

HB1087



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1087

Introduced 1/12/2023, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-3

from Ch. 37, par. 802-3

Amends the Juvenile Court Act of 1987. Provides that a minor shall not be considered abused, neglected, or dependent solely because the parent or parents of the minor or other person or persons responsible for the minor's welfare repeatedly used a controlled substance.

LRB103 05020 RLC 50033 b

A BILL FOR

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 changing Section 2-3 as follows:

6 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

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

8 (1) Those who are neglected include:

9 (a) any minor under 18 years of age or a minor 18 years
10 of age or older for whom the court has made a finding of
11 probable cause to believe that the minor is abused,
12 neglected, or dependent under subsection (1) of Section
13 2-10 prior to the minor's 18th birthday who is not
14 receiving the proper or necessary support, education as
15 required by law, or medical or other remedial care
16 recognized under State law as necessary for a minor's
17 well-being, or other care necessary for his or her
18 well-being, including adequate food, clothing and shelter,
19 or who is abandoned by his or her parent or parents or
20 other person or persons responsible for the minor's
21 welfare, except that a minor shall not be considered
22 neglected for the sole reason that the minor's parent or
23 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; except that a minor
12 shall not be considered abused, neglected, or dependent
13 solely because the parent or parents of the minor or other
14 person or persons responsible for the minor's welfare
15 repeatedly used a controlled substance as defined in
16 subsection (f) of Section 102 of the Illinois Controlled
17 Substances Act, or a metabolite of a controlled substance;

18 or

19 (c) any newborn infant whose blood, urine, or meconium
20 contains any amount of a controlled substance as defined
21 in subsection (f) of Section 102 of the Illinois
22 Controlled Substances Act, as now or hereafter amended, or
23 a metabolite of a controlled substance, with the exception
24 of controlled substances or metabolites of such
25 substances, the presence of which in the newborn infant is
26 the result of medical treatment administered to the mother

1 or the newborn infant; or

2 (d) any minor under the age of 14 years whose parent or
3 other person responsible for the minor's welfare leaves
4 the minor without supervision for an unreasonable period
5 of time without regard for the mental or physical health,
6 safety, or welfare of that minor; or

7 (e) any minor who has been provided with interim
8 crisis intervention services under Section 3-5 of this Act
9 and whose parent, guardian, or custodian refuses to permit
10 the minor to return home unless the minor is an immediate
11 physical danger to himself, herself, or others living in
12 the home.

13 Whether the minor was left without regard for the mental
14 or physical health, safety, or welfare of that minor or the
15 period of time was unreasonable shall be determined by
16 considering the following factors, including but not limited
17 to:

18 (1) the age of the minor;

19 (2) the number of minors left at the location;

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

24 (4) the duration of time in which the minor was left
25 without supervision;

26 (5) the condition and location of the place where the

1 minor was left without supervision;

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

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

7 (8) the location of the parent or guardian at the time
8 the minor was left without supervision, the physical
9 distance the minor was from the parent or guardian at the
10 time the minor was without supervision;

11 (9) whether the minor's movement was restricted, or
12 the minor was otherwise locked within a room or other
13 structure;

14 (10) whether the minor was given a phone number of a
15 person or location to call in the event of an emergency and
16 whether the minor was capable of making an emergency call;

17 (11) whether there was food and other provision left
18 for the minor;

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

24 (13) the age and physical and mental capabilities of
25 the person or persons who provided supervision for the
26 minor;

1 (14) whether the minor was left under the supervision
2 of another person;

3 (15) any other factor that would endanger the health
4 and safety of that particular minor.

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

8 (2) Those who are abused include any minor under 18 years
9 of age or a minor 18 years of age or older for whom the court
10 has made a finding of probable cause to believe that the minor
11 is abused, neglected, or dependent under subsection (1) of
12 Section 2-10 prior to the minor's 18th birthday whose parent
13 or immediate family member, or any person responsible for the
14 minor's welfare, or any person who is in the same family or
15 household as the minor, or any individual residing in the same
16 home as the minor, or a paramour of the minor's parent:

17 (i) inflicts, causes to be inflicted, or allows to be
18 inflicted upon such minor physical injury, by other than
19 accidental means, which causes death, disfigurement,
20 impairment of physical or emotional health, or loss or
21 impairment of any bodily function;

22 (ii) creates a substantial risk of physical injury to
23 such minor by other than accidental means which would be
24 likely to cause death, disfigurement, impairment of
25 emotional health, or loss or impairment of any bodily
26 function;

1 (iii) commits or allows to be committed any sex
2 offense against such minor, as such sex offenses are
3 defined in the Criminal Code of 1961 or the Criminal Code
4 of 2012, or in the Wrongs to Children Act, and extending
5 those definitions of sex offenses to include minors under
6 18 years of age;

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

9 (v) inflicts excessive corporal punishment;

10 (vi) commits or allows to be committed the offense of
11 involuntary servitude, involuntary sexual servitude of a
12 minor, or trafficking in persons as defined in Section
13 10-9 of the Criminal Code of 1961 or the Criminal Code of
14 2012, upon such minor; or

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

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

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

26 (4) The changes made by this amendatory Act of the 101st

1 General Assembly apply to a case that is pending on or after
2 the effective date of this amendatory Act of the 101st General
3 Assembly.

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