



Rep. Sue Scherer

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10200HB4305ham002

LRB102 22342 RLC 36581 a

1 AMENDMENT TO HOUSE BILL 4305

2 AMENDMENT NO. _____. Amend House Bill 4305 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Legislative findings. The General Assembly
5 finds that:

6 (1) There has been a longstanding misinterpretation of
7 Illinois law regarding when and under what conditions children
8 left home alone may be considered to be neglected pursuant to
9 the Juvenile Court Act of 1987 and regarding the conditions
10 under which parents and guardians may be charged criminally
11 with abandonment.

12 (2) Illinois law has been widely misinterpreted as stating
13 that children cannot be left home alone, under any
14 circumstances, unless the children are at least 14 years old.
15 This interpretation is inaccurate.

16 (3) Whether a child is sufficiently mature to be safely
17 left home alone varies based on the circumstances and many

1 factors, including, but not limited to, the age of the child,
2 the child's individual developmental capacity, the length of
3 time the child will be alone, and the safety conditions of the
4 home.

5 Section 5. The Juvenile Court Act of 1987 is amended by
6 changing Section 2-3 as follows:

7 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

8 Sec. 2-3. Neglected or abused minor.

9 (1) Those who are neglected include:

10 (a) any minor under 18 years of age or a minor 18 years
11 of age or older for whom the court has made a finding of
12 probable cause to believe that the minor is abused,
13 neglected, or dependent under subsection (1) of Section
14 2-10 prior to the minor's 18th birthday who is not
15 receiving the proper or necessary support, education as
16 required by law, or medical or other remedial care
17 recognized under State law as necessary for a minor's
18 well-being, or other care necessary for his or her
19 well-being, including adequate food, clothing and shelter,
20 or who is abandoned by his or her parent or parents or
21 other person or persons responsible for the minor's
22 welfare, except that a minor shall not be considered
23 neglected for the sole reason that the minor's parent or
24 parents or other person or persons responsible for the

1 minor's welfare have left the minor in the care of an adult
2 relative for any period of time, who the parent or parents
3 or other person responsible for the minor's welfare know
4 is both a mentally capable adult relative and physically
5 capable adult relative, as defined by this Act; or

6 (b) any minor under 18 years of age or a minor 18 years
7 of age or older for whom the court has made a finding of
8 probable cause to believe that the minor is abused,
9 neglected, or dependent under subsection (1) of Section
10 2-10 prior to the minor's 18th birthday whose environment
11 is injurious to his or her welfare; or

12 (c) any newborn infant whose blood, urine, or meconium
13 contains any amount of a controlled substance as defined
14 in subsection (f) of Section 102 of the Illinois
15 Controlled Substances Act, as now or hereafter amended, or
16 a metabolite of a controlled substance, with the exception
17 of controlled substances or metabolites of such
18 substances, the presence of which in the newborn infant is
19 the result of medical treatment administered to the mother
20 or the newborn infant; or

21 (d) any minor ~~under the age of 14 years~~ whose parent or
22 other person responsible for the minor's welfare leaves
23 the minor without supervision for an unreasonable period
24 of time without regard for the mental or physical health,
25 safety, or welfare of that minor. Whether the minor was
26 left without regard for the mental or physical health,

1 safety, or welfare of that minor or the period of time was
2 unreasonable shall be determined by considering the
3 following factors, including but not limited to:

4 (1) the age of the minor;

5 (2) the number of minors left at the location; ~~or~~

6 (3) special needs of the minor, including whether
7 the minor is a person with a physical or mental
8 disability, or otherwise in need of ongoing prescribed
9 medical treatment such as periodic doses of insulin or
10 other medications;

11 (4) the duration of time in which the minor was
12 left without supervision;

13 (5) the condition and location of the place where
14 the minor was left without supervision;

15 (6) the time of day or night when the minor was
16 left without supervision;

17 (7) the weather conditions, including whether the
18 minor was left in a location with adequate protection
19 from the natural elements such as adequate heat or
20 light;

21 (8) the location of the parent or guardian at the
22 time the minor was left without supervision, the
23 physical distance the minor was from the parent or
24 guardian at the time the minor was without
25 supervision;

26 (9) whether the minor's movement was restricted,

1 or the minor was otherwise locked within a room or
2 other structure;

3 (10) whether the minor was given a phone number of
4 a person or location to call in the event of an
5 emergency and whether the minor was capable of making
6 an emergency call;

7 (11) whether there was food and other provision
8 left for the minor;

9 (12) whether any of the conduct is attributable to
10 economic hardship or illness and the parent, guardian
11 or other person having physical custody or control of
12 the child made a good faith effort to provide for the
13 health and safety of the minor;

14 (13) the age and physical and mental capabilities
15 of the person or persons who provided supervision for
16 the minor;

17 (14) whether the minor was left under the
18 supervision of another person;

19 (15) any other factor that would endanger the
20 health and safety of that particular minor; or

21 (e) any minor who has been provided with interim
22 crisis intervention services under Section 3-5 of this Act
23 and whose parent, guardian, or custodian refuses to permit
24 the minor to return home unless the minor is an immediate
25 physical danger to himself, herself, or others living in
26 the home.

1 ~~Whether the minor was left without regard for the mental~~
2 ~~or physical health, safety, or welfare of that minor or the~~
3 ~~period of time was unreasonable shall be determined by~~
4 ~~considering the following factors, including but not limited~~
5 ~~to:~~

6 ~~(1) the age of the minor;~~

7 ~~(2) the number of minors left at the location;~~

8 ~~(3) special needs of the minor, including whether the~~
9 ~~minor is a person with a physical or mental disability, or~~
10 ~~otherwise in need of ongoing prescribed medical treatment~~
11 ~~such as periodic doses of insulin or other medications;~~

12 ~~(4) the duration of time in which the minor was left~~
13 ~~without supervision;~~

14 ~~(5) the condition and location of the place where the~~
15 ~~minor was left without supervision;~~

16 ~~(6) the time of day or night when the minor was left~~
17 ~~without supervision;~~

18 ~~(7) the weather conditions, including whether the~~
19 ~~minor was left in a location with adequate protection from~~
20 ~~the natural elements such as adequate heat or light;~~

21 ~~(8) the location of the parent or guardian at the time~~
22 ~~the minor was left without supervision, the physical~~
23 ~~distance the minor was from the parent or guardian at the~~
24 ~~time the minor was without supervision;~~

25 ~~(9) whether the minor's movement was restricted, or~~
26 ~~the minor was otherwise locked within a room or other~~

1 ~~structure;~~

2 ~~(10) whether the minor was given a phone number of a~~
3 ~~person or location to call in the event of an emergency and~~
4 ~~whether the minor was capable of making an emergency call;~~

5 ~~(11) whether there was food and other provision left~~
6 ~~for the minor;~~

7 ~~(12) whether any of the conduct is attributable to~~
8 ~~economic hardship or illness and the parent, guardian or~~
9 ~~other person having physical custody or control of the~~
10 ~~child made a good faith effort to provide for the health~~
11 ~~and safety of the minor;~~

12 ~~(13) the age and physical and mental capabilities of~~
13 ~~the person or persons who provided supervision for the~~
14 ~~minor;~~

15 ~~(14) whether the minor was left under the supervision~~
16 ~~of another person;~~

17 ~~(15) any other factor that would endanger the health~~
18 ~~and safety of that particular minor.~~

19 A minor shall not be considered neglected for the sole
20 reason that the minor has been relinquished in accordance with
21 the Abandoned Newborn Infant Protection Act.

22 (1.5) A minor shall not be considered neglected for the
23 sole reason that the minor's parent or other person
24 responsible for the minor's welfare permits the minor to
25 engage in independent activities unless the minor was
26 permitted to engage in independent activities under

1 circumstances presenting unreasonable risk of harm to the
2 minor's mental or physical health, safety, or well-being.

3 "Independent activities" includes, but is not limited to:

4 (a) traveling to and from school including by walking,
5 running, or bicycling;

6 (b) traveling to and from nearby commercial or
7 recreational facilities;

8 (c) engaging in outdoor play;

9 (d) remaining in a vehicle unattended, except as
10 otherwise provided by law;

11 (e) remaining at home or at a similarly appropriate
12 location unattended; or

13 (f) engaging in a similar independent activity alone
14 or with other children.

15 In determining whether an independent activity presented
16 unreasonable risk of harm, the court shall consider:

17 (1) whether the activity is generally accepted as
18 suitable for minors of the same age, maturity level, and
19 developmental capacity as the involved minor;

20 (2) the factors listed in items (1) through (15) of
21 paragraph (d) of subsection (1); and

22 (3) any other factor the court deems relevant.

23 (2) Those who are abused include any minor under 18 years
24 of age or a minor 18 years of age or older for whom the court
25 has made a finding of probable cause to believe that the minor
26 is abused, neglected, or dependent under subsection (1) of

1 Section 2-10 prior to the minor's 18th birthday whose parent
2 or immediate family member, or any person responsible for the
3 minor's welfare, or any person who is in the same family or
4 household as the minor, or any individual residing in the same
5 home as the minor, or a paramour of the minor's parent:

6 (i) inflicts, causes to be inflicted, or allows to be
7 inflicted upon such minor physical injury, by other than
8 accidental means, which causes death, disfigurement,
9 impairment of physical or emotional health, or loss or
10 impairment of any bodily function;

11 (ii) creates a substantial risk of physical injury to
12 such minor by other than accidental means which would be
13 likely to cause death, disfigurement, impairment of
14 emotional health, or loss or impairment of any bodily
15 function;

16 (iii) commits or allows to be committed any sex
17 offense against such minor, as such sex offenses are
18 defined in the Criminal Code of 1961 or the Criminal Code
19 of 2012, or in the Wrongs to Children Act, and extending
20 those definitions of sex offenses to include minors under
21 18 years of age;

22 (iv) commits or allows to be committed an act or acts
23 of torture upon such minor;

24 (v) inflicts excessive corporal punishment;

25 (vi) commits or allows to be committed the offense of
26 involuntary servitude, involuntary sexual servitude of a

1 minor, or trafficking in persons as defined in Section
2 10-9 of the Criminal Code of 1961 or the Criminal Code of
3 2012, upon such minor; or

4 (vii) allows, encourages or requires a minor to commit
5 any act of prostitution, as defined in the Criminal Code
6 of 1961 or the Criminal Code of 2012, and extending those
7 definitions to include minors under 18 years of age.

8 A minor shall not be considered abused for the sole reason
9 that the minor has been relinquished in accordance with the
10 Abandoned Newborn Infant Protection Act.

11 (3) This Section does not apply to a minor who would be
12 included herein solely for the purpose of qualifying for
13 financial assistance for himself, his parents, guardian or
14 custodian.

15 (4) The changes made by this amendatory Act of the 101st
16 General Assembly apply to a case that is pending on or after
17 the effective date of this amendatory Act of the 101st General
18 Assembly.

19 (Source: P.A. 101-79, eff. 7-12-19.)

20 Section 10. The Criminal Code of 2012 is amended by
21 changing Section 12C-10 as follows:

22 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

23 Sec. 12C-10. Child abandonment.

24 (a) A person commits child abandonment when he or she, as a

1 parent, guardian, or other person having physical custody or
2 control of a child, without regard for the mental or physical
3 health, safety, or welfare of that child, knowingly permits a
4 child to engage in independent activities that were
5 unreasonable under the circumstances or for an unreasonable
6 period of time without regard for the minor's mental or
7 physical health, safety, or well-being. For the purposes of
8 this Section, no specific age shall be determinative of
9 reasonableness. Reasonableness shall be determined by the
10 maturity of each individual child ~~leaves that child who is~~
11 ~~under the age of 13 without supervision by a responsible~~
12 ~~person over the age of 14 for a period of 24 hours or more. It~~
13 is not a violation of this Section for a person to relinquish a
14 child in accordance with the Abandoned Newborn Infant
15 Protection Act.

16 (b) For the purposes of determining whether the child was
17 left without regard for the mental or physical health, safety,
18 or welfare of that child, the trier of fact shall consider the
19 following factors:

20 (1) the age of the child;

21 (2) the number of children left at the location;

22 (3) special needs of the child, including whether the
23 child is a person with a physical or mental disability, or
24 otherwise in need of ongoing prescribed medical treatment
25 such as periodic doses of insulin or other medications;

26 (4) the duration of time in which the child was left

1 without supervision;

2 (5) the condition and location of the place where the
3 child was left without supervision;

4 (6) the time of day or night when the child was left
5 without supervision;

6 (7) the weather conditions, including whether the
7 child was left in a location with adequate protection from
8 the natural elements such as adequate heat or light;

9 (8) the location of the parent, guardian, or other
10 person having physical custody or control of the child at
11 the time the child was left without supervision, the
12 physical distance the child was from the parent, guardian,
13 or other person having physical custody or control of the
14 child at the time the child was without supervision;

15 (9) whether the child's movement was restricted, or
16 the child was otherwise locked within a room or other
17 structure;

18 (10) whether the child was given a phone number of a
19 person or location to call in the event of an emergency and
20 whether the child was capable of making an emergency call;

21 (11) whether there was food and other provision left
22 for the child;

23 (12) whether any of the conduct is attributable to
24 economic hardship or illness and the parent, guardian or
25 other person having physical custody or control of the
26 child made a good faith effort to provide for the health

1 and safety of the child;

2 (13) the age and physical and mental capabilities of
3 the person or persons who provided supervision for the
4 child;

5 (14) any other factor that would endanger the health
6 or safety of that particular child;

7 (15) whether the child was left under the supervision
8 of another person.

9 (c) Child abandonment is a Class 4 felony. A second or
10 subsequent offense after a prior conviction is a Class 3
11 felony. A parent, who is found to be in violation of this
12 Section with respect to his or her child, may be sentenced to
13 probation for this offense pursuant to Section 12C-15.

14 (Source: P.A. 98-756, eff. 7-16-14; 99-143, eff. 7-27-15.)".