



Rep. Robyn Gabel

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10200HB3767ham002

LRB102 15041 KMF 25622 a

1 AMENDMENT TO HOUSE BILL 3767

2 AMENDMENT NO. _____. Amend House Bill 3767, on page 2, by
3 replacing line 23 through line 26 with the following:

4 "(5.5) The Illinois Juvenile Justice Commission shall
5 develop a plan for implementation of these provisions to
6 ensure adequate alternatives and systemic reforms to
7 reduce the use of detention and prevent deeper justice
8 system involvement. In doing so, the Commission shall
9 utilize the input and guidance of juvenile justice
10 stakeholders (including but not limited to detention and
11 probation practitioners), representatives from the
12 Illinois Department of Children and Family Services,
13 Illinois Department of Human Services and other relevant
14 state agencies, other child welfare and human services
15 stakeholders, youth and community advocates, youth
16 services providers and others with relevant experience,
17 expertise and insight. The Commission shall explore and

1 document the availability of services and supports for
2 families with children from ages 10 through 13 in contact
3 with the Illinois juvenile justice system and shall make
4 recommendations to the Governor and General Assembly to
5 address any gaps in services, supports and resources for
6 these families. In developing this implementation plan,
7 the Commission shall consider the following issues related
8 to children and families in contact with the juvenile
9 justice system, and additional relevant issues as
10 identified:

11 (i) strategies to eliminate racial disparities in
12 the provision of community-based services and supports
13 to children and families in contact with the State's
14 juvenile justice system;

15 (ii) the creation of specially licensed foster
16 homes or other placement resources, or both, to be
17 available to children in need of out of home
18 placement;

19 (iii) child welfare responses to children and
20 youth in contact with the justice system;

21 (iv) crisis responses and supports available
22 through the CCBYS program and other relevant programs;

23 (v) Behavioral health responses available to
24 children, youth and families through the SASS program
25 and other relevant programs;

26 (vi) strategies for effective multi-disciplinary

1 planning with and support of children and families in
2 contact with the juvenile justice system;

3 (vii) the challenges in rural communities in
4 providing services and supports to children and
5 families;

6 (viii) effective training, screening and referral
7 mechanisms to ensure the availability and provision of
8 services and supports to children and families in
9 contact with the juvenile justice system; and

10 (ix) additional services and supports available to
11 and needed by children and families in contact with
12 the juvenile justice system.

13 The Commission shall issue an initial report of its
14 findings not later than July 1, 2022 and a final report with
15 findings and recommendations not later than January 1, 2023;
16 and"; and

17 on page 3, by replacing line 20 through line 13 on page 5 with
18 the following:

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

24 (2) (a) It is the goal of this Act to ensure that

1 detention is the last resort and for as short a time as
2 possible. On and after July 1, 2021, except for subsection
3 (2), any minor 13 years of age or older arrested under this
4 Act when there is probable cause to believe that the minor
5 is a delinquent minor and that secure custody is a matter
6 of immediate and urgent necessity in light of a serious
7 threat to the physical safety of a person or persons in the
8 community or to secure the presence of the minor at the
9 next hearing, as evidenced by a demonstrable record of
10 willful failure to appear at a scheduled court hearing
11 within the last 12 months, may be kept or detained in an
12 authorized detention facility. ~~Any minor 10 years of age~~
13 ~~or older arrested pursuant to this Act where there is~~
14 ~~probable cause to believe that the minor is a delinquent~~
15 ~~minor and that (i) secure custody is a matter of immediate~~
16 ~~and urgent necessity for the protection of the minor or of~~
17 ~~the person or property of another, (ii) the minor is~~
18 ~~likely to flee the jurisdiction of the court, or (iii) the~~
19 ~~minor was taken into custody under a warrant, may be kept~~
20 ~~or detained in an authorized detention facility. A minor~~
21 ~~under 13 years of age shall not be admitted, kept, or~~
22 ~~detained in a detention facility unless a local service~~
23 ~~provider, including a provider through the Comprehensive~~
24 ~~Community Based Youth Services network, has been contacted~~
25 ~~and has not been able to accept the minor.~~ No minor under
26 12 years of age shall be detained in a county jail or a

1 municipal lockup for more than 6 hours.

2 (a-1) Until July 1, 2023, any minor 11 or 12 years of age
3 arrested under this Act when there is probable cause to
4 believe that the minor is a delinquent minor and that secure
5 custody is a matter of immediate and urgent necessity in light
6 of a serious threat to the physical safety of a person or
7 persons in the community or to secure the presence of the minor
8 at the next hearing, as evidenced by a demonstrable record of
9 willful failure to appear at a scheduled court hearing within
10 the last 12 months, may be kept or detained in an authorized
11 detention facility. Prior to July 1, 2023, a minor age 11 or 12
12 years old shall not be detained unless appropriate local
13 service providers such as crisis intervention services through
14 Comprehensive Community Based Youth Services Network or a
15 local behavioral health service have been contacted and given
16 an opportunity to develop an alternative to detention. Until
17 July 1, 2023, probation shall document and share on a monthly
18 basis with the Illinois Juvenile Justice Commission each
19 instance when alternatives to detention fail for a minor 11 or
20 12 years of age, including the basis for detention, the
21 providers that were contacted, and the reason alternatives
22 were rejected."