

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-2.7-1, 3-2.7-5, 3-2.7-10, 3-2.7-20,  
6 3-2.7-25, 3-2.7-30, 3-2.7-35, 3-2.7-40, 3-2.7-50, and 3-2.7-55  
7 as follows:

8 (730 ILCS 5/3-2.7-1)

9 Sec. 3-2.7-1. Short title. This Article may be cited as  
10 the ~~Department of Juvenile Justice~~ Independent Juvenile  
11 Ombudsman Law.

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

13 (730 ILCS 5/3-2.7-5)

14 Sec. 3-2.7-5. Purpose. The purpose of this Article is to  
15 create within the Department of Juvenile Justice the Office of  
16 Independent Juvenile Ombudsman for the purpose of securing the  
17 rights of youth committed to the Department of Juvenile  
18 Justice and county-operated juvenile detention centers,  
19 including youth released on aftercare before final discharge.

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

21 (730 ILCS 5/3-2.7-10)

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

3           "County-operated juvenile detention center" means any  
4 residential treatment center as defined in subsection (12.3)  
5 of Section 1-3 of the Juvenile Court Act of 1987 and any other  
6 facility that detains youth in the juvenile justice system  
7 that is specifically designated to detain or incarcerate  
8 youth. "County-operated juvenile detention center" does not  
9 include police or other temporary law enforcement holding  
10 locations.

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  
17 or private agencies or persons pertaining to youth involved in  
18 or having contact with the police, courts, or corrections.

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

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

23           "Youth" means any person committed by court order to the  
24 custody of the Department of Juvenile Justice or a  
25 county-operated juvenile detention center, including youth  
26 released on aftercare before final discharge.

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

2 (730 ILCS 5/3-2.7-20)

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

6 (1) is or has been employed by the Department of  
7 Juvenile Justice, ~~or~~ Department of Corrections, or a  
8 county-operated juvenile detention center within one year  
9 prior to appointment, other than as Ombudsman or Deputy  
10 Ombudsman;

11 (2) participates in the management of a business  
12 entity or other organization receiving funds from the  
13 Department of Juvenile Justice or a county-operated  
14 juvenile detention center;

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 or  
18 a county-operated juvenile detention center;

19 (4) uses or receives any amount of tangible goods,  
20 services, or funds from the Department of Juvenile Justice  
21 or a county-operated juvenile detention center, other than  
22 as Ombudsman or Deputy Ombudsman; or

23 (5) is required to register as a lobbyist for an  
24 organization that interacts with the juvenile justice  
25 system.

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

2 (730 ILCS 5/3-2.7-25)

3 Sec. 3-2.7-25. Duties and powers.

4 (a) The Independent Juvenile Ombudsman shall function  
5 independently within the Department of Juvenile Justice and  
6 county-operated juvenile detention centers with respect to the  
7 operations of the Office in performance of his or her duties  
8 under this Article and shall report to the Governor and to  
9 local authorities as provided in Section 3-2.7-50. The  
10 Ombudsman shall adopt rules and standards as may be necessary  
11 or desirable to carry out his or her duties. Funding for the  
12 Office shall be designated separately within Department funds  
13 and shall include funds for operations at county-operated  
14 juvenile detention centers. The Department shall provide  
15 necessary administrative services and facilities to the Office  
16 of the Independent Juvenile Ombudsman. County-operated  
17 juvenile detention centers shall provide necessary  
18 administrative services and facilities to the Office of the  
19 Ombudsman.

20 (b) The Office of Independent Juvenile Ombudsman shall  
21 have the following duties:

22 (1) review and monitor the implementation of the rules  
23 and standards established by the Department of Juvenile  
24 Justice and county-operated juvenile detention centers and  
25 evaluate the delivery of services to youth to ensure that

1 the rights of youth are fully observed;

2 (2) provide assistance to a youth or family whom the  
3 Ombudsman determines is in need of assistance, including  
4 advocating with an agency, provider, or other person in  
5 the best interests of the youth;

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

12 (A) a youth committed to the Department of  
13 Juvenile Justice or a county-operated juvenile  
14 detention center or the youth's family is in need of  
15 assistance from the Office; or

16 (B) a systemic issue in the Department of Juvenile  
17 Justice's or county-operated juvenile detention  
18 center's provision of services is raised by a  
19 complaint;

20 (4) review or inspect periodically the facilities and  
21 procedures of any county-operated juvenile detention  
22 center or any facility in which a youth has been placed by  
23 the Department of Juvenile Justice to ensure that the  
24 rights of youth are fully observed; and

25 (5) be accessible to and meet confidentially and  
26 regularly with youth committed to the Department or a

1       county-operated juvenile detention center and serve as a  
2       resource by informing them of pertinent laws, rules, and  
3       policies, and their rights thereunder.

4       (c) The following cases shall be reported immediately to  
5       the Director of Juvenile Justice and the Governor, and for  
6       cases that arise in county-operated juvenile detention  
7       centers, to the chief judge of the applicable judicial circuit  
8       and the Director of the Administrative Office of the Illinois  
9       Courts:

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

11           (2) serious misconduct, misfeasance, malfeasance, or  
12       serious violations of policies and procedures concerning  
13       the administration of a Department of Juvenile Justice or  
14       county-operated juvenile detention center program or  
15       operation;

16           (3) serious problems concerning the delivery of  
17       services in a county-operated juvenile detention center or  
18       a facility operated by or under contract with the  
19       Department of Juvenile Justice;

20           (4) interference by the Department of Juvenile Justice  
21       or county-operated juvenile detention center with an  
22       investigation conducted by the Office; and

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

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

1 the Ombudsman determines that a possible criminal act has been  
2 committed, or that special expertise is required in the  
3 investigation, he or she shall immediately notify the Illinois  
4 State Police. If the Ombudsman determines that a possible  
5 violation of the State Officials and Employees Ethics Act has  
6 occurred, he or she shall immediately refer the incident to  
7 the Office of the Governor's Executive Inspector General for  
8 investigation. If the Ombudsman receives a complaint from a  
9 youth or third party regarding suspected abuse or neglect of a  
10 child, the Ombudsman shall refer the incident to the Child  
11 Abuse and Neglect Hotline or to the Illinois State Police as  
12 mandated by the Abused and Neglected Child Reporting Act. Any  
13 investigation conducted by the Ombudsman shall not be  
14 duplicative and shall be separate from any investigation  
15 mandated by the Abused and Neglected Child Reporting Act. All  
16 investigations conducted by the Ombudsman shall be conducted  
17 in a manner designed to ensure the preservation of evidence  
18 for possible use in a criminal prosecution.

19 (e) In performance of his or her duties, the Ombudsman  
20 may:

21 (1) review court files of youth;

22 (2) recommend policies, rules, and legislation  
23 designed to protect youth;

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

26 (4) attend internal administrative and disciplinary

1 hearings to ensure the rights of youth are fully observed  
2 and advocate for the best interest of youth when deemed  
3 necessary; and

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

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

13 (Source: P.A. 102-538, eff. 8-20-21.)

14 (730 ILCS 5/3-2.7-30)

15 Sec. 3-2.7-30. Duties of the Department of Juvenile  
16 Justice or county-operated juvenile detention center.

17 (a) The Department of Juvenile Justice and every  
18 county-operated juvenile detention center shall allow any  
19 youth to communicate with the Ombudsman or a deputy at any  
20 time. The communication:

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

24 (2) is confidential and privileged.

25 (b) The Department and county-operated juvenile detention

1 centers shall allow the Ombudsman and deputies full and  
2 unannounced access to youth and Department facilities and  
3 county-operated juvenile detention centers at any time. The  
4 Department and county-operated juvenile detention centers  
5 shall furnish the Ombudsman and deputies with appropriate  
6 meeting space in each facility in order to preserve  
7 confidentiality.

8 (c) The Department and county-operated juvenile detention  
9 centers shall allow the Ombudsman and deputies to participate  
10 in professional development opportunities provided by the  
11 Department of Juvenile Justice and county-operated juvenile  
12 detention centers as practical and to attend appropriate  
13 professional training when requested by the Ombudsman.

14 (d) The Department and county-operated juvenile detention  
15 centers shall provide the Ombudsman copies of critical  
16 incident reports involving a youth residing in a facility  
17 operated by the Department or a county-operated juvenile  
18 detention center. Critical incidents include, but are not  
19 limited to, severe injuries that result in hospitalization,  
20 suicide attempts that require medical intervention, sexual  
21 abuse, and escapes.

22 (e) The Department and county-operated juvenile detention  
23 centers shall provide the Ombudsman with reasonable advance  
24 notice of all internal administrative and disciplinary  
25 hearings regarding a youth residing in a facility operated by  
26 the Department or a county-operated juvenile detention center.

1 (f) The Department of Juvenile Justice and county-operated  
2 juvenile detention centers may not discharge, demote,  
3 discipline, or in any manner discriminate or retaliate against  
4 a youth or an employee who in good faith makes a complaint to  
5 the Office of the Independent Juvenile Ombudsman or cooperates  
6 with the Office.

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

8 (730 ILCS 5/3-2.7-35)

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

15 (1) the work of the Ombudsman;

16 (2) the status of any review or investigation  
17 undertaken by the Ombudsman, but may not contain any  
18 confidential or identifying information concerning the  
19 subjects of the reports and investigations; and

20 (3) any recommendations that the Independent Juvenile  
21 Ombudsman has relating to a systemic issue in the  
22 Department of Juvenile Justice's or a county-operated  
23 juvenile detention center's provision of services and any  
24 other matters for consideration by the General Assembly  
25 and the Governor.

1       With respect to county-operated juvenile detention  
2 centers, the Ombudsman shall provide data responsive to  
3 paragraphs (1) through (3) to the chief judge of the  
4 applicable judicial circuit and to the Director of the  
5 Administrative Office of the Illinois Courts, and shall make  
6 the data publicly available.

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

8               (730 ILCS 5/3-2.7-40)

9       Sec. 3-2.7-40. Complaints. The Office of Independent  
10 Juvenile Ombudsman shall promptly and efficiently act on  
11 complaints made by or on behalf of youth filed with the Office  
12 that relate to the operations or staff of the Department of  
13 Juvenile Justice or a county-operated juvenile detention  
14 center. The Office shall maintain information about parties to  
15 the complaint, the subject matter of the complaint, a summary  
16 of the results of the review or investigation of the  
17 complaint, including any resolution of or recommendations made  
18 as a result of the complaint. The Office shall make  
19 information available describing its procedures for complaint  
20 investigation and resolution. When applicable, the Office  
21 shall notify the complaining youth that an investigation and  
22 resolution may result in or will require disclosure of the  
23 complaining youth's identity. The Office shall periodically  
24 notify the complaint parties of the status of the complaint  
25 until final disposition.

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

2 (730 ILCS 5/3-2.7-50)

3 Sec. 3-2.7-50. Promotion and awareness of Office. The  
4 Independent Juvenile Ombudsman shall promote awareness among  
5 the public and youth of:

6 (1) the rights of youth committed to the Department  
7 and county-operated juvenile detention centers;

8 (2) the purpose of the Office;

9 (3) how the Office may be contacted;

10 (4) the confidential nature of communications; and

11 (5) the services the Office provides.

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

13 (730 ILCS 5/3-2.7-55)

14 Sec. 3-2.7-55. Access to information of governmental  
15 entities. The Department of Juvenile Justice and  
16 county-operated juvenile detention centers shall provide the  
17 Independent Juvenile Ombudsman unrestricted access to all  
18 master record files of youth under Section 3-5-1 of this Code.  
19 Access to educational, social, psychological, mental health,  
20 substance abuse, and medical records shall not be disclosed  
21 except as provided in Section 5-910 of the Juvenile Court Act  
22 of 1987, the Mental Health and Developmental Disabilities  
23 Confidentiality Act, the School Code, and any applicable  
24 federal laws that govern access to those records.

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

2 Section 99. Effective date. This Act takes effect on  
3 January 1, 2025.