

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 Section 2-10.3 as follows:

6 (705 ILCS 405/2-10.3 new)

7 Sec. 2-10.3. Access to news media.

8 (a) All youth in the custody or guardianship of the
9 Department of Children and Family Services are entitled to the
10 freedom of speech guaranteed by the First Amendment to the
11 Constitution of the United States and Section 4 of Article I of
12 the Illinois Constitution. The Department of Children and
13 Family Services and its agents and assigns shall not interfere
14 with the right of any youth in its custody or guardianship to
15 communicate with the news media if the youth chooses to do so.

16 (b) Provisions related to minors under 18. Any time the
17 news media requests to speak with a specific, identified minor
18 under 18 years of age, the Department of Children and Family
19 Services shall immediately provide notice of the news media's
20 request to the minor's attorney and guardian ad litem. The
21 notice shall include at a minimum the minor's name, the news
22 media name, and the date of the inquiry from the news media.
23 Within one business day of the news media's request, the

1 Department shall determine whether the minor wants to speak
2 with the news media, whether the minor has sufficient maturity
3 to make his or her own decision to communicate with the news
4 media and whether contact with the news media will more likely
5 than not cause the minor serious physical, emotional, or
6 mental harm. The Department shall provide notice of its
7 determination to the minor's attorney and guardian ad litem
8 within one business day of its determination.

9 (c) Provisions related to minors over 18. The Department
10 shall not take any action to interfere with the right of a
11 minor over 18 to speak with the news media.

12 (d) Court Review.

13 (1) Any party may file a motion seeking to enforce
14 rights under this Section.

15 (2) If the minor does not have an attorney, the court
16 shall appoint one for purposes of the motion.

17 (3) The Department shall facilitate the minor's
18 presence in court for hearings on the motion if the minor
19 wants to be present.

20 (4) The party filing the motion shall provide prior
21 notice of the hearing to the involved news media.

22 (5) Minors over 18. If the court finds that the
23 Department has interfered with the minor's right to
24 communicate with the media, the court shall enjoin any
25 further interference by the Department with the minor's
26 contacts with the news media.

1 (6) Minors under 18. The Department shall have the
2 burden of establishing by clear and convincing evidence:
3 (i) that the minor does not have sufficient maturity to
4 make his or her own decision to communicate with the news
5 media and that contact with the news media will, more
6 likely than not, cause the minor serious physical,
7 emotional, or mental harm; and (ii) that less restrictive
8 means are insufficient to address the minor's lack of
9 maturity or the risk of serious physical, emotional, or
10 mental harm. If the court finds by clear and convincing
11 evidence that a minor under 18 years of age lacks
12 sufficient maturity to make his or her own decision to
13 communicate with the media and that the contact with the
14 news media will, more likely than not, cause the minor
15 serious physical, emotional, or mental harm, the court may
16 issue an order identifying the specific limits that the
17 Department may impose on the minor's communication with
18 the news media. The order shall not permit the Department
19 to prevent the minor from communicating with the news
20 media unless it determines that no less restrictive means
21 are available to address the likelihood of harm to the
22 minor.

23 (7) The court shall not impose any limitations on the
24 speech of a minor based on viewpoints the minor may
25 express or information the minor may divulge, unless it is
26 confidential information regarding third parties.

1 (8) All orders resolving motions brought under this
2 subsection shall contain written findings in support of
3 the court's ruling.

4 (e) As used in this Section, "interfere" includes, but is
5 not limited to: withholding information from a minor about a
6 news media outlet's request to speak with the minor, including
7 any contact information necessary to respond to the request;
8 preventing a minor from communicating with the news media;
9 threatening or coercing the minor in any manner; or punishing
10 or taking adverse action because of a minor's contact with the
11 news media. "Interfere" does not include:

12 (1) providing information and advice about
13 communicating with news media that is consistent with the
14 minor's age, developmental capacity and circumstances,
15 including information about the minor's right to refuse
16 particular questions, the right to condition the
17 participation upon a promise of anonymity or other privacy
18 measures, the right to refuse to speak to the news media,
19 and similar advice designed to enhance the minor's right
20 to autonomy in communicating with the news media; and

21 (2) conducting an inquiry into (i) whether a minor
22 under 18 is sufficiently mature to decide for themselves
23 whether to communicate with the news media and (ii)
24 whether communicating with the news media will more likely
25 than not cause serious physical, emotional, or mental harm
26 to the minor under 18. The inquiry in this subsection must

1 be concluded within one business day of the request from
2 the news media.

3 (f) As used in this Section, "less restrictive means" are
4 conditions on the minor's ability to communicate with the news
5 media that mitigate the likelihood that physical, emotional,
6 or mental harm will result, and include, but are not limited
7 to:

8 (1) the news media outlet's willingness to take steps
9 to protect the minor's privacy, such as using a pseudonym
10 or limiting the use of the voice or image of a minor;

11 (2) the presence of the minor's guardian ad litem or
12 attorney or another adult of the minor's choosing, during
13 the communication with the news media; and

14 (3) providing the minor with age-appropriate media
15 literacy materials or other relevant educational material.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.