compare  
7 Illinois' process with those of other states with juvenile  
8 fitness standards, and recommend reforms to the process that  
9 ensures minors receive meaningful treatment for existing  
10 mental health needs. The recommendations shall include  
11 statutory language to update Section 5-5A-210 and whether the  
12 juvenile discharge hearing should take place on the same  
13 timeframe as discharge hearings for adult offenders.

14 (b) The Task Force shall consist of the following members,  
15 all of whom shall serve without compensation:

16 (1) the Executive Director of the Illinois Juvenile  
17 Justice Commission, or the Executive Director's designee,  
18 who shall serve as Chair;

19 (2) one member of the General Assembly, appointed by  
20 the President of the Senate;

21 (3) one member of the General Assembly, appointed by  
22 the Minority Leader of the Senate;

23 (4) one member of the General Assembly, appointed by  
24 the Speaker of the House of Representatives;

25 (5) one member of the General Assembly, appointed by

- 1       the House Minority Leader;
- 2               (6) the Secretary of the Department of Human Services,  
3       or the Secretary's designee;
- 4               (7) the Director of the Administrative Office of the  
5       Illinois Courts, or the Director's designee;
- 6               (8) the Cook County State's Attorney, or the State's  
7       Attorney's designee;
- 8               (9) a member nominated by a statewide organization  
9       that represents State's Attorneys and appointed by the  
10       Governor;
- 11               (10) the Cook County Public Defender, or the Public  
12       Defender's designee;
- 13               (11) a member nominated by a statewide organization  
14       that represents public defenders and appointed by the  
15       Governor;
- 16               (12) one expert fitness evaluator, appointed by the  
17       Governor;
- 18               (13) one representative of an Illinois organization  
19       that advocates for currently and formerly incarcerated  
20       youth, appointed by the Governor;
- 21               (14) one representative from a statewide organization  
22       that advocates on behalf of the community-based services  
23       for children and families, appointed by the Governor; and
- 24               (15) one representative of a statewide organization  
25       that advocates for youth living with mental health  
26       conditions, appointed by the Governor.

1       (c) Within 60 days of the effective date of this Act of the  
2       104th General Assembly, the Chair shall establish the Task  
3       Force. The Task Force will meet at the call of the Chair. The  
4       Illinois Department of Human Services shall provide  
5       administrative support to the Task Force.

6       (d) The Task Force may meet in person or virtually and  
7       shall issue a written report of its findings and  
8       recommendations to the General Assembly on or before July 1,  
9       2027.

10       (e) This Section is repealed on January 1, 2028.

11       (705 ILCS 405/5-5A-220 new)

12       Sec. 5-5A-220. Follow-up study and recommendations. The  
13       Illinois Department of Human Services shall develop and  
14       recommend mechanisms to collect and analyze data,  
15       disaggregated by race, ethnicity, gender, geography, age, and  
16       socioeconomic status, resulting from the implementation of  
17       this Part. The report and recommendations shall be submitted  
18       to the General Assembly by January 1, 2029.

19       Section 997. Severability. The provisions of this Act are  
20       severable under Section 1.31 of the Statute on Statutes.

21       Section 999. Effective date. This Act takes effect July 1,  
22       2026.

1 INDEX

2 Statutes amended in order of appearance

3 705 ILCS 405/Art. V Pt. 5A

4 heading new

5 705 ILCS 405/5-5A-101 new

6 705 ILCS 405/5-5A-105 new

7 705 ILCS 405/5-5A-110 new

8 705 ILCS 405/5-5A-115 new

9 705 ILCS 405/5-5A-120 new

10 705 ILCS 405/5-5A-125 new

11 705 ILCS 405/5-5A-130 new

12 705 ILCS 405/5-5A-135 new

13 705 ILCS 405/5-5A-140 new

14 705 ILCS 405/5-5A-145 new

15 705 ILCS 405/5-5A-150 new

16 705 ILCS 405/5-5A-155 new

17 705 ILCS 405/5-5A-160 new

18 705 ILCS 405/5-5A-165 new

19 705 ILCS 405/5-5A-170 new

20 705 ILCS 405/5-5A-175 new

21 705 ILCS 405/5-5A-180 new

22 705 ILCS 405/5-5A-185 new

23 705 ILCS 405/5-5A-190 new

24 705 ILCS 405/5-5A-195 new

25 705 ILCS 405/5-5A-200 new

- 1 705 ILCS 405/5-5A-205 new
- 2 705 ILCS 405/5-5A-210 new
- 3 705 ILCS 405/5-5A-215 new
- 4 705 ILCS 405/5-5A-220 new