



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2197

Introduced 1/11/2006, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

705 ILCS 405/3-33

from Ch. 37, par. 803-33

Amends the Juvenile Court Act of 1987. Provides that a comprehensive community based youth service organization shall certify that a minor has been referred by the regional superintendent or Office of Chronic Truant Adjudication to that agency for truancy intervention services. Provides that if the comprehensive community based youth service agency is incapable or unwilling to provide the certification, then this requirement of a certification is not applicable. Provides that the comprehensive community based youth service agency shall submit reports to the regional superintendent or the Office of Chronic Truant Adjudication within 30, 120, and 180 days of the minor's referral, or at any other time requested by a regional superintendent or the Office of Chronic Truant Adjudication, which reports each shall certify the date of the minor's referral and the extent of the minor's progress and participation in truancy intervention services provided by the comprehensive community based youth service agency. Provides that if after referral by the regional superintendent or the Office of Chronic Truant Adjudication, the minor declines or refuses to fully participate in truancy intervention services provided by the comprehensive community based youth service agency, then the agency shall immediately certify such facts to the regional superintendent or the Office of Chronic Truant Adjudication.

LRB094 15606 RLC 51341 b

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 3-33 as follows:

6 (705 ILCS 405/3-33) (from Ch. 37, par. 803-33)

7 Sec. 3-33. Truant Minor in Need of Supervision.

8 (a) Definition. A minor who is reported by a regional
9 superintendent of schools, or in cities of over 500,000
10 inhabitants, by the Office of Chronic Truant Adjudication, as a
11 chronic truant may be subject to a petition for adjudication as
12 shall be adjudged a truant minor in need of supervision,
13 provided that prior to the filing of the petition, a
14 comprehensive community based youth service agency shall
15 certify that the minor has been referred by the regional
16 superintendent or Office of Chronic Truant Adjudication to that
17 agency for truancy intervention services, and the regional
18 superintendent or Office of Chronic Truant Adjudication shall
19 certify that truancy intervention services have not resulted in
20 the cessation of chronic truancy after referral for truancy
21 intervention services. If the comprehensive community based
22 youth service agency is incapable or unwilling to provide the
23 certification, then this requirement of a certification is not
24 applicable. The comprehensive community based youth service
25 agency shall submit reports to the regional superintendent or
26 the Office of Chronic Truant Adjudication within 30, 120, and
27 180 days of the minor's referral, or at any other time
28 requested by a regional superintendent or the Office of Chronic
29 Truant Adjudication, which reports each shall certify the date
30 of the minor's referral and the extent of the minor's progress
31 and participation in truancy intervention services provided by
32 the comprehensive community based youth service agency. In

1 addition, if after referral by the regional superintendent or
2 the Office of Chronic Truant Adjudication, the minor declines
3 or refuses to fully participate in truancy intervention
4 services provided by the comprehensive community based youth
5 service agency, then the agency shall immediately certify such
6 facts to the regional superintendent or the Office of Chronic
7 Truant Adjudication.

8 (a-1) There is a rebuttable presumption that a chronic
9 truant is a truant minor in need of supervision.

10 (a-2) There is a rebuttable presumption that school records
11 of a minor's attendance at school are authentic.

12 (a-3) For purposes of this Section, "chronic truant" means
13 a minor subject to compulsory school attendance and who is
14 absent without valid cause from such attendance for 10% or more
15 of the previous 180 regular attendance days, and has the
16 meaning ascribed to it in Section 26-2a of the School Code.

17 (a-4) For purposes of this Section, "truancy intervention
18 services" means services provided by a comprehensive community
19 based youth service agency that are designed to assist the
20 minor's return to an educational program, and includes
21 assessments, counseling, mental health services, shelter,
22 tutoring, and educational advocacy.

23 (b) Kinds of dispositional orders. A minor adjudicated
24 ~~found to be~~ a truant minor in need of supervision may be:

25 (1) committed to the appropriate regional
26 superintendent of schools for a multi-disciplinary case
27 staffing, individualized educational plan or service plan,
28 or referral to comprehensive community-based youth
29 services;

30 (2) required to comply with an individualized
31 educational plan or service plan as specifically provided
32 by the appropriate regional superintendent of schools;

33 (3) ordered to obtain counseling or other supportive
34 services;

35 (4) subject to a fine in an amount in excess of \$5, but
36 not exceeding \$100, and each day of absence without valid

1 cause as defined in Section 26-2a of The School Code is a
2 separate offense;

3 (5) required to perform some reasonable public service
4 work such as, but not limited to, the picking up of litter
5 in public parks or along public highways or the maintenance
6 of public facilities; or

7 (6) subject to having his or her driver's license or
8 driving privilege suspended for a period of time as
9 determined by the court but only until he or she attains 18
10 years of age.

11 A dispositional order may include a fine, public service,
12 or suspension of a driver's license or privilege only if the
13 court has made an express written finding that a truancy
14 prevention program has been offered by the school, regional
15 superintendent of schools, or a comprehensive community based
16 youth ~~social~~ service agency to the truant minor in need of
17 supervision.

18 (c) Orders entered under this Section may be enforced by
19 contempt proceedings.

20 (Source: P.A. 90-143, eff. 7-23-97; 90-380, eff. 8-14-97;
21 90-590, eff. 1-1-99; 90-655, eff. 7-30-98.)