



Rep. Rita Mayfield

Filed: 4/10/2019

10100HB2925ham002

LRB101 07519 SLF 59632 a

1 AMENDMENT TO HOUSE BILL 2925

2 AMENDMENT NO. _____. Amend House Bill 2925, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Unified Code of Corrections is amended by
6 adding Article 2.1 to Chapter III and by changing the heading
7 of Article 2.7 of Chapter III and Sections 3-2.7-1, 3-2.7-5,
8 3-2.7-10, 3-2.7-15, 3-2.7-20, 3-2.7-25, 3-2.7-30, 3-2.7-35,
9 3-2.7-40, 3-2.7-45, 3-2.7-50, and 3-2.7-55 as follows:

10 (730 ILCS 5/Art. Ch. III Art. 2.1 heading new)

11 ARTICLE 2.1. DEPARTMENT OF CORRECTIONS INDEPENDENT

12 OMBUDSPERSON

13 (730 ILCS 5/3-2.1-1 new)

14 Sec. 3-2.1-1. Short title. This Article may be cited as the
15 Department of Corrections Independent Office of the

1 Ombudsperson Law.

2 (730 ILCS 5/3-2.1-3 new)

3 Sec. 3-2.1-3. Purpose. The purpose of this Article is to
4 create within the Department of Corrections an Independent
5 Office of the Ombudsperson for the purpose of providing people
6 living in State-run correctional facilities or living under the
7 requirements or mandatory supervised release or parole with a
8 non-adversarial process that will redress and prevent abuse,
9 neglect, violations of law, policy, or best practice at the
10 hands of employees or contractors of the Department.

11 (730 ILCS 5/3-2.1-5 new)

12 Sec. 3-2.1-5. Definitions. In this Article, unless context
13 requires otherwise:

14 "Department" means the Department of Corrections.

15 "Immediate family or household member" means the spouse,
16 child, parent, brother, sister, grandparent, or grandchild,
17 whether of the whole blood or half blood or by adoption, or a
18 person who shares a common dwelling.

19 "Department of Corrections system" means all activities by
20 public or private agencies or persons pertaining to persons
21 involved in or having contact with the police, courts, or
22 corrections.

23 "Juvenile justice system" means all activities by public or
24 private agencies or persons pertaining to youth involved in or

1 having contact with the police, courts, or corrections.

2 "Office" means the Independent Office of the Corrections
3 Ombudsperson.

4 "Ombudsperson" means the director of the Independent
5 Office of the Corrections Ombudsperson.

6 "Person" means any person committed by court order to the
7 custody of the Department of Corrections, including people
8 released on mandatory supervised release or parole before final
9 discharge.

10 (730 ILCS 5/3-2.1-10 new)

11 Sec. 3-2.1-10. Appointment of Independent Corrections
12 Ombudsperson. The Governor shall appoint the Independent
13 Corrections Ombudsperson with the advice and consent of the
14 Senate for a term of 4 years, with the first term expiring
15 February 1, 2024. A person appointed as Ombudsperson may be
16 reappointed to one or more subsequent terms. A vacancy shall
17 occur upon resignation, death, or removal. The Ombudsperson may
18 only be removed by the Governor for incompetency, malfeasance,
19 neglect of duty, or conviction of a felony. If the Senate is
20 not in session or is in recess when an appointment subject to
21 its confirmation is made, the Governor shall make a temporary
22 appointment which shall be subject to subsequent Senate
23 approval. The Ombudsperson may employ deputies to perform,
24 under the direction of the Ombudsperson, the same duties and
25 exercise the same powers as the Ombudsperson, and may employ

1 other support staff as deemed necessary. The Ombudsperson and
2 deputies must:

3 (1) be over the age of 21 years;

4 (2) have a bachelor's or advanced degree from an accredited
5 college or university; and

6 (3) have relevant expertise in areas such as the criminal
7 justice system, investigations, or civil rights advocacy as
8 evidenced by experience in the field or by academic background.

9 (730 ILCS 5/3-2.1-15 new)

10 Sec. 3-2.1-15. Conflicts of interest. A person may not
11 serve as Ombudsperson or as a deputy if the person or the
12 person's immediate family or household member:

13 (1) is or has been employed by the Department of Juvenile
14 Justice or the Department of Corrections within 5 years prior
15 to appointment, other than as Ombudsperson or Deputy
16 Ombudsperson;

17 (2) participates in the management of a business entity or
18 other organization receiving funds from the Department;

19 (3) owns or controls, directly or indirectly, any interest
20 in a business entity or other organization receiving funds from
21 the Department;

22 (4) uses or receives any amount of tangible goods,
23 services, or funds from the Department, other than as
24 Ombudsperson or Deputy Ombudsperson; or

25 (5) is required to register as a lobbyist for an

1 organization that interacts with the juvenile justice or
2 Department of Corrections system.

3 (730 ILCS 5/3-2.1-20 new)

4 Sec. 3-2.1-20. Duties and powers.

5 (a) The Ombudsperson shall function independently within
6 the Department with respect to the operations of the Office in
7 performance of his or her duties under this Article and shall
8 report to the Governor. The Ombudsperson shall adopt rules and
9 standards as may be necessary or desirable to carry out his or
10 her duties. Funding for the Office shall be 3% of the
11 Department's budget and designated separately within
12 Department funds. The Department shall provide necessary
13 administrative services and facilities to the Office.

14 (b) The Office shall have the following duties:

15 (1) review and monitor the implementation of the rules
16 and standards established by the Department and evaluate
17 the delivery of services;

18 (2) provide assistance to a person or family whom the
19 Ombudsperson determines is in need of assistance,
20 including advocating with an agency, provider, or other
21 person in the best interests of the person;

22 (2.5) develop and disseminate a process through which
23 people in State custody or their family members or
24 representatives can file and track complaints;

25 (3) review all complaints and investigate and attempt

1 to resolve complaints made by or on behalf of a person,
2 other than complaints alleging violations of the State
3 Officials and Employees Ethics Act and:

4 (A) a person committed to the Department or the
5 person's family, support system, or representative is
6 in need of assistance from the Office; or

7 (B) a systemic issue in the Department's provision
8 of services is raised by a complaint;

9 (4) review or inspect periodically the facilities and
10 procedures of any facility in which a person has been
11 placed by the Department to ensure that each person in
12 State custody is treated fairly and with basic respect, has
13 access to appropriate programs, services, and
14 accommodations and is protected from any violations of law
15 or policy; and

16 (5) be accessible to and meet confidentially and
17 regularly with a person committed to the Department and
18 serve as a resource by informing them of pertinent laws,
19 rules, and policies, and their rights thereunder.

20 (c) The nature of all complaints and recommendations shall
21 be made available on the Ombudsperson website and reported
22 immediately to Director of Corrections, the General Assembly,
23 and the Governor.

24 (d) Notwithstanding any other provision of law, the
25 Ombudsperson may not investigate violations of the State
26 Officials and Employees Ethics Act. If the Ombudsperson

1 determines that a possible criminal act has been committed, or
2 that special expertise is required in the investigation, he or
3 she shall immediately notify the Department of State Police. If
4 the Ombudsperson determines that a possible violation of the
5 State Officials and Employees Ethics Act has occurred, he or
6 she shall immediately refer the incident to the Office of the
7 Governor's Executive Inspector General for investigation. All
8 investigations conducted by the Ombudsperson shall be
9 conducted in a manner designed to ensure the preservation of
10 evidence for possible use in a criminal prosecution.

11 (e) In performance of his or her duties, the Ombudsperson
12 may:

13 (1) review court files of persons in custody;

14 (2) recommend policies, rules, and legislation
15 designed to protect persons in custody;

16 (3) make appropriate referrals under any of the duties
17 and powers listed in this Section;

18 (4) attend internal administrative and disciplinary
19 hearings to ensure the rights of persons in custody are
20 fully observed and advocate for the best interest of those
21 persons when deemed necessary;

22 (5) request information related to an investigation
23 from any employee or officer of the State and to execute an
24 information sharing agreement;

25 (6) issue subpoenas to compel the attendance of
26 witnesses for purposes of examination and the production of

1 documents and other items for inspection or duplication;

2 (7) compel prompt statements from State employees or
3 contractors and reinterview State employees or contractors
4 as necessary; and

5 (8) perform other acts, otherwise permitted or
6 required by law, in furtherance of the purpose of the
7 Office.

8 (f) To assess if a person's rights have been violated, the
9 Ombudsperson may, in any matter that does not involve alleged
10 criminal behavior, contact or consult with an administrator,
11 employee, person, expert, or any other individual in the course
12 of his or her investigation or to secure information as
13 necessary to fulfill his or her duties.

14 (730 ILCS 5/3-2.1-25 new)

15 Sec. 3-2.1-25. Duties of the Department of Corrections.

16 (a) The Department shall allow any person to communicate
17 with the Ombudsperson or a deputy at any time. The
18 communication:

19 (1) may be in person, by phone, by mail, or by any
20 other means deemed appropriate in light of security
21 concerns; and

22 (2) is confidential and privileged.

23 (b) The Department shall allow the Ombudsperson and
24 deputies full and unannounced access to persons and Department
25 facilities at any time. The Department shall furnish the

1 Ombudsperson and deputies with appropriate meeting space in
2 each facility in order to preserve confidentiality.

3 (c) The Department shall allow the Ombudsperson and
4 deputies to participate in professional development
5 opportunities provided by the Department as practical and to
6 attend appropriate professional training when requested by the
7 Ombudsperson.

8 (d) The Department shall provide the Ombudsperson copies of
9 critical incident reports involving a person residing in a
10 facility operated by the Department. Critical incidents
11 include, but are not limited to, severe injuries that result in
12 hospitalization, suicide attempts that require medical
13 intervention, sexual abuse, and escapes.

14 (e) The Department shall provide the Ombudsperson with
15 reasonable advance notice of all internal administrative and
16 disciplinary hearings regarding a person residing in a facility
17 operated by the Department.

18 (f) The Department may not discharge, demote, discipline,
19 or in any manner discriminate or retaliate against a person or
20 an employee who in good faith makes a complaint to the Office
21 or cooperates with the Office.

22 (730 ILCS 5/3-2.1-30 new)

23 Sec. 3-2.1-30. Reports. The Ombudsperson shall provide to
24 the General Assembly and the Governor, no later than January 1
25 of each year, a summary of activities done in furtherance of

1 the purpose of the Office for the prior fiscal year. The
2 summaries shall contain data both aggregated and disaggregated
3 by individual facility and describe:

4 (1) the work of the Ombudsperson;

5 (2) the status of any review or investigation undertaken by
6 the Ombudsperson, but may not contain any confidential or
7 identifying information concerning the subjects of the reports
8 and investigations; and

9 (3) any recommendations that the Ombudsperson has relating
10 to a systemic issue in the Department's provision of services
11 and any other matters for consideration by the General Assembly
12 and the Governor.

13 (730 ILCS 5/3-2.1-35 new)

14 Sec. 3-2.1-35. Complaints. The Office shall promptly and
15 efficiently act on complaints made by or on behalf of person
16 filed with the Office that relate to the operations or staff of
17 the Department. The Office shall maintain information about
18 parties to the complaint, the subject matter of the complaint,
19 a 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 information
22 available describing its procedures for complaint
23 investigation and resolution. When applicable, the Office
24 shall notify the complaining person that an investigation and
25 resolution may result in or will require disclosure of the

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

4 (730 ILCS 5/3-2.1-40 new)

5 Sec. 3-2.1-40. Confidentiality. The name, address, or
6 other personally identifiable information of a person who files
7 a complaint with the Office, information generated by the
8 Office related to a complaint or other activities of the
9 Office, and confidential records obtained by the Office are not
10 subject to disclosure under the Freedom of Information Act. The
11 Office shall disclose the records only if required by court
12 order on a showing of good cause.

13 (730 ILCS 5/3-2.1-45 new)

14 Sec. 3-2.1-45. Promotion and awareness of Office. The
15 Ombudsperson shall promote awareness among the public and
16 persons of:

17 (1) the rights of persons committed to the Department;

18 (2) the purpose of the Office;

19 (3) how the Office may be contacted;

20 (4) the confidential nature of communications; and

21 (5) the services the Office provides.

22 (730 ILCS 5/3-2.1-50 new)

23 Sec. 3-2.1-50. Access to information of governmental

1 entities. The Department shall provide the Ombudsperson
2 unrestricted access to all master record files of persons under
3 Section 3-5-1 of this Code. Access to educational, social,
4 psychological, mental health, substance abuse, and medical
5 records shall not be disclosed except as provided in Section
6 5-910 of the Juvenile Court Act of 1987, the Mental Health and
7 Developmental Disabilities Confidentiality Act, the School
8 Code, and any applicable federal laws that govern access to
9 those records.

10 (730 ILCS 5/Ch. III Art. 2.7 heading)

11 ARTICLE 2.7. DEPARTMENT OF JUVENILE JUSTICE

12 INDEPENDENT JUVENILE OMBUDSPERSON ~~OMBUDSMAN~~

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

14 (730 ILCS 5/3-2.7-1)

15 Sec. 3-2.7-1. Short title. This Article may be cited as the
16 Department of Juvenile Justice Independent Juvenile
17 Ombudsperson ~~Ombudsman~~ Law.

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

19 (730 ILCS 5/3-2.7-5)

20 Sec. 3-2.7-5. Purpose. The purpose of this Article is to
21 create within the Department of Juvenile Justice the Office of
22 Independent Juvenile Ombudsperson ~~Ombudsman~~ for the purpose of
23 providing youth living in State-run correctional facilities or

1 aftercare with a non-adversarial process that will redress and
2 prevent abuse, neglect, violations of law, policy, or best
3 practice at the hands of State employees or contractors
4 ~~securing the rights of youth committed to the Department of~~
5 ~~Juvenile Justice, including youth released on aftercare before~~
6 ~~final discharge.~~

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

8 (730 ILCS 5/3-2.7-10)

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

11 "Department" means the Department of Juvenile Justice.

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

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

19 "Office" means the Office of the Independent Juvenile
20 Ombudsperson ~~Ombudsman~~.

21 "Ombudsperson ~~Ombudsman~~" means the Department of Juvenile
22 Justice Independent Juvenile Ombudsperson ~~Ombudsman~~.

23 "Youth" means any person committed by court order to the
24 custody of the Department of Juvenile Justice, including youth
25 released on aftercare before final discharge.

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

2 (730 ILCS 5/3-2.7-15)

3 Sec. 3-2.7-15. Appointment of Independent Juvenile
4 Ombudsperson ~~Ombudsman~~. The Governor shall appoint the
5 Independent Juvenile Ombudsperson ~~Ombudsman~~ with the advice
6 and consent of the Senate for a term of 4 years, with the first
7 term expiring February 1, 2017. A person appointed as
8 Ombudsperson ~~Ombudsman~~ may be reappointed to one or more
9 subsequent terms. A vacancy shall occur upon resignation,
10 death, or removal. The Ombudsperson ~~Ombudsman~~ may only be
11 removed by the Governor for incompetency, malfeasance, neglect
12 of duty, or conviction of a felony. If the Senate is not in
13 session or is in recess when an appointment subject to its
14 confirmation is made, the Governor shall make a temporary
15 appointment which shall be subject to subsequent Senate
16 approval. The Ombudsperson ~~Ombudsman~~ may employ deputies to
17 perform, under the direction of the Ombudsperson ~~Ombudsman~~, the
18 same duties and exercise the same powers as the Ombudsperson
19 ~~Ombudsman~~, and may employ other support staff as deemed
20 necessary. The Ombudsperson ~~Ombudsman~~ and deputies must:

- 21 (1) be over the age of 21 years;
- 22 (2) have a bachelor's or advanced degree from an
23 accredited college or university; and
- 24 (3) have relevant expertise in areas such as the
25 juvenile justice system, investigations, or civil rights

1 advocacy as evidenced by experience in the field or by
2 academic background.

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

4 (730 ILCS 5/3-2.7-20)

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

8 (1) is or has been employed by the Department of
9 Juvenile Justice or Department of Corrections within 5
10 years ~~one year~~ prior to appointment, other than as
11 Ombudsperson ~~Ombudsman~~ or Deputy Ombudsperson ~~Ombudsman~~;

12 (2) participates in the management of a business entity
13 or other organization receiving funds from the Department
14 of Juvenile Justice;

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

18 (4) uses or receives any amount of tangible goods,
19 services, or funds from the Department of Juvenile Justice,
20 other than as Ombudsperson ~~Ombudsman~~ or Deputy
21 Ombudsperson ~~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 Ombudsperson ~~Ombudsman~~ shall
4 function independently within the Department of Juvenile
5 Justice with respect to the operations of the Office in
6 performance of his or her duties under this Article and shall
7 report to the Governor. The Ombudsperson ~~Ombudsman~~ shall adopt
8 rules and standards as may be necessary or desirable to carry
9 out his or her duties. Funding for the Office shall be 3% of
10 the Department's budget and designated separately within
11 Department funds. The Department shall provide necessary
12 administrative services and facilities to the Office of the
13 Independent Juvenile Ombudsperson ~~Ombudsman~~.

14 (b) The Office of Independent Juvenile Ombudsperson
15 ~~Ombudsman~~ shall have the following duties:

16 (1) review and monitor the implementation of the rules
17 and standards established by the Department of Juvenile
18 Justice and evaluate the delivery of services ~~to youth to~~
19 ~~ensure that the rights of youth are fully observed;~~

20 (2) provide assistance to a youth or family whom the
21 Ombudsperson ~~Ombudsman~~ determines is in need of
22 assistance, including advocating with an agency, provider,
23 or other person in the best interests of the youth;

24 (2.5) develop and disseminate a process through which
25 people in State custody or their family members or

1 representatives can file and track complaints;

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

8 (A) a youth committed to the Department of Juvenile
9 Justice or the youth's family, support system, or
10 representative is in need of assistance from the
11 Office; or

12 (B) a systemic issue in the Department of Juvenile
13 Justice's provision of services is raised by a
14 complaint;

15 (4) review or inspect periodically the facilities and
16 procedures of any facility in which a youth has been placed
17 by the Department of Juvenile Justice to ensure that each
18 person in State custody is treated fairly and with basic
19 respect, has access to appropriate programs, services, and
20 accommodations and is protected from any violations of law
21 or policy ~~the rights of youth are fully observed;~~ and

22 (5) be accessible to and meet confidentially and
23 regularly with youth committed to the Department and serve
24 as a resource by informing them of pertinent laws, rules,
25 and policies, and their rights thereunder.

26 (c) The nature of all complaints and recommendations

1 ~~following cases~~ shall be made available on the Ombudsperson
2 website and reported immediately to the Director of Juvenile
3 Justice, General Assembly, and the Governor. ÷

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

5 ~~(2) serious misconduct, misfeasance, malfeasance, or~~
6 ~~serious violations of policies and procedures concerning~~
7 ~~the administration of a Department of Juvenile Justice~~
8 ~~program or operation;~~

9 ~~(3) serious problems concerning the delivery of~~
10 ~~services in a facility operated by or under contract with~~
11 ~~the Department of Juvenile Justice;~~

12 ~~(4) interference by the Department of Juvenile Justice~~
13 ~~with an investigation conducted by the Office; and~~

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

15 (d) Notwithstanding any other provision of law, the
16 Ombudsperson ~~Ombudsman~~ may not investigate ~~alleged criminal~~
17 ~~behavior or~~ violations of the State Officials and Employees
18 Ethics Act. If the Ombudsperson ~~Ombudsman~~ determines that a
19 possible criminal act has been committed, or that special
20 expertise is required in the investigation, he or she shall
21 immediately notify the Department of State Police. If the
22 Ombudsperson ~~Ombudsman~~ determines that a possible violation of
23 the State Officials and Employees Ethics Act has occurred, he
24 or she shall immediately refer the incident to the Office of
25 the Governor's Executive Inspector General for investigation.
26 If the Ombudsperson ~~Ombudsman~~ receives a complaint from a youth

1 or third party regarding suspected abuse or neglect of a child,
2 the Ombudsperson ~~Ombudsman~~ shall refer the incident to the
3 Child Abuse and Neglect Hotline or to the State Police as
4 mandated by the Abused and Neglected Child Reporting Act. Any
5 investigation conducted by the Ombudsperson ~~Ombudsman~~ shall
6 not be duplicative and shall be separate from any investigation
7 mandated by the Abused and Neglected Child Reporting Act. All
8 investigations conducted by the Ombudsperson ~~Ombudsman~~ shall
9 be conducted in a manner designed to ensure the preservation of
10 evidence for possible use in a criminal prosecution.

11 (e) In performance of his or her duties, the Ombudsperson
12 ~~Ombudsman~~ may:

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

1 information sharing agreement;

2 (7) issue subpoenas to compel the attendance of
3 witnesses for purposes of examination and the production of
4 documents and other items for inspection or duplication;
5 and

6 (8) compel prompt statements from State employees or
7 contractors and reinterview State employees or contractors
8 as necessary.

9 (f) To assess if a youth's rights have been violated, the
10 Ombudsperson ~~Ombudsman~~ may, in any matter that does not involve
11 alleged criminal behavior, contact or consult with an
12 administrator, employee, youth, parent, expert, or any other
13 individual in the course of his or her investigation or to
14 secure information as necessary to fulfill his or her duties.

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

16 (730 ILCS 5/3-2.7-30)

17 Sec. 3-2.7-30. Duties of the Department of Juvenile
18 Justice.

19 (a) The Department of Juvenile Justice shall allow any
20 youth to communicate with the Ombudsperson ~~Ombudsman~~ or a
21 deputy at any time. The communication:

22 (1) may be in person, by phone, by mail, or by any
23 other means deemed appropriate in light of security
24 concerns; and

25 (2) is confidential and privileged.

1 (b) The Department shall allow the Ombudsperson ~~Ombudsman~~
2 and deputies full and unannounced access to youth and
3 Department facilities at any time. The Department shall furnish
4 the Ombudsperson ~~Ombudsman~~ and deputies with appropriate
5 meeting space in each facility in order to preserve
6 confidentiality.

7 (c) The Department shall allow the Ombudsperson ~~Ombudsman~~
8 and deputies to participate in professional development
9 opportunities provided by the Department of Juvenile Justice as
10 practical and to attend appropriate professional training when
11 requested by the Ombudsperson ~~Ombudsman~~.

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

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

22 (f) The Department of Juvenile Justice may not discharge,
23 demote, discipline, or in any manner discriminate or retaliate
24 against a youth or an employee who in good faith makes a
25 complaint to the Office of the Independent Juvenile
26 Ombudsperson ~~Ombudsman~~ or cooperates with the Office.

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

2 (730 ILCS 5/3-2.7-35)

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

10 (1) the work of the Ombudsperson ~~Ombudsman~~;

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

16 (3) any recommendations that the Independent Juvenile
17 Ombudsperson ~~Ombudsman~~ has relating to a systemic issue in
18 the Department of Juvenile Justice's provision of services
19 and any other matters for consideration by the General
20 Assembly and the Governor.

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

22 (730 ILCS 5/3-2.7-40)

23 Sec. 3-2.7-40. Complaints. The Office of Independent
24 Juvenile Ombudsperson ~~Ombudsman~~ shall promptly and efficiently

1 act on complaints made by or on behalf of youth filed with the
2 Office that relate to the operations or staff of the Department
3 of Juvenile Justice. The Office shall maintain information
4 about parties to the complaint, the subject matter of the
5 complaint, a summary of the results of the review or
6 investigation of the complaint, including any resolution of or
7 recommendations made as a result of the complaint. The Office
8 shall make information available describing its procedures for
9 complaint investigation and resolution. When applicable, the
10 Office shall notify the complaining youth that an investigation
11 and resolution may result in or will require disclosure of the
12 complaining youth's identity. The Office shall periodically
13 notify the complaint parties of the status of the complaint
14 until final disposition.

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

16 (730 ILCS 5/3-2.7-50)

17 Sec. 3-2.7-50. Promotion and awareness of Office. The
18 Independent Juvenile Ombudsperson ~~Ombudsman~~ shall promote
19 awareness among the public and youth of:

- 20 (1) the rights of youth committed to the Department;
- 21 (2) the purpose of the Office;
- 22 (3) how the Office may be contacted;
- 23 (4) the confidential nature of communications; and
- 24 (5) the services the Office provides.

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

1 (730 ILCS 5/3-2.7-55)

2 Sec. 3-2.7-55. Access to information of governmental
3 entities. The Department of Juvenile Justice shall provide the
4 Independent Juvenile Ombudsperson ~~Ombudsman~~ unrestricted
5 access to all master record files of youth under Section 3-5-1
6 of this Code. Access to educational, social, psychological,
7 mental health, substance abuse, and medical records shall not
8 be disclosed except as provided in Section 5-910 of the
9 Juvenile Court Act of 1987, the Mental Health and Developmental
10 Disabilities Confidentiality Act, the School Code, and any
11 applicable federal laws that govern access to those records.
12 (Source: P.A. 98-1032, eff. 8-25-14.)

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