

1 AN ACT concerning State government.

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 adding Article 2.7 of Chapter III as follows:

6 (730 ILCS 5/Ch. III Art. 2.7 heading new)

7 ARTICLE 2.7. DEPARTMENT OF JUVENILE JUSTICE

8 INDEPENDENT JUVENILE OMBUDSMAN

9 (730 ILCS 5/3-2.7-1 new)

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

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

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, including youth released on aftercare before final
19 discharge.

20 (730 ILCS 5/3-2.7-10 new)

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

3 "Department" means the Department of Juvenile Justice.

4 "Immediate family or household member" means the spouse,
5 child, parent, brother, sister, grandparent, or grandchild,
6 whether of the whole blood or half blood or by adoption, or a
7 person who shares a common dwelling.

8 "Juvenile justice system" means all activities by public or
9 private agencies or persons pertaining to youth involved in or
10 having contact with the police, courts, or corrections.

11 "Office" means the Office of the Independent Juvenile
12 Ombudsman.

13 "Ombudsman" means the Department of Juvenile Justice
14 Independent Juvenile Ombudsman.

15 "Youth" means any person committed by court order to the
16 custody of the Department of Juvenile Justice, including youth
17 released on aftercare before final discharge.

18 (730 ILCS 5/3-2.7-15 new)

19 Sec. 3-2.7-15. Appointment of Independent Juvenile
20 Ombudsman. The Governor shall appoint the Independent Juvenile
21 Ombudsman with the advice and consent of the Senate for a term
22 of 4 years, with the first term expiring February 1, 2017. A
23 person appointed as Ombudsman may be reappointed to one or more
24 subsequent terms. A vacancy shall occur upon resignation,
25 death, or removal. The Ombudsman may only be removed by the

1 Governor for incompetency, malfeasance, neglect of duty, or
2 conviction of a felony. If the Senate is not in session or is
3 in recess when an appointment subject to its confirmation is
4 made, the Governor shall make a temporary appointment which
5 shall be subject to subsequent Senate approval. The Ombudsman
6 may employ deputies to perform, under the direction of the
7 Ombudsman, the same duties and exercise the same powers as the
8 Ombudsman, and may employ other support staff as deemed
9 necessary. The Ombudsman and deputies must:

10 (1) be over the age of 21 years;

11 (2) have a bachelor's or advanced degree from an accredited
12 college or university; and

13 (3) have relevant expertise in areas such as the juvenile
14 justice system, investigations, or civil rights advocacy as
15 evidenced by experience in the field or by academic background.

16 (730 ILCS 5/3-2.7-20 new)

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

20 (1) is or has been employed by the Department of Juvenile
21 Justice or Department of Corrections within one year prior to
22 appointment, other than as Ombudsman or Deputy Ombudsman;

23 (2) participates in the management of a business entity or
24 other organization receiving funds from the Department of
25 Juvenile Justice;

1 (3) owns or controls, directly or indirectly, any interest
2 in a business entity or other organization receiving funds from
3 the Department of Juvenile Justice;

4 (4) uses or receives any amount of tangible goods,
5 services, or funds from the Department of Juvenile Justice,
6 other than as Ombudsman or Deputy Ombudsman; or

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

9 (730 ILCS 5/3-2.7-25 new)

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

11 (a) The Independent Juvenile Ombudsman shall function
12 independently within the Department of Juvenile Justice with
13 respect to the operations of the Office in performance of his
14 or her duties under this Article and shall report to the
15 Governor. The Ombudsman shall adopt rules and standards as may
16 be necessary or desirable to carry out his or her duties.
17 Funding for the Office shall be designated separately within
18 Department funds. The Department shall provide necessary
19 administrative services and facilities to the Office of the
20 Independent Juvenile Ombudsman.

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

23 (1) review and monitor the implementation of the rules
24 and standards established by the Department of Juvenile
25 Justice and evaluate the delivery of services to youth to

1 ensure that the rights of youth are fully observed;

2 (2) provide assistance to a youth or family who the
3 Ombudsman determines is in need of assistance, including
4 advocating with an agency, provider, or other person in the
5 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 Employee 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 Juvenile
13 Justice or the youth's family is in need of assistance
14 from the Office; or

15 (B) a systemic issue in the Department of Juvenile
16 Justice's provision of services is raised by a
17 complaint;

18 (4) review or inspect periodically the facilities and
19 procedures of any facility in which a youth has been placed
20 by the Department of Juvenile Justice to ensure that the
21 rights of youth are fully observed; and

22 (5) be accessible to and meet confidentially and
23 regularly with youth committed to the Department and serve
24 as a resource by informing them of pertinent laws, rules,
25 and policies, and their rights thereunder.

26 (c) The following cases shall be reported immediately to

1 the Director of Juvenile Justice and the Governor:

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

3 (2) serious misconduct, misfeasance, malfeasance, or
4 serious violations of policies and procedures concerning
5 the administration of a Department of Juvenile Justice
6 program or operation;

7 (3) serious problems concerning the delivery of
8 services in a facility operated by or under contract with
9 the Department of Juvenile Justice;

10 (4) interference by the Department of Juvenile Justice
11 with an investigation conducted by the Office; and

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

13 (d) Notwithstanding any other provision of law, the
14 Ombudsman may not investigate alleged criminal behavior or
15 violations of the State Officials and Employees Ethics Act. If
16 the Ombudsman determines that a possible criminal act has been
17 committed, or that special expertise is required in the
18 investigation, he or she shall immediately notify the
19 Department of State Police. If the Ombudsman determines that a
20 possible violation of the State Officials and Employees Ethics
21 Act has occurred, he or she shall immediately refer the
22 incident to the Office of the Governor's Executive Inspector
23 General for investigation. If the Ombudsman receives a
24 complaint from a youth or third party regarding suspected abuse
25 or neglect of a child, the Ombudsman shall refer the incident
26 to the Child Abuse and Neglect Hotline or to the State Police

1 as mandated by the Abused and Neglected Child Reporting Act.
2 Any investigation conducted by the Ombudsman shall not be
3 duplicative and shall be separate from any investigation
4 mandated by the Abused and Neglected Child Reporting Act. All
5 investigations conducted by the Ombudsman shall be conducted in
6 a manner designed to ensure the preservation of evidence for
7 possible use in a criminal prosecution.

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

9 (1) review court files of youth;

10 (2) recommend policies, rules, and legislation
11 designed to protect youth;

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

14 (4) attend internal administrative and disciplinary
15 hearings to ensure the rights of youth are fully observed
16 and advocate for the best interest of youth when deemed
17 necessary; and

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

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

1 (730 ILCS 5/3-2.7-30 new)

2 Sec. 3-2.7-30. Duties of the Department of Juvenile
3 Justice.

4 (a) The Department of Juvenile Justice shall allow any
5 youth to communicate with the Ombudsman or a deputy at any
6 time. The communication:

7 (1) may be in person, by phone, by mail, or by any
8 other means deemed appropriate in light of security
9 concerns; and

10 (2) is confidential and privileged.

11 (b) The Department shall allow the Ombudsman and deputies
12 full and unannounced access to youth and Department facilities
13 at any time. The Department shall furnish the Ombudsman and
14 deputies with appropriate meeting space in each facility in
15 order to preserve confidentiality.

16 (c) The Department shall allow the Ombudsman and deputies
17 to participate in professional development opportunities
18 provided by the Department of Juvenile Justice as practical and
19 to attend appropriate professional training when requested by
20 the Ombudsman.

21 (d) The Department shall provide the Ombudsman copies of
22 critical incident reports involving a youth residing in a
23 facility operated by the Department. Critical incidents
24 include, but are not limited to, severe injuries that result in
25 hospitalization, suicide attempts that require medical

1 intervention, sexual abuse, and escapes.

2 (e) The Department shall provide the Ombudsman with
3 reasonable advance notice of all internal administrative and
4 disciplinary hearings regarding a youth residing in a facility
5 operated by the Department.

6 (f) The Department of Juvenile Justice may not discharge,
7 demote, discipline, or in any manner discriminate or retaliate
8 against a youth or an employee who in good faith makes a
9 complaint to the Office of the Independent Juvenile Ombudsman
10 or cooperates with the Office.

11 (730 ILCS 5/3-2.7-35 new)

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

18 (1) the work of the Ombudsman;

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

23 (3) any recommendations that the Independent Juvenile
24 Ombudsman has relating to a systemic issue in the Department of
25 Juvenile Justice's provision of services and any other matters

1 for consideration by the General Assembly and the Governor.

2 (730 ILCS 5/3-2.7-40 new)

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

19 (730 ILCS 5/3-2.7-45 new)

20 Sec. 3-2.7-45. Confidentiality. The name, address, or
21 other personally identifiable information of a person who files
22 a complaint with the Office, information generated by the
23 Office related to a complaint or other activities of the
24 Office, and confidential records obtained by the Office are not

1 subject to disclosure under the Freedom of Information Act. The
2 Office shall disclose the records only if required by court
3 order on a showing of good cause.

4 (730 ILCS 5/3-2.7-50 new)

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

8 (1) the rights of youth committed to the Department;

9 (2) purpose of the Office;

10 (3) how the Office may be contacted;

11 (4) the confidential nature of communications; and

12 (5) the services the Office provides.

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

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

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.